

# DÁIL ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

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# DÁIL ÉIREANN

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## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Céadaoin, 6 Meitheamh 2012.*  
*Wednesday, 6 June 2012.*

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Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

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*Paidir.*

*Prayer.*

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#### Leaders' Questions

**Deputy Micheál Martin:** The people voted “Yes” in the referendum on the stability treaty. We would all agree that, as we knocked on doors and travelled the country, there was a genuine fear among the people regarding the future prospects for their children, the country and, more important, dealing with the wider eurozone crisis which is having a direct impact on prospects here. The Taoiseach was in contact with Chancellor Merkel last Friday and it appears that, for the first time, he raised with her the bank debt issue and, in particular, the promissory note issue. The feedback from the conversation does not seem to be positive, particularly from German officials who have been quoted as saying it would send a negative signal. In perhaps what was the understatement of the year one of them said, “We do not see need for movement at the moment.” It is generally accepted that the eurozone is facing a make or break crisis. What is required is substantial change and decisive intervention, including a uniform bank debt resolution regime, a deposit guarantee scheme modelled on the American system and a central fund to aid the recapitalisation of risky but saveable European banks. Even agreeing to all of this in principle would bring immediate relief to the markets. However, every time a story points to progress, Germany quickly rubbishes any prospect of same. Germany is entitled to its views and assert its position, but its policy position is profoundly wrong and not serving the euro well. The time has come for the German authorities and the Chancellor to be told directly that either there will be a radical move on euro level involvement in sovereign bonds or the European Union will be dragged into much deeper and sustained economic decline. It is also

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time for other eurozone countries, including Ireland, to point out that the euro has benefited Germany enormously, particularly in terms of the surpluses it has enjoyed for a number of years and which it is so reluctant to share. The Irish people have tackled our deficit problems with great fortitude, sacrifice and urgency, but a significant proportion of our bank-related debt was incurred only because of wider European fears of contagion. That argument no longer holds water, and the claim that any deal in regard to Ireland's bank debt would set an unacceptable precedent is rubbish at this stage.

**An Leas-Cheann Comhairle:** Does the Deputy have a question?

**Deputy Micheál Martin:** When the Taoiseach raised this issue with Chancellor Merkel, did he request specifically a write-down of Irish bank debt, particularly in regard to the promissory note, or a restructuring thereof? Will he indicate exactly what he requested of the Chancellor during that particular conversation and her response to him on the bank debt issue?

**The Taoiseach:** I thank the Deputy for his question. As a former Minister for Foreign Affairs, he will appreciate how these discussions and negotiations take place. I very much welcome the very strong, clear and decisive decision of the Irish people last week in respect of the referendum on the fiscal stability treaty. I thank Deputy Martin and his party and all of those across civil society who supported it. Were we meeting in this House today with a negative impact from the putting of that question to the people, we would be in a very different position.

I have always said that the banking situation was a separate question from that which the people were asked last week in the referendum on the fiscal stability treaty. After the decision in the referendum became clear, I spoke to Prime Minister Monti, the President of the European Parliament, Mr. Barroso, the President of the European Council, Mr. van Rompuy, Chancellor Merkel, President Hollande and Prime Minister Rajoy, to whom I made it perfectly clear that this was the decision of the Irish people following a vigorous campaign in respect of the fiscal stability treaty, both for and against. I emphasised that the people were very clear in their view as to their positioning in so far as the euro was concerned, in terms of being a member of the eurozone and the European Union. I also made it clear to the leaders that it was perfectly obvious that a resolution needs to be brought about in respect of the banking situation. This is a tortuous and complex process and there are no simple, quick-fix solutions. I remind Deputy Martin that named officials quoted in newspapers are not politicians. I made the point last week, standing on the steps of Government Buildings with the Tánaiste, that this is a situation which requires consideration, assessment and decision by political leaders, not technocrats or officials, notwithstanding the important role they play. It is a question for politicians and political leaders to decide.

I happened to be one of the first to make the point, in Dublin Castle some weeks ago, regarding the possibility of licensing the European Stability Mechanism for direct injection into the banking situation. I am glad this position has gained credence with a number of countries and leaders. I am also happy to note that Europe is now having a proper debate, and the construction of a proper debate, on the question of a separation of the sovereign from bank debts. This is the start of a strategy which I hope will bring a political conclusion to the issue. As Deputy Martin is well aware, an assessment is going on in Spain in respect of the liabilities of Spanish banks. I note the comments yesterday by Spain's budget Minister, Mr. Montoro, in this regard. An election will be held in Greece on 17 June and the French national elections will take place this month. The ratification process in regard to the fiscal treaty is ongoing in several countries, as well as the process of the European Commission presenting its medium and longer-term proposals to deal both with the banking situation and longer-term issues.

In my talks with European leaders I clearly stated the reasons, from my perspective, that the Irish people gave a resounding and decisive answer to the question they were asked. I also pointed out that the question of the banking problem in the eurozone must now be dealt with, and dealt with politically. In that regard, I am writing to all of the leaders today and we will continue to negotiate as we have done, both with the troika and leading on to the question as to what can happen in respect of possible changes to the ESM. That is an issue I intend to pursue vigorously with leaders as appropriate.

**Deputy Micheál Martin:** I asked the Taoiseach a very simple question: what did Chancellor Merkel say to him? He raised these issues with her, but what did she say in response?

*(Interruptions).*

**Deputy Micheál Martin:** The Taoiseach mentioned officials and so on. The Canadian Prime Minister put it succinctly when he said we were four years into the crisis and still trying to get a sense of what the game plan was at European leaders' level. That is what external commentators are saying about the succession of European summits. Every summit in the past 15 months was said to be a breakthrough in dealing with the crisis only for hopes to be dashed within months. Now Spain is on the precipice. Its budget Minister has said the doors to the markets are no longer open to Spain.

The Taoiseach raised the issue of the ESM and said that in his view it should be used and have its mandate changed to facilitate the recapitalisation of and aid banks. We support that, but why are we debating the ESM legislation today without that mandate? The German Chancellor has opposed changing the mandate of the ESM to facilitate the recapitalisation of banks. Did she say this to the Taoiseach in her conversation with him this week? He said he had advocated this change to the mandate. Did he say this to the Chancellor and what did she say in response? What did she say to him about a decisive intervention to change what was happening at European level? We did not advocate a "Yes" vote on the debt issue. We clearly separated it, unlike some of the Taoiseach's Ministers who subsequent to the vote again raised it.

We need a deal on the bank debt issue to ensure sustainability into the future. That is the fundamental issue in regard to the Irish position. The European Union needs a different approach to the issue in terms of the sustainability of the euro. The House will debate and pass the ESM legislation today, yet the Taoiseach advocated that the mandate of the ESM needed to change. I have had no indication from him as to whether the Chancellor agrees with him. What did he say to her? What did she say to him about Irish bank debt?

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please. A final reply from the Taoiseach.

**The Taoiseach:** Are there secrets between the Germans and the Irish? I will put it this way to Deputy Micheál Martin who is well aware that this is not like a situation in which the British Prime Minister, for instance, may find himself where there is a Prime Minister, a Parliament and a bank. In this case there are 17 Prime Ministers, 17 Parliaments and one bank. As these Parliaments and Prime Ministers have different views, it is not a case of starting a process in which there is consensus across the board. In fact, at the European Council meeting at which the issue growth was discussed I also raised the question of the possibility of licensing the ESM in respect of a direct injection into banks and separating sovereign debt from bank debt. That view was shared by quite a number of other leaders. It is the right argument the European

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Union should now make. The point is that 17 Governments, 17 Parliaments and one bank have to——

*(Interruptions).*

**The Taoiseach:** I will tell Deputy Micheál Martin what the Chancellor said. I did not give her an opportunity to say the Government of which the Deputy——

*(Interruptions).*

**Deputy Mattie McGrath:** Did she hang up?

*(Interruptions).*

**The Taoiseach:** Hear me out, a Leas-Cheann Comhairle.

**Deputy Mattie McGrath:** Cad a dúirt sí?

**The Taoiseach:** I did not give the Chancellor the opportunity to say we had inherited an unprecedented mess left behind by the Government of which Deputy Micheál Martin was a member. The Chancellor commended the Irish people for the decision they had made and its clarity and decisiveness. She pointed out that we would have a euro summit meeting in June.

**Deputy Micheál Martin:** Another one.

**The Taoiseach:** Yes, one of many.

**Deputy Micheál Martin:** It is getting too late for this kind of crisis.

**The Taoiseach:** If the Deputy comes into this House——

**Deputy Micheál Martin:** I want an answer.

**The Taoiseach:** ——with the understanding that a matter as complex as this will be sorted out with words over a telephone, he is certainly very far removed from the reality of what we face.

**Deputy Micheál Martin:** The Taoiseach raised that. He made a big deal about the telephone call.

**An Leas-Cheann Comhairle:** Order, please.

**The Taoiseach:** The Greek people——

**Deputy Micheál Martin:** His people leaked left, right and centre that he had been on to Chancellor Merkel straight way. He raised the view that we were all to expect something.

**An Leas-Cheann Comhairle:** The Taoiseach is replying.

**The Taoiseach:** The Greek people——

**Deputy Micheál Martin:** He is now saying it was just a simple phone call, yet he will not state what the Chancellor said to him on the fundamental issue of bank debt. He cannot answer and refuses to answer.

**Deputy Bernard J. Durkan:** What did the Deputy do when in power?

**An Leas-Cheann Comhairle:** Deputy Martin is out of order.

**The Taoiseach:** The Deputy asked a question and does not want to hear an answer. As he well knows, the Greek people are entitled to make their decision at their election.

**Deputy Micheál Martin:** Frankfurt's way or Labour's way; we are having more of it again.

**An Leas-Cheann Comhairle:** Please, Deputy Martin.

**The Taoiseach:** The French people will make their decision at their election.

*(Interruptions).*

**An Leas-Cheann Comhairle:** I want no more interruptions.

**The Taoiseach:** The assessment will bring to light the liability of the Spanish banks. One does not expect that any country in the eurozone will have a solution put together in advance of a decision——

**Deputy Dara Calleary:** The German election is next year.

**The Taoiseach:** ——by the Greek and French people, the assessment of the Spanish banks and the difficulties in Italy, Malta and Cyprus in respect of their banks.

**Deputy Micheál Martin:** The time for sticking plaster solutions is over. Spain is on the precipice.

**An Leas-Cheann Comhairle:** Order.

**The Taoiseach:** This will crystallise around the European Council meeting in June. If Deputy Martin believes that, because these matters are separate — I am very happy the Irish people made their decision very clearly and strongly — the banking crisis here will be sorted out in isolation, he is removed from——

**Deputy Micheál Martin:** The Tánaiste said it.

**Deputy Dara Calleary:** Tell the Tánaiste that.

**The Taoiseach:** The question is——

**Deputy Micheál Martin:** The Tánaiste said it. The Government side did the leaking. We all know how it works.

**The Taoiseach:** The question is that European leaders——

**Deputy Micheál Martin:** The Taoiseach made the call.

**Deputy Robert Troy:** “ET phone home.”

**Deputy Micheál Martin:** The Tánaiste was saying it non-stop until the date of the referendum.

**Deputy Robert Troy:** “ET phone home.”

**The Taoiseach:** The European leaders must focus on their responsibilities as political leaders——

**Deputy Mattie McGrath:** Frankfurt's way or Labour's way.

**The Taoiseach:** —— to make political decisions about the eurozone crisis.

**Deputy Micheál Martin:** I agree.

**The Taoiseach:** As I stated, 17 Governments, 17 Parliaments and one bank——

**Deputy Dara Calleary:** And one lady.

**The Taoiseach:** There is a range of views.

**Deputy Mattie McGrath:** One lady.

**The Taoiseach:** Deputy Martin, believe you me, were we to have agreement this morning that this process would be tortuous and complex——

**Deputy Micheál Martin:** It already has been — for four years.

**The Taoiseach:** Yes. At least leaders are now talking about the possibility——

**Deputy Micheál Martin:** What did the Chancellor say to the Taoiseach?

**The Taoiseach:** ——of a direct injection of capital into the banking sector, which the Spanish Prime Minister himself has called for——

**Deputy Micheál Martin:** Has she said anything?

**The Taoiseach:** ——in view of the assessment being carried out.

**Deputy Micheál Martin:** Has the Chancellor agreed that?

**An Leas-Cheann Comhairle:** I call Deputy Adams. I want order.

**The Taoiseach:** The Chancellor conveyed her thanks to the Irish people for the decision they made. She said——

**Deputy Micheál Martin:** What did the Chancellor say about bank debt? Could we get a reply, a specific answer?

*(Interruptions).*

**The Taoiseach:** The Chancellor commended the Irish on their decision. She made the point, on which we both agree, that the French and Greek elections, the Spanish assessment, the ratification process, the presentation by the Commission of the medium and longer-term——

**Deputy Micheál Martin:** The French agree with this approach.

**The Taoiseach:** These are all the issues that will be decided on.

**Deputy Micheál Martin:** Everybody agrees with this approach except the German authorities.

**The Taoiseach:** It will be very clear by the end of this month what will happen.



**An Leas-Cheann Comhairle:** I call Deputy Gerry Adams. I want order when he is speaking and while the Taoiseach is replying.

**Deputy Gerry Adams:** Glacann Sinn Féin leis an toradh agus gabhaimid comhghairdeas leis an Rialtas, agus le Fianna Fáil fosta. Tá sé greannmhar éisteacht le Fianna Fáil ag troid leis an Rialtas ar an ábhar sin.

I am sure the Taoiseach will join me in thanking all those citizens who voted in last week's referendum. I am sure he will be concerned about the large number of citizens who did not vote. Sinn Féin argued against the treaty and was encouraged by the strong "No" vote and the acknowledged the reluctance of a section of the "Yes" voters to accept the Government's austerity policies and to hand over fiscal powers to the European Union. In our view, the outcome represented more the fear of the people than the will of the people, but we respect the result and congratulate the Government and Fianna Fáil. It is funny to listen to Fianna Fáil having a sham fight with the Government, but we congratulate them all on the success of their campaign. The Taoiseach must now deliver on and fulfil his referendum commitments to remove the burden of the banking debt from Irish citizens and initiate genuine job stimulus projects. As the Taoiseach just acknowledged — it is like a Jim Reeves song — he raised these issues directly with the German Chancellor.

**Deputy Mattie McGrath:** "Put your sweet lips a little closer to the phone."

**Deputy Gerry Adams:** Can I put the same question to the Taoiseach? Will the Taoiseach tell the Dáil what she said to him and will he tell us straight whether the German Government supports the need to remove the bank debt from Irish citizens? A straight "Yes" or "No" would do.

**The Taoiseach:** At least Deputy Adams is magnanimous enough to offer comhghairdeas to the people for their participation in the referendum and for the clarity of the decision that they made. I commend the Irish people. Despite the atrocious litany of hypocrisy and downright untruths that were propagated by the "No" side, they saw through all of that and made their decision about the fiscal stability treaty——

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order.

**The Taoiseach:** ——based on——

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order please. The Taoiseach to reply.

**The Taoiseach:** Deputy Mac Lochlainn got a result in Donegal which, I am quite sure, he was happy with from Sinn Féin's point of view.

**Deputy Joe Higgins:** It is a pyrrhic victory and the Taoiseach should get on with it.

**The Taoiseach:** In any event, I informed not only the German Chancellor——

**Deputy Jerry Buttimer:** It is nice to see them back.

**The Taoiseach:** ——but the Spanish Prime Minister, the President of France, the Italian Prime Minister, the President of the European Council and the President of the European Commission of the outcome of the referendum, of the extent of the interaction between civic



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society, those who supported the “Yes” campaign and the electorate, and the quality and clarity of their decision, but I also made it perfectly clear that Ireland sees the problem here of dealing with the bank debt and the bank crisis as one for politicians to make decisions on. We have had discussions about this for a long period. All of the prime ministers, and the president, to whom I spoke understand that this month of June will see the French elections and the Greek elections, and the result of the assessment of the Spanish banks and the extent of the liability there. The issues that will be put forward by the European Commission in respect of proposals for medium and longer term solutions here will be the focus of the attention of the decision to be made, arrived at or put on the table at the June meeting. All of that will happen over the next three and a half weeks.

**Deputy Gerry Adams:** There were firm commitments made by the Taoiseach and by the Government side to have a genuine jobs stimulus. The Taoiseach was converted to the notion of growth in the course of all of this, although there was not a mention of the word “growth” when he came back with the treaty. The Taoiseach also made a commitment in terms of removing the bank burden.

I wish the Taoiseach well with all of his telephone calls, but he did not tell us what those he telephoned stated to him. He did not even tell us what he stated to them. The problem is — this is the crux of it — the Taoiseach never raised these issues at summits or at meetings with other European leaders. He has told us that on many occasions in the Dáil. In fact, he boasted here that he would never have the word “defaulter” on our foreheads. He has never raised the issue of bank debt. The Taoiseach has now had a road to Frankfurt conversion, but there is a credibility issue in him persuading European leaders, who see the “Yes” vote as an endorsement of their policies. Who could blame them, seeing as the Taoiseach has continuously echoed their policies? The Taoiseach and Chancellor Merkel are on the same page on austerity and all of these other right-wing ideological positions. Leaving aside the Taoiseach’s failure to tell us the outcome of his telephone conversations, he should tell us how he will get the burden of this bank debt relieved from taxpayers here and how he will initiate Government-led and EU-led jobs stimulus initiatives. He should forget about all of those to whom he spoke last week. That was grand. As I stated, my party wishes the Taoiseach well. The Taoiseach should tell us how he will do this.

**The Taoiseach:** There will be statements later on the European Council meeting. There will be plenty of opportunity in the House to discuss the response by Government of the bringing forward of a stimulus package in respect of growth and investment, and the Minister for Public Expenditure and Reform, Deputy Howlin, will present that in due course here. There is much consideration and much work going on. Deputy Adams will be aware that both Deputy Howlin and the Minister for Finance, Deputy Noonan, had intensive discussions with the EIB only a few weeks ago in respect of blockages in the system for PPPs and the opportunity for further investment from the EIB in sustainable infrastructure projects. The Minister will bring in his proposal in that regard shortly.

The question I discussed with Chancellor Merkel was that fiscal discipline and growth are not two polar ends; they are compatible. If one has good housekeeping rules, which is what the fiscal stability treaty is about, and one puts these together with a growth and investment and stimulus plan, it would bring the most beneficial results for people in terms of investment for job opportunities and work. This will be the focus for meetings in future arising from discussions at the last Council meeting.

Let no one run away with the idea that there is a simplistic solution to what is involved. Deputy Adams should note that even if one had agreement with the majority of leaders on a

particular strategy, the changes and the valuations required, and the processes and the legal systems involved in various countries are tortuous and complex. As someone who has been through the peace process here and who understands the way very sensitive negotiations, to which he was a party for many years, proceed, he will appreciate that it is not always possible to give the final result of all the words and issues spoken.

Anyway, my message in writing and to the individual leaders is that this issue must be dealt with by political leaders who must make political decisions in respect of dealing with this crisis. It is the right argument and the right discussion to be involved in with regard to the separation of sovereign debt from bank debt.

I note Deputy Adams's comments about the burdens here. He could do his bit when he leaves the Chamber today by announcing that the his legal team will not accept any fees for the stunt he pulled down at the High Court as a matter of public interest.

**Deputy Shane Ross:** I congratulate the Taoiseach, the Minister, Deputy Coveney, the Tánaiste and Fianna Fáil for what was a decisive victory in the referendum.

**Deputy Emmet Stagg:** He should not forget to congratulate his constituents too.

**Deputy Shane Ross:** It should be acknowledged by those of us on the other side.

The people have been asked to make some heavy sacrifices as a result of the referendum. The Taoiseach has asked the people to make them and he has successfully persuaded them to do so. This has been done for the cause of European stability. As others have suggested, it is not unreasonable to ask that Europe should respond to this and that it should give us fair treatment in return. Like all Members, I welcome the Taoiseach's forthrightness in ringing the German Chancellor and stating that, whether at a political level or otherwise, we want a bank deal on the agenda. We should see more of that and we should have seen more of it before now.

I welcome the decision of the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, to state that any deal given to Spain as part of the coming bailout, which is inevitable, should not be on more favourable terms than those given to Ireland, and, if they are more favourable, then we should benefit from them retrospectively.

**Deputy Mattie McGrath:** Hear, hear.

**Deputy Shane Ross:** This is exactly the stance which I hope the Taoiseach and others will take to the summit in Europe and to the multiple telephone conversations in future. There is a danger, not as a result of this referendum, that the big countries in Europe will continue to get preferential treatment regardless of the result of this referendum. They may be right or wrong but the Government, Taoiseach and the Tánaiste have stated that this result gives them added clout — I gather the phrase used was “authority in Europe” — which they can bring to the table at the summit at the end of June.

Given that the summit will be about growth, will the Taoiseach spell out whether he will bring the issue of banking debt to the political leaders in attendance? The Tánaiste has stated the greatest boost that could be given to growth would be to secure some relief on the bank debt. Will the Taoiseach give an assurance he will have this issue placed on the agenda as part of the promised growth pact?

**The Taoiseach:** Deputy Ross should understand the Government and I do not seek any congratulations. As he is well aware, once the Bill was published, the referendum issue became the people's property and it was, therefore, the people's decision. It is the Irish people who the Deputy would be right to congratulate on the clarity and decisiveness of their decision. The

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Deputy put together a Private Members' Bill which was unconstitutional in the sense that it sought to defer a decision which had become the property of the people. The Bill could not apply because had it been followed through, it would have meant that it may not have been able to hold any future referendum.

I assure Deputy Ross that the issue of the bank crisis will be on the agenda. I assume it will be a central issue for the June meeting and it may become necessary to have some serious reflection on it before the end of June. I do not know when the report on the assessment of the Spanish banks' liability will become fully known but it is an issue about which I spoke to Prime Minister Rajoy. As the Deputy is aware, a deep and intensive analysis of the scale of that liability is taking place as we speak. It does not follow automatically that a decision to extend a particular facility to a country would apply across the board. However, there is certainly a strong case for political justice to be seen to be done in respect of facilities being given to one country or another. The Irish case is very well known to all of the leaders to whom I spoke, to the extent that I made it perfectly clear that the Irish people's view is that a deal on the bank crisis would have very beneficial effects for this country, both in terms of our capacity to meet our debt liabilities and our ability to become the first eurozone country to emerge from a programme, which would also be in Europe's interest. These issues all form part of the discussions.

While Ireland is not the biggest country or most powerful economy, Irish people have taken many difficult decisions and have had to put up with the consequences of these decisions in the country's longer-term interest of emerging from the programme. I assure Deputy Ross that, from a political perspective, the Government will not waste any opportunity to make the case, not only from our national perspective but also as a member of the eurozone, that politicians — political leaders — now need to make political decisions on the strategy for the road ahead. I temper that by stating we will not have a quick fix decision which will apply in this case because, as I indicated to Deputies Martin and Adams, all of these matters involve tortuous and complex discussions from legal, constitutional and financial perspectives across 17 different parliaments and with one bank involved. The issue is central to the agenda and will be central to the June meeting.

**Deputy Shane Ross:** I thank the Taoiseach for his reply. I look forward not to a quick fix but an early result and early relief on the bank debt. I will flag an issue to the Taoiseach, having flagged it previously, because it is becoming much more dangerous. Reports are emerging from Germany and the Bundestag that the German Parliament will not be able to ratify the treaty without the support of the Opposition because a two thirds majority is required. Today's edition of *The Irish Times* reports that the German opposition is demanding as the price for its support the introduction of a financial transactions tax. If that is the price of their support, I see a real danger that the big countries, including France, as President Hollande is also in favour, will decide that a financial transaction tax will be part of the funding of the growth package. Can the Taoiseach assure the House that Ireland, due to the vulnerability of the IFSC, will block any attempt to impose such a tax?

**The Taoiseach:** I do not want to interfere in the process of the French national elections. I spoke to President Hollande about our situation and about the fact that he has his elections this month. I do not wish to interfere either in the process of ratification of another country. As the Deputy is aware, like minded parties in different countries will put forward different views. However, while there was much discussion at the last European Council meeting about growth and investment, it took place among the 27 member states, rather than the 25 member states that support the fiscal stability treaty. The growth, investment and stimulus agenda con-

cerns all 27 member states and cannot just be applied to 25 states. Any decisions on changes to taxes in respect of EU treaties require unanimity, and there was violent opposition at a number of meetings to issues like financial transaction taxes.

I do not wish to speak for the opposition parties in Germany, nor do I wish to interfere in any way in that country's ratification process, and I made that perfectly clear to the Chancellor. The Spanish assessment, the Greek elections, the French elections and the presentation by the Commission of its medium and longer term proposals are all part of the intensive political discussions now taking place and which will continue for quite some time. I have already made it perfectly clear that Ireland does not support a financial transaction tax, unless it applied in a global sense and there was no competitive disadvantage applied to the IFSC in Dublin that would not apply in London. Deputy Ross is aware that 35,000 people work in the IFSC, which is a fundamental part of the economic infrastructure of our country.

### Order of Business

**Minister for Education and Skills (Deputy Ruairí Quinn):** It is proposed to take No. 12, motion re referral of papers to Joint Committee on Finance, Public Expenditure and Reform; No. 13, motion re referral to joint committee of proposed approval by Dáil Éireann of a directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union; No. 14, motion re referral to select sub-committee of proposed approval by Dáil Éireann of the ratification by Ireland of the Aarhus Convention, the protocol to the Aarhus Convention on pollutant release and transfer registers and the amendment to the Aarhus Convention on genetically modified organisms; No. 15, motion re ministerial rota for parliamentary questions; No. 25, Electoral (Amendment) (Political Funding) Bill 2011 [Seanad] — Second Stage (resumed); No. 26, statements on European Council, Brussels, to be taken at 12.05 p.m. today; and No. 6, European Communities (Amendment) Bill 2012 — Order for Second Stage and Second Stage, to be taken at 4.33 p.m. today.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn at 10 p.m.; Nos. 12, 13, 14, and 15 shall be decided without debate; the proceedings in relation to No. 26 shall, if not previously concluded, be brought to a conclusion after 85 minutes and the following arrangements shall apply: the statements shall be made by the Taoiseach and by the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, and shall not exceed 15 minutes in each case; a Minister or Minister of State shall take questions for a period not exceeding 20 minutes; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes; European Communities (Amendment) Bill — Second Stage shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10 p.m. tonight; Private Members' Business shall be No. 64, motion re building control, and shall also take place immediately after the Order of Business tomorrow and shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day.

**An Leas-Cheann Comhairle:** There are five proposals to be put to the House. Is the proposal that the Dáil sit later than 9 p.m. agreed to? Agreed. Is the proposal for dealing with No. 12, motion re referral of papers to Joint Committee on Finance, Public Expenditure and Reform without debate, agreed to? Agreed. Is the proposal for dealing with No. 13, motion re referral to joint committee of proposed approval by Dáil Éireann of a directive of the European Parliament and the Council on the freezing and confiscation of proceeds of crime in the European Union without debate, agreed to? Agreed. Is the proposal for dealing with No. 14, motion re

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referral to select sub-committee of proposed approval by Dáil Éireann of the ratification by Ireland of the Aarhus Convention on pollutant release and transfer registers and the amendment to the Aarhus Convention on genetically modified organisms without debate, agreed to? Agreed. Is the proposal for dealing with No. 15, motion re ministerial rota for parliamentary questions without debate, agreed to? Agreed. Is the proposal for dealing with No. 26, statements on European Council in Brussels, agreed to? Agreed. Is the proposal for dealing with No. 6, Second Stage of the European Communities (Amendment) Bill 2012, agreed to?

**Deputy Richard Boyd Barrett:** No.

**Deputy Joe Higgins:** It is not agreed to. The proposal is the debate on the European Communities (Amendment) Bill 2012 should be guillotined after only four hours of discussion. This must be seen in the context of an incredible proposal to have three hours of discussion tomorrow on the European Stability Mechanism Bill 2012. These are two major pieces of legislation to institutionalise in EU treaties new funding mechanisms which will have massive implications for European taxpayers and are linked with torturous austerity for ordinary people across Europe. It beggars belief the Government is proposing the use of the guillotine after only a few hours of debate on both Bills. These issues should have been the subject of massive national debate in the last two months, but because the Government concentrated on badgering and blackmailing the people in the course of the referendum campaign on access to the European Stability Mechanism——

**Deputy Ray Butler:** The Deputy should sit down.

**Deputy Joe Higgins:** ——we did not get an opportunity to discuss them in proper detail.

**Deputy Bernard J. Durkan:** We have been debating them all the time.

**Deputy Joe Higgins:** At the very least, the Government should give the elected Members of the Dáil, particularly opposition Members, the right to express the concerns of a huge majority of the people about these fundamental issues. Therefore, both debates must be open-ended.

**Deputy Paul Kehoe:** Deputy Joe Higgins even let Deputy Richard Boyd Barrett pass him out.

**Deputy Joe Higgins:** What is wrong with Deputy Paul Kehoe?

**An Leas-Cheann Comhairle:** Deputy Joe Higgins is opposed to the proposal for dealing with No. 6?

**Deputy Joe Higgins:** I am opposing the use of a guillotine.

**Deputy Aengus Ó Snodaigh:** I, too, oppose the proposal for dealing with No. 6. This is a significant Bill which requires time for a full debate. I oppose the guillotining of the debate. This is the first occasion on which the so-called simplified revision procedure has been used to make changes to European treaties. In this case the changes are to Article 136 of the Treaty on the Functioning of the European Union, the Lisbon treaty. Given the fundamental changes included in the Bill, it is imperative that it be thoroughly scrutinised. The guillotine should be removed and there should be a proper debate. The Labour Party and Fine Gael, when in opposition, argued, for the same reasons, that debates on substantial and important Bills should not be a guillotined and that time should be allowed for full and comprehensive debates on them.



**Deputy Richard Boyd Barrett:** Despite the crippling austerity imposed by the Government on working people——

**Deputy Bernard J. Durkan:** Not again.

**Deputy Richard Boyd Barrett:** ——it has failed to get a deal on the bank debt issue. As a consequence, it is now a racing certainty that we will require a second so-called bailout and be forced into the ESM programme which is nothing more than another but institutionalised EU-IMF austerity programme.

**An Leas-Cheann Comhairle:** We are not debating the Bill.

**Deputy Richard Boyd Barrett:** Incredibly, despite that certainty — something even the Government's spokespeople more or less acknowledged in the last week of the referendum debate — the Government refused to have a full debate on the European Stability Mechanism. That is just extraordinary. We could be tied into this ESM and the austerity that will go with it for years because of the failure of the Government's policies and the failure to get a write-down of debt. All the Government is allowing is a few hours of debate on the ESM. Serious issues are contained within the ESM. It lacks public accountability and public oversight and it will be immune from prosecution and investigation. It could cost the State €11 billion or more to be involved in it——

**Deputy Simon Coveney:** Deputy Boyd Barrett should stop scaremongering.

**Deputy Richard Boyd Barrett:** ——but the Government is imposing a guillotine. This is what we get from a Government that promised more transparency and a new type of democracy — a guillotine is being imposed on the ESM Bill. That is absolutely unacceptable.

**Deputy Simon Coveney:** Deputy Boyd Barrett should stop misleading people.

**Deputy Richard Boyd Barrett:** The guillotine should be removed on the debate and the public should be allowed to know the full facts about the ESM.

**An Leas-Cheann Comhairle:** I thank the Deputy. We are having brief statements.

**Deputy Micheál Martin:** I seek clarification from the Minister for Education and Skills on a specific point. I understand that today we are debating the European Communities (Amendment) Bill, which is an amendment to Article 136 of the Treaty on the Functioning of the European Union.

**Deputy Joe Higgins:** It is to allow the ESM to be installed.

**Deputy Micheál Martin:** I will speak, if I may. I did not interrupt anyone. Tomorrow we will have a discussion proper on the ESM Bill. I welcome the establishment of the ESM because this country does need to have potential access to a fund of that scale and size. We all criticised the European Union for the absence of mechanisms to respond to the type of crisis it has experienced in recent years. The establishment of a permanent fund to help countries that are in trouble is a welcome mechanism that will be permanent and long standing. It will help Europe and the eurozone of which we are a member. I have always been somewhat perplexed by the knee-jerk reaction and negativity towards the establishment of the ESM. It is a welcome measure but I respect the right of others to differ.

**Deputy Joe Higgins:** Deputy Martin should read his speech made last December.

**Deputy Micheál Martin:** I suggest to the Leas-Cheann Comhairle and the Minister that we could discuss, through the Whips, whether there would be an opportunity to have a longer debate on the ESM tomorrow. I do not wish to guillotine anything. More time should be provided. It is a serious subject. We have spent recent weeks discussing Europe in general on the hustings and the House should be in a position to facilitate a longer debate, if necessary, either today on the European Communities (Amendment) Bill, which is a specific measure to amend Article 136, or on the ESM Bill proper. The Taoiseach indicated today that he is in favour of changing the mandate of the ESM in terms of its capacity to lend directly to banks and ailing banks, and that he had suggested such, which is a view held across Europe. The Minister might clarify the position. Would it require an amendment, for example, to the proposed Bill that is being put before us tomorrow? I would welcome a comment from the Minister in that regard.

**Deputy Ruairí Quinn:** I thank the House for the contributions of speakers. We have a very tight timetable within which to enact the legislation. It must be done by the end of this calendar month. We are sitting later and will be sitting late right through this entire parliamentary session. With regard to the order for today, we must have Second and Remaining Stages completed by the end of today in order to proceed with the timetable. The timetable has been set out for today and tomorrow on these matters and I am not in a position to change it.

Question put: "That the proposal for dealing with No. 6 be agreed to."

The Dáil divided: Tá, 76; Níl, 35.

Tá

Breen, Pat.  
 Bruton, Richard.  
 Burton, Joan.  
 Butler, Ray.  
 Buttimer, Jerry.  
 Byrne, Catherine.  
 Byrne, Eric.  
 Carey, Joe.  
 Coffey, Paudie.  
 Conlan, Seán.  
 Connaughton, Paul J.  
 Coveney, Simon.  
 Daly, Jim.  
 Deasy, John.  
 Deering, Pat.  
 Doherty, Regina.  
 Donohoe, Paschal.  
 Dowds, Robert.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 English, Damien.  
 Farrell, Alan.  
 Feighan, Frank.  
 Ferris, Anne.  
 Fitzpatrick, Peter.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Griffin, Brendan.  
 Harrington, Noel.  
 Harris, Simon.  
 Hayes, Tom.  
 Heydon, Martin.  
 Hogan, Phil.  
 Humphreys, Heather.  
 Humphreys, Kevin.  
 Keating, Derek.

Keaveney, Colm.  
 Kehoe, Paul.  
 Kenny, Seán.  
 Kyne, Seán.  
 Lawlor, Anthony.  
 Lynch, Ciarán.  
 Lyons, John.  
 Maloney, Eamonn.  
 Mathews, Peter.  
 McCarthy, Michael.  
 McHugh, Joe.  
 McLoughlin, Tony.  
 McNamara, Michael.  
 Mitchell, Olivia.  
 Mitchell O'Connor, Mary.  
 Mulherin, Michelle.  
 Murphy, Dara.  
 Nash, Gerald.  
 Neville, Dan.  
 Nulty, Patrick.  
 Ó Ríordáin, Aodhán.  
 O'Donovan, Patrick.  
 O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Reilly, Joe.  
 O'Sullivan, Jan.  
 Perry, John.  
 Phelan, Ann.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ryan, Brendan.  
 Sherlock, Sean.  
 Spring, Arthur.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.



Tá—*continued*

Tuffy, Joanna.  
Wall, Jack.  
Walsh, Brian.

White, Alex.

Níl

Adams, Gerry.  
Boyd Barrett, Richard.  
Browne, John.  
Calleary, Dara.  
Collins, Joan.  
Collins, Niall.  
Crowe, Seán.  
Daly, Clare.  
Dooley, Timmy.  
Ellis, Dessie.  
Flanagan, Luke ‘Ming’.  
Fleming, Tom.  
Healy, Seamus.  
Healy-Rae, Michael.  
Higgins, Joe.  
Kelleher, Billy.  
Mac Lochlainn, Pádraig.  
McConalogue, Charlie.

McDonald, Mary Lou.  
McGrath, Finian.  
McGrath, Mattie.  
McGrath, Michael.  
McLellan, Sandra.  
Murphy, Catherine.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
Ó Snodaigh, Aengus.  
O’Brien, Jonathan.  
O’Dea, Willie.  
O’Sullivan, Maureen.  
Ross, Shane.  
Stanley, Brian.  
Tóibín, Peadar.  
Troy, Robert.  
Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghaíl.

Question declared carried.

**An Leas-Cheann Comhairle:** Is the proposal for dealing with No. 5 agreed to? Agreed.

**Deputy Micheál Martin:** I note the Minister for the Environment, Community and Local Government is on his way out of the Chamber. I welcome him back.

**Deputy Mattie McGrath:** I second that.

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Micheál Martin:** The Minister was missing in action for several weeks and his reappearance on polling day was telling. He more or less said to people, “I have not gone away; I will be back.”

Today there are thousands of students sitting the junior and leaving certificate examinations. Our best wishes go to all of them. Students who will sit the examinations next year, however, will not have the benefit of the comprehensive career guidance service they have enjoyed in recent years. One of the most misguided and savage cuts in last year’s budget concerned the decision to axe in its entirety the career guidance service which was singled out above and beyond any other teaching service within second level school provision. There is no point in the Minister for Education and Skills shaking his head. That is the reality of what happened.

**Deputy Ruairí Quinn:** It is not.

**Deputy Micheál Martin:** Despite the provisions included in the Education Act which underpin and support the provision of a professional career guidance service in the education system, the damage of this budget cut is serious and will undermine the capacity of career guidance teachers to help students in the most challenging times of their lives in the latter half of their second level schooling. Will the Minister indicate to the House when the education and training

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boards Bill, the further education and training authority Bill and the education Bill will be published? Will he utilise the opportunity provided by these Bills to reverse the cut in question? Will he ensure legislatively that school management and principals will at least provide some semblance of a career guidance service for students, given the savage and discriminatory and selective targeting of the career guidance service in the last budget?

**Deputy Ruairí Quinn:** I have to disagree with the former Minister for Education's analysis, given his familiarity with the legislation he introduced in 1998. Career guidance is provided in schools. Resources have been altered.

**Deputy Micheál Martin:** Altered. More like decimated.

**Deputy Ruairí Quinn:** Principals have been given discretion to deploy——

**Deputy Micheál Martin:** That is the big untruth.

**An Leas-Cheann Comhairle:** The Minister to reply, without interruption.

**Deputy Micheál Martin:** Up to 800 posts have been cut.

**Deputy Timmy Dooley:** Is the Minister going to have caretakers teaching?

**Deputy Ruairí Quinn:** The new circular has been communicated to all schools underlining and repeating the obligations under the legislation in respect of the provision of a school career guidance service. This will continue to be the case.

**Deputy Billy Kelleher:** It is robbing Peter to pay Paul.

**Deputy Ruairí Quinn:** The draft heads of the education and training boards Bill, to replace the VECs, have been circulated and discussed by the relevant Oireachtas committee. I am hoping to take Second Stage before the end of this session. We hope to have the SOLAS Bill, to replace FÁS, published by the end of the year. The intention is to try to meet the 1 January 2013 deadline for the legislation to be commissioned and brought into action.

**Deputy Michael Healy-Rae:** School principals have been put in an impossible position.

**Deputy Micheál Martin:** A circular can be described as secondary legislation. Will there be an opportunity for the House to have a debate on the circular on the career guidance issued to second level schools? It is a great untruth for the Minister to suggest he is giving discretion to principals when he has axed 800 posts from second level schools. People get angry when they hear that kind of official speak which somehow attempts to masquerade and camouflage what, in essence, is a savage cut in the provision of career guidance for young people. The Minister does a disservice when he endeavours to deflect the issue to boards of management and principals. The responsibility lies at his door given that he took this decision. There were alternatives in spreading the burden——

**An Leas-Cheann Comhairle:** We cannot have a debate on promised legislation.

**Deputy Micheál Martin:** ——rather than selectively targeting one vital service and almost eliminating it in one swoop.

**Deputy Ruairí Quinn:** The Deputy's exaggerated comments warrant a discussion on the circular within the context of the Education Act 1998. It is a matter for the Whips to decide when and how we should have this discussion.

**Deputy Gerry Adams:** Dhá cheist faoi reachtaíocht atá fógartha. I note the two official reports on the €3.6 billion discrepancy in the Government's debt figures have recommended that the responsibility for compiling these statistics should rest with one agency, the Central Statistics Office, rather than being shared with the Department of Finance. What is the Government's view of this recommendation and is there a plan to introduce legislation to deal with it? Is legislation required?

Following last week's referendum, will the Government indicate when it intends to bring forward the fiscal responsibility Bill?

**Deputy Ruairí Quinn:** The Comptroller and Auditor General's report is to be discussed at the Cabinet and it will be for the Minister for Finance to bring forward a recommendation based on that report, which is in the public domain. The fiscal responsibility Bill will be taken this session.

**An Leas-Cheann Comhairle:** That concludes the Order of Business as we are out of time. Those Deputies offering will be mentioned to the Ceann Comhairle for tomorrow's business.

**Deputy Bernard J. Durkan:** We will mark it down for tomorrow.

#### **Prohibition on Use by Children of Sunbeds and Tanning Devices Bill 2012: First Stage**

**Deputy Billy Kelleher:** I move:

That leave be granted to introduce a Bill entitled an Act to prohibit the use of sunbeds or tanning devices by or on children under the age of 18 years and related matters.

**An Leas-Cheann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** No.

Question put and agreed to.

**An Leas-Cheann Comhairle:** As this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Billy Kelleher:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

#### **Report on Recommendations of Ombudsman: Referral to Joint Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That, in relation to the Joint Committee on Finance and the Public Service's draft Ninth Report entitled "Report on the Principle of Acceptance by Public Bodies of Recommendations of the Ombudsman", the papers connected therewith of the Joint Committee on Finance and the Public Service, established by Orders of Dáil Éireann and Seanad Éireann of the 16th and 17th October, 2002, respectively, be referred to the Joint Committee on

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Finance, Public Expenditure and Reform established by Orders of Dáil Éireann and Seanad Éireann.

Question put and agreed to.

#### **EU Directive: Referral to Joint Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That the proposal that Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union,

a copy of which was laid before Dáil Éireann on 3rd April, 2012, be referred to the Joint Committee on Justice, Defence and Equality, in accordance with Standing Order 82A(4)(j), which, not later than 14th June, 2012, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

#### **Aarhus Convention: Referral to Select Sub-Committee**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That the proposal that Dáil Éireann approves in accordance with Article 29.5.2 of Bunreacht na hÉireann, the ratification by Ireland of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (commonly referred to as the Aarhus Convention), as signed by Ireland on 25th June, 1998, the Protocol to the Aarhus Convention on Pollutant Release and Transfer Registers, as signed by Ireland on 21st May, 2003 and the Amendment to the Aarhus Convention on Genetically Modified Organisms, copies of which were laid before Dáil Éireann on 31st May, 2012, be referred to the Select Sub-Committee on Environment, Community and Local Government, in accordance with Standing Order 82A(3)(b) and (6)(a), which, not later than 14th June, 2012, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

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

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That, notwithstanding anything in the Order of the Dáil of 9th March, 2011, setting out the rota in which Questions to members of the Government are to be asked, or in the Order of the Dáil of 24th May, 2012, Questions for oral answer, following those next set down to the Minister for Public Expenditure and Reform, shall be set down to Ministers in the following temporary sequence:

Minister for Agriculture, Food and the Marine

Minister for the Environment, Community and Local Government

Minister for Justice and Equality

Minister for Defence

Minister for Communications, Energy and Natural Resources

whereupon the sequence established by the Order of 9th March, 2011, shall continue with Questions to the Minister for Children and Youth Affairs.

Question put and agreed to.

### **Electoral (Amendment) (Political Funding) Bill 2011 [Seanad]: Second Stage (Resumed)**

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

**Deputy Michael Healy-Rae:** At the outset I thank again the Technical Group for affording me some of its speaking time on this Bill, which deals with two key areas of political funding and the chronic under-representation of women in the political system. We must make strong efforts to bring about improvements in these two areas because of their importance to the system as a whole.

This Bill is a blunt instrument in achieving gender balance. Any reasonable measure to improve gender balance is right and proper but we must look behind the numbers at the reasons so few women offer themselves for elections in the first instance. We must also scenario-test the 30% figure. What if a political party does not have the required 30% of women offering for selection? Politics is a career and lifestyle choice for women and men, and we must look behind the statistics to see how we can address the structures of a political career and open it for women. Should we penalise political parties which do not nominate women candidates? It may be that women do not offer to stand in the first instance.

There is a fundamental question about the lifestyle and career demands and constraints of this job. Women bring their own special and particular perspective to politics and life, not necessarily because of innate talents but because of life experience. Women are more likely to be carers and, unfortunately, the majority of lower-paid workers are female. Females are more likely to be close-knit in the community. The poor gender balance in this Oireachtas has been an historical problem and I would welcome any move to address it. We must be careful that if this Bill is introduced, it should not make matters worse. Simply having token female candidates just to comply with legislation could possibly be the greatest insult of all to the *mná na hÉireann*. Instead of improving matters, we could make it worse with tokenism. That would be completely wrong.

As I noted at the outset, we must look beyond the numbers to ask why so few women take up opportunities to stand before the public for election to political life. Why are women not choosing to become career politicians? Throughout our history, women who have gone forward for election have been great public representatives and very successful. They have made a big contribution to Irish political life. Nevertheless, there has not been proportionate representation over the years.

Are the workings of this House and politics in general so out of touch with the concept of family life that they affect the decisions made by women? As a rural Deputy I am away from home three nights every week, and even when at home, the 166 Deputies are completely immersed in constituency work. It is a strange irony that as we debate this issue of gender balance, the role of politician remains the only job where somebody does not receive maternity

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or paternity leave. I suggest that we consider in more detail the reasons women are not putting themselves forward for election. If we can establish what are the barriers, we can rectify the problem, and with natural progression, the number of female Members will rise. I would welcome that.

Much money is required to become a public representative. Nobody in this House would deny that, and the funding must come from either the candidates' resources or political donations and fund raising. We require an open and transparent method of showing where the money comes from. I agree fully with that principle. Over the full length of this country there are community groups which must provide audited accounts on a yearly basis to the Companies Registration Office or friendly societies. This same principle should and could apply to all political parties, with audited accounts to be submitted to the Houses of the Oireachtas on an annual basis. In the raising of funds, the public wants politicians to be open and straightforward about where the money comes from.

There is nothing wrong with normal fund raising for political campaigns. Once the process is transparent, there can be nothing wrong with it. We must be careful not to bring elitism into politics; this would happen if only people with the resources to run a campaign could become candidates either in local or national elections. The fact that money is required to run a campaign should not be a barrier to people going before the electorate.

With the House of Lords or the system of representation in America, massive sums of money are required and only wealthy people need apply. That would be awful. If we consider the people who have represented constituencies at local and national level, we can see examples of great politicians coming from a background of limited means. If those people had to fund their own campaigns without the benefit of normal fund raising, they may never have been elected to represent constituencies in the first instance. We should be acutely aware of that issue and we should not go down a road where the only people who could run as politicians are those who would have personal funding for campaigns. I know one thing from past experience: Fianna Fáil, Fine Gael and the Labour Party all have a common denominator. They would like it to be increasingly difficult for Independent candidates to get elected. It is well known the larger parties would be much happier if Independent candidates did not exist at all. There is, however, a place in Irish political life, locally and nationally, for representatives who are not tied to a party. I have the utmost respect for the party system, the parties themselves and the way they are run, but there is a place in political life for Independent candidates. That has been proven over the years by Independent Members of this House and of local authorities who did great work locally and nationally for their electorates. I never want to see a situation where, because of funding, larger parties could squeeze out Independent candidates at local or national level. It would not be good for democracy or society. The extra competition and pressure from Independent Members can be seen daily in the Dáil where there are a variety of Independent Members from completely different backgrounds who all bring their own special contribution to this House. That has worked and I would always want it to be possible for Independent Members to be here, because that is good, right and proper.

I compliment the registrars of electors on the work that is often done unnoticed in every constituency. They do Trojan work, especially in recent years with so many people coming to Ireland from other countries and registering to vote in local elections. These people also enjoy the democratic right to cast a vote. The registrars and enumerators who check who is who are all to be complimented in a special way because they are a key part of our electoral system.

When speaking about the right to vote, I must point out it is ridiculous that referenda and local and national elections are held at times when it is difficult for students to get home to vote. I cannot see what the hang-up is for the present Government and previous ones in allowing for



voting to take place on a Saturday. The public buildings are available and the schools that are used as polling stations are closed. It makes no sense. Is the Government afraid of allowing young people the democratic right to exercise their vote? Does the Government wish to exclude them from the system? Is the Government afraid of a backlash from students? What is the rationale behind holding elections when students cannot cast their votes? It is questionable and I would like a direct answer to that query. It is an issue that arises continually but about which nothing is ever done. Last week voting took place on a Thursday which deprived young people of the right to vote. That is wrong and I am completely opposed to it.

Putting in place a gender balance commitment for political parties, where there will be fines and possible media ridicule if the correct number of female candidates is not run, is the wrong way to go. I would like to see more women involved in the political system but we cannot force people to do something they do not want to do. In my local authority, I have seen ladies who were there before my time being joined by younger women and they all made a massive contribution to those local authorities. They were exceptionally hard working and dedicated to those they represented. I knew them personally and none of them could have been forced into politics. They went into politics because they wanted to do it and it was in their blood. They wanted to be public representatives and had what it took to be good public representatives. Forcing parties and coercing people into a way of life in which they might not be interested is wrong.

The imposition of fines on parties is ridiculous. It is the wrong way to go about it. The political system itself and the way the Oireachtas is run is one of the reasons people with young families would consider politics a difficult way of life. Undoubtedly, the law of averages dictates there are more women in Ireland today who would be excellent public representatives if they wanted to do it, but it is impossible to make someone go into a way of life he or she does not want. We must be careful about what we are doing with this legislation. I do not want to pass a Bill that will make the situation worse, and there is nothing worse than tokenism.

I am friendly with people who work in the political party system and I have heard the amounts raised by national collections are falling all the time. The days of the golf classics, where political parties could raise massive sums, are also gone because people do not have spare cash to support political parties in the way they did in the past. We must still be able to do that. It is not beyond the realms of possibility to come up with a system that will be fair to the parties and the Independents while the public will be able to see what is being done is all above board. Of course, bad things happened in Ireland in the past, as happened in every country when it came to political funding. We want to get away from that. I want to ensure this Bill will be acceptable to the public and as we move forward from here, funding of the political system is open, fair and transparent.

I compliment the work of the Standards in Public Office Commission because a new system was introduced in recent years. I know this from my time as a director of elections on numerous occasions. One must account for everything in the running of a campaign, including what comes in, what goes out and what happens in the middle. We were grappling with this in the late 1990s when the new system was introduced. People are getting better at it because they are getting to know the system better and understand the rules. I acknowledge, on behalf of politicians and, particularly, directors of elections who are responsible for accounting for the money, the assistance and guidance we received which we needed as we were coming around to a new system.

I thank the Technical Group for giving me time to contribute. We have to be careful to avoid tokenism to ensure we end up with a system that will be fair to women who want to enter politics and that will not be worse than the current one. Political funding must be open and



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transparent. At the end of every year community groups must provide audited accounts; there is no reason, therefore, that the funding of politicians and political organisations should not be transparent and open to scrutiny because, at the end of the day, when people do their business right, they have nothing to hide or be worried about.

**Deputy Aodhán Ó Riordáin:** I appreciate the opportunity to contribute to the debate. First, the House must acknowledge the level of political apathy in Ireland. My constituency had the highest turnout in the recent referendum, but the figure did not even reach 60%. When such a high proportion of the people are so disconnected from politics that they do not even show up to vote, it highlights the fact that we have a serious problem. This is most evident in local elections in which often a candidate can be elected with a few hundred votes and have extensive rezoning powers. We have had a long discussion about various tribunals and the inappropriate use of powers by local authorities. When examining how we can address the issues of political reform and the funding of political parties, we have to look fundamentally at the disconnect between the public and the political system. The local government reform proposals that will, I hope, be brought before the House will address this because the connectivity between the taxes people pay and the representation they receive is hugely important. The dynamic in local elections is completely different from that on the doorstep in a general election. Even at this most fundamental level of our governance system where politics start, we are not making that connection properly. People do not see the connectivity between their vote, the representation they receive, the services provided and the accountability they require. If it breaks down at local level, it makes sense that the connectivity between the public and politics in a general election will be similar.

The level of voter turnout is a problem in poorer areas, while the lack of political participation is a particular problem among younger age groups. I wonder about the validity of people only being allowed to vote once they reach 18 years of age. I acknowledge this issue will be up for discussion in the constitutional convention which I hope will be assembled shortly. When a young person turns 18 years, it is potentially the first time he or she will be disconnected from his or her community and live away from home. It is the first time he or she will have the opportunity to vote. The education system has responded by introducing a new civics course, CSPE, but I am informed by student bodies that it is not extensive enough. Some strides have been made in the education system to awaken political interest among the student body, but a lowering of the voting age allied with local government reform and making a connection between voting and the responsibilities of local government could change voter and political apathy. However, there is a sense that there are strokes and corruption in politics. Comments are made to Members and councillors all the time about brown envelopes and so on. Anybody who visits the Chamber realises it is particularly dysfunctional and not representative of society. It reminds me of going to UCD on my first day as a young student and realising some people walked around as if they owned the place because, effectively, they did. I get the same feeling walking into the Chamber because generations of certain families have served in the House and these Members feel like they own the place. When I consider that 87% of the membership is male, it makes me realise something is wrong. Only three Members are openly gay, which is unrepresentative of the people we are trying to represent. Almost every Member is exclusively middle class and 100% of us are white. If we are serious about addressing the issues in the country, the Oireachtas must be more representative of those we are trying to serve.

I attended a report launch yesterday by the integration centre. The speakers referred to the integration of new communities in Ireland, the stresses and strains in communities and the positive impact sport could have. They spoke glowingly about the fact that one only had to be resident in Ireland for six months to have a vote in local elections. That is a positive develop-

ment, but it is clear that even though 13% of the population are not originally from Ireland, nobody in the Chamber comes from that background.

Debate adjourned.

### Topical Issue Matters

**Acting Chairman (Deputy Peter Mathews):** 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 Deputy in each case: (1) Deputy Jim Daly — the need to allocate funding in respect of modern languages in primary schools; (2) Deputy Patrick O'Donovan — the need to establish a national strategy for the development of the horticulture industry; (3) Deputy Éamon Ó Cuív — the need for CIE and Iarnród Éireann to protect their property rights and avoid encroachment onto their property; (4) Deputy Robert Troy — the future of Custume Barracks, Athlone, County Westmeath; (5) Deputy Paschal Donohoe — the provision of funding in respect of the construction of the Dominick Street regeneration project, Dublin; (6) Deputy Anthony Lawlor — the need to cease the practice of GPs charging medical card patients for blood tests; (7) Deputy Brian Walsh — the need for additional regulation to prevent phoenix-type activity by companies contriving to avoid payment of debt; (8) Deputy Caoimhghín Ó Caoláin — the need to maintain theatre activity at Cavan General Hospital; (9) Deputy Noel Harrington — the recent outbreak of measles in west Cork; (10) Deputy Tony McLoughlin — the need to consider alternative accommodation for polling stations; (11) Deputy Stephen S. Donnelly — the provision of funding for rehabilitative training placements in respect of young adults with intellectual disabilities who are due to start such placements in September; (12) Deputy James Bannon — the need to provide adequate funding for St. Christopher's Services, Longford; (13) Deputy Thomas P. Broughan — the emerging preferred site options for the greater Dublin drainage project; (14) Deputy Michael McGrath — the renegotiation of the IBRC promissory note and a reduction in the overall burden of banking-related debt; (15) Deputy Kevin Humphreys — the future of the Dublin Docklands Development Authority and plans for regeneration in that area; (16) Deputy Tom Hayes — broadband speeds in rural Ireland; (17) Deputy Patrick Nulty — the planned merger of the Irish Human Rights Commission and the Equality Authority; (18) Deputy Dessie Ellis — the reinstatement of the rent supplement scheme in the Ballymun area as the regeneration project nears completion; (19) Deputy Mattie McGrath — difficulties facing farm contractors arising from delayed payments, delays in accessing credit and increased fuel prices; (20) Deputy Jonathan O'Brien — the proposed closure of social welfare offices in Cork city; (21) Deputy Seamus Healy — the need to provide funding for the building of a new school for Gaelscoil Cluain Meala, Tipperary; (22) Deputy Mary Mitchell O'Connor — the occurrence of elder abuse and the support services available to victims; (23) Deputy David Stanton — a provision to allow leaving certificate students who suffer bereavement or serious illness to resit at a later date rather than repeat the full year; and (24) Deputy Richard Boyd Barrett — the new rent allowance rates.

The matters raised by Deputies Micheal McGrath, David Stanton, Brian Walsh and Anthony Lawlor have been selected for discussion.

### European Council: Statements

**The Taoiseach:** I am pleased to have the opportunity to brief the House on the outcome of the informal meeting of the European Council on 23 May, especially in the wake of the outcome of last week's referendum. The decision the people took last week was another positive step on our road to economic recovery. It was a forward-looking choice that sent a signal well beyond these shores that Ireland was serious about tackling its problems, securing its recovery

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and charting a clear path to growth. It removed any lingering doubt about Ireland as a place in which to invest and do business. It made us more attractive to those looking for locations in which to build their businesses and create jobs. Ireland already had an excellent offer to make. The decision taken last Thursday strengthens it further. It brings greater security, greater certainty and greater confidence.

I take the opportunity to pay tribute to the steadfastness of the people and the courage and determination with which they have faced up to the exceptional difficulties with which we have had to grapple as a country in recent years. We have had to take painful decisions which have real consequences in the lives of real people. It has not been easy for anyone and is particularly challenging for some.

Last Thursday, however, the Irish people stood above the fray and pointed to the type of future they wish to build together with our partners in Europe. I assure them that the Government is keenly aware of the exceptional burden of responsibility it carries as a result. As I said throughout the campaign, the stability treaty will not solve all of our problems, but it is one of the foundation blocks on which our economic recovery will be built. Its endorsement by the Irish people greatly strengthens the Government's hand as we face into another important meeting of the European Council later this month. Building on the informal discussions that took place last month, that meeting will seek to forge an effective growth agenda for Europe as a necessary complement to the new treaty. Ireland will be a fully active participant in a process during which critical decisions will be made for all member states, and for eurozone members in particular.

An urgent part of that agenda must be an effort to stabilise the European banking sector. It is a fundamental aspect of settling the crisis in the eurozone and something to which this Government is committed to working urgently to solve. The Irish people have made enormous sacrifices to contribute to the economic recovery of Ireland and of Europe. I set this out in clear terms when I spoke to the many European leaders who offered their congratulations on the referendum outcome. I told them that we must urgently turn our collective minds not only to growth but also to ensuring a solution to Europe's banking difficulties and to addressing the related question of debt sustainability. Ultimately, that must mean severing the link between sovereign debt and banking debt and thus ending the vicious cycle which continues to allow pressure on one to amplify pressure on the other.

I have no doubt that a comprehensive solution or solutions will be found and that addressing Ireland's situation will be part of that. We know how difficult — indeed, dangerous — the situation can become when the link between the sovereign and banking debt is allowed to weigh down recovery. Our national experience of that pernicious link counts for a great deal as we move to contribute to the solution at a European level. We do not advocate that others follow the path foisted on us. Experience of the crisis has shown that while Europe does not always move as swiftly as some, including this Government, would like, a consensus is eventually found in favour of progress. The time for action has arrived. These problems will only be solved when political leaders face up to the responsibilities arising from the crisis and make political decisions accordingly. On many occasions we have seen what was previously unthinkable become today's commonplace thinking. I remain confident that a consensus will be reached on dealing with the banking issues, and I hope it will be reached urgently. It may involve the European Stability Mechanism or other European institutions. In any case, it is the result, not the form, that counts, and I will work creatively and constructively with partners to bring about that result. I assure the House and the Irish people that, together with my colleagues in government, including the Tánaiste and the Minister for Finance, I will put Ireland's case as strongly and robustly as I can.

Europe needs a success and Ireland can offer one. There is a European interest in ensuring our debts are manageable and that our banking burden is acknowledged and addressed. Last week's decision was a strong and positive one for Ireland which allows us to move forward with a focus on the growth agenda that was the subject of the informal meeting of the European Council on 23 May and which will be the main focus when we meet again at the end of the month. Discussion at the informal meeting was, as the President of the Council, Mr. van Rompuy, intended, free and open, although no conclusions were adopted. The Commission put forward a range of ideas and issues that were discussed and referred to at the meeting, including the implementation of the Stability and Growth Pact, bank restructuring and a return to normal lending, the adequacy of financial firewalls, and new sources of revenue such as financial transaction taxes, energy taxation and measures to combat tax evasion. Needless to say, we did not agree with all of these proposals. There were also proposals regarding steps and conditions for the joint assurance of debt. In respect of structural reforms, there was a suggestion that member states implement EU recommendations as part of the European semester process, and reference was made to the opportunities arising from the Single Market, the single patent, the digital economy, network industries and so on. There was also discussion, in reference to targeted investments, regarding Structural Funds, project bonds, a European Investment Bank capital increase, the future budget of the EU and the cohesion and competitiveness agenda.

Although no conclusions were agreed, there was sufficient consensus to enable the President to identify a number of key themes and issues for the discussion ahead. First, it was clear that all subscribed to the view that actions aimed at growth must complement and not detract from efforts to ensure fiscal consolidation. There will be no sustainable recovery without sustainable finances. Second, the process of structural reform through the Europe 2020 process must continue. Last week the Commission brought forward its most comprehensive assessment yet of where each member state stands and the steps each must now take. In Ireland's case the recommendation was that we continue to press forward with implementation of our EU-IMF programme. For many others, the Commission pointed to the need to tackle some very difficult and sensitive issues, including pension and labour market reforms, in the interests of building a sustainable future. I strongly urge partners to take these recommendations on board.

Third, the President, Mr. van Rompuy, identified three pillars of a growth strategy for Europe. The first pillar is mobilising EU policies to support growth fully, which means making urgent progress on important legislative proposals such as the Single Market Act and the energy efficiency directive. Plans for implementing the European patent must be finalised by the end of the Danish Presidency. This is something Ireland has long supported as having the potential significantly to reduce costs for innovative businesses. The few remaining outstanding issues in this regard must finally be put to bed. Mr. van Rompuy also called on colleagues to ensure the full and consistent implementation of existing legislation. This is an area in which Ireland has been pressing forward, with our most recent results on the Internal Market "scoreboard" the best we have achieved so far. We are determined to maintain our strong performance in this regard.

The second pillar identified by Mr. van Rompuy is the stepping up of efforts to finance the economy through investments and improved access to credit, especially for small and medium-sized enterprises, in which EU funds can play an important part. In our discussion, many pointed to the role the European Investment Bank could play and, in this context, it has been asked to consider an increase in its capital for financing projects across the EU by our June meeting. There was also much discussion of the potential of project bonds, and a welcome for the recent agreement between the Council and the European Parliament enabling the launch of the pilot phase this summer as a first step. I put forward the proposition that these bonds

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should apply to projects other than transcontinental infrastructure, that is, that they should be applicable in a national context, subject to appropriate conditions.

The Commission is also to report this month on the reprogramming of the current Structural Funds to support growth, jobs and training. We will also discuss at our next meeting how the Union's new budget, the multi-annual financial framework for the period 2014-2020, can be geared to growth and job-creating policies. I made the case very strongly at the meeting that we live in exceptional times when exceptional measures are needed. Any new initiatives in the area of financing will be very welcome and will help to create the stimulus Europe needs. However, they must be focused on those member states that have borne the brunt of the crisis and where they can have maximum impact. We cannot allow questions of scale and of bureaucracy to determine the shape of our strategy. There are other issues that arise in this context, including the question of a financial transactions tax, in respect of which I again made the Government's position clear, namely, that we could not support a measure which placed us at a competitive disadvantage.

The third pillar identified by the President is job creation. We must ensure a job-rich recovery in Europe. The Government has already demonstrated the priority we attach to this agenda through our action plan for jobs and the pathways to work policy. Mr. van Rompuy called for greater prominence to be given to national jobs plans in the Europe 2020 process and for better synergy between European and national instruments, including the Structural Funds, with a particular focus on combating youth unemployment. These issues — mobilising European policies, better financing of the economy and job creation — will be at the heart of our discussions when we meet later this month. The banking situation will also be part of that agenda. Our discussion last month also pointed to the need for a longer-term debate about how to take economic and monetary union to a new stage. The President is currently working with the Presidents of the Commission, the European Central Bank and the Euro Group on what the main building blocks of this might be and how the work should be taken forward. He will report back on this discussion at our next meeting.

Last month's meeting of the European Council was an important staging post ahead of the one that will take place at the end of this month. There are vital issues at stake in terms of building economic recovery and securing growth. Nothing could be more important, here or in Brussels. Following the outcome in the referendum last week, Ireland is now in a stronger position to advance and defend its interests and the Government will continue to leave no stone unturned in this regard. We are committed to an Irish recovery and to a European recovery.

We are committed to a strong and stable euro and to a credible and durable monetary union. I look forward to participating in a full and active way in the important and critical discussions that lie ahead and I will keep the House fully informed of these discussions as they take place.

**Deputy Micheál Martin:** Will the Taoiseach organise the distribution of an up-to-date text of his speech because there were a number of significant insertions, in particular in the middle after he said there were no conclusions to the summit? I know we can access the speech later but it would be useful if it could be sent to us. Clearly, the Taoiseach's speech illustrates how quickly the situation is moving. Belatedly at the end of his speech, he mentioned that banking would be on the agenda, although the script writer did not have banking as one of the key issues for the next meeting. The issues were job creation, better financing of the economy and mobilising European policies, and the Taoiseach added the banking situation.

Over the past year and a half, we have had a steady stream of these European Union statements. In its contributions, Fianna Fáil has concentrated on making constructive suggestions



rather than join other voices on this side of the House who prefer to attack everything and pretend there are easy answers. We believe this crisis is too serious for the type of politics which the Government used to win votes in the general election and others are now following.

Today, I will again propose specific actions which need to be taken by the leaders of Europe. However — I have to be quite clear in this — the refusal of the Taoiseach and his colleagues to show any ambition or urgency is becoming ever more stark. It remains the case that in the 15 months this Government has been in office, nobody has set out clearly what it is that Ireland is pushing for in Europe. All we have seen is support for the proposals of others once they look as if they have a chance of being accepted.

The most recent informal summit of EU leaders was another in a long line of meetings where nothing concrete was achieved and Europe's problems continued to mount. Indeed, the Taoiseach in his speech more or less accepted that when he said there were no definitive conclusions. Events have already overtaken the empty optimism and vague generalities which the Taoiseach issued when the meeting concluded.

After four years of emergency meetings, the situation today is that Europe is on the edge of a deeper and more profound crisis. Last year there was a chance for bold action to keep the eurozone intact and stop the domino effect of countries being driven out of the bond market. That chance was wasted because of a reluctance to take any bold action. An incremental approach of doing the minimum possible to get some relief continues to do immense damage.

Today, it is accepted by nearly everyone that the eurozone will lose at least one member. The sovereign debt crisis has escalated with Spain and Cyprus requiring help, perhaps as soon as in the next few days, and Italy may shortly follow. Allied to this, the financial system is again in turmoil with emergency funding being all that is holding it together. Where last year the issue was maintaining a 17-member eurozone, now the issue is whether we can prevent a lost decade of deflation and unemployment which will be felt far beyond Europe.

This is no time for sitting back and respecting the niceties of established protocol. There is an emergency under way which can only be addressed if the leaders of Ireland and Europe take radical and rapid steps. We need a real diplomatic initiative which reaches agreement within weeks and not the months being signalled. Specific actions are required to restore the fiscal, financial and employment situation in Europe. The time has come for Ireland to say unequivocally what it is calling for and for a real diplomatic initiative to be launched behind it.

Last week's referendum gives us real credibility in this task. We need to follow it up with real action and not just statements targeted at the Irish media. During one of these debates last year I said that protecting the democratic legitimacy of our engagement with the European Union was absolutely essential. This legitimacy has been built up over the course of 50 years but will disappear if the people are excluded from important decisions. For this reason, my party was the first to call for a referendum on the stability treaty, arguing that the Government's preferred route of parliamentary ratification could cause immediate and lasting damage. Thankfully, the Attorney General was able to convince her colleagues to proceed with a referendum. While the rushed manner of the vote maximised the risks, the outcome was a decisive one.

Just as important the Irish people have said very clearly they want Ireland to participate in a wider European effort to tackle this crisis. They have rejected unilateral and isolationist policies and reaffirmed their belief in a Union which has enabled immense progress which remains intact, even today. They are angry with the failures of Europe's leaders but they still see Europe as the only context in which we can grow and prosper.

There has been an effort by anti-EU groups to diminish the result by claiming that it was secured by scare tactics. The same people based their entire campaign on claims that the

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treaty's passage would lead to a slash-and-burn policy for public services and the end of all national sovereignty. For some the campaign was just an opportunity to seek political gain, the clearest example of this being last week's High Court case to get publicity rather than address a serious issue. The people saw through these cynical tactics and passed the referendum by an overwhelming margin.

During the campaign I spent as much time as possible engaging directly with people in their homes and communities. I found the thousands of people to whom I talked to be highly engaged with all the issues surrounding the treaty. They had an instinctive understanding of the need to put aside party politics. The people have spoken and we need to be careful neither to over-claim or dismiss what they have said.

The result says three significant things. It says that Ireland understands the need for a credible mechanism to ensure sustainable public finances over the long term, that we want to have the possibility of accessing EU funding if this is the only affordable way of paying for public services, and that we want Europe to lead a solution to the crisis in which we and many other countries are caught. As anyone who pays even basic attention to the news can see, the treaty is not capable of solving the crisis by itself. It is one part of a wider framework. This treaty should have been accompanied by other measures. It has been claimed that going first with the fiscal controls is necessary to get others to agree more radical steps. The time for those steps is now.

The sovereign debt market for all but a handful of eurozone countries is either closed or becoming unsustainably expensive. In most cases, this is in no way justified by the fundamentals of the countries concerned. Britain and the United States of America have higher debt and deficit levels than the eurozone and yet their costs of borrowing are actually falling. A fundamental design flaw of the euro remains that investors can be unsure about the redemption of their bonds because of the absence of a lender of last resort. This is driving up risk and effectively closing down the market. By its secondary market bond purchases, the European Central Bank has made matters worse.

The only conceivable alternative which can reduce risk and lower the cost of borrowing is for the joint guaranteeing of government bonds. These have been termed eurobonds and they would mean higher costs for a handful of countries but they would immediately return long-term stability to the market. The adoption of the stability treaty gives a credible legal foundation for the controls necessary to make eurobonds work.

The financial system is also engulfed in a spiralling crisis and various stress tests did not restore confidence. It is effectively paralysed and causing immense hardship by refusing to lend to businesses and families. In Spain and elsewhere banks need urgent funding to stay open. This is not coming from investors and requests are already being made for EU funding. Compounding this problem is the fact that there is no uniform framework for winding up failed banks. As a result, every bank failure brings with it the threat of unknown contagion.

In so far as it is possible to get agreement on anything, there is agreement that the eurozone desperately needs uniform bank regulation, including a uniform bank resolution regime, a common deposit guarantee modelled on the American system and a central fund to aid the recapitalising of weak but saveable banks. Even agreeing this in principle would bring immediate relief to the sector.

Unfortunately, every time there is a story pointing to some progress, another quickly follows saying that Germany will not agree. In regard to desperately needed financial reform, the head of Germany's powerful regional banks wrote at length on Monday about how they think things should remain as they are. Martin Wolf summarised a growing despair with Germany's position



last week when he wrote that its position on the seven main proposals to stop a meltdown in the euro appears to be no eurozone bonds, no increase in funds available to the ESM, no common backing for the banking system, no deviation from fiscal austerity, no monetary financing of governments, no relaxation of eurozone monetary policy and no powerful credit boom in Germany.

Germany is entitled to its views and to assert its position without being faced with the insulting and infantile idea that it is trying to dominate Europe. However, the German Government and Parliament are profoundly wrong. A major reason for this is their determination not to relive the country's traumatic past.

Let us be clear: Germany and other countries such as the Netherlands are right when they say the financing of governments by central banks puts upward pressure on inflation. However, what the inflation hawks are missing is the fact that economic trouble always and everywhere comes from deflation or excessively low inflation. The hyper-inflation of the 1920s is worth studying, but it has little relevance to the modern economy of Europe or the ability of central banks to fund expansions within safe limits. Recent research has made the point that extremism was actually fostered during the severe deflation which came later.

There is no point denying how the German mindset has been scarred by events at a time when money was so devalued that it took a suitcase full of bank notes to buy a loaf of bread. German monetary orthodoxy served the country well when it had a national currency, but it has not served and is not serving the euro well. The time has come for Germany to be told very directly that there will either be a radical move on euro level involvement in sovereign bonds or Europe will be dragged into a much deeper and longer economic decline. It is also time for countries to point out how the euro has directly enabled a large part of the surpluses which Germany is so reluctant to share.

The comment yesterday from Berlin about not setting a precedent by refinancing or reducing Ireland's bank-related debts was depressingly ignorant regarding everything that had happened in the past three and a half years. It does not indicate that Ireland has put its position forcefully. Although Ireland has tackled its deficit problems with urgency and great sacrifice by its people, a significant proportion of the bank-related debt was incurred only because of wider European fears of contagion. These fears are not a feature and the claim that an unacceptable precedent could be set is nonsense.

Ministers are wrong in talking about getting ESM funds for bank debts. This would solidify the debt and simply reduce the interest rate to a reasonable level. Ireland should not have to carry the debt in this manner. Given the technical reality that it cannot simply be written off, it can be placed on a level where it places no serious burden on our search for debt sustainability. If those concerned really want Ireland to show the way out of the crisis, having extremely long terms for this debt and at a negligible rate is the main way they can do so.

Last year the Taoiseach and the Tánaiste delivered many speeches in Dublin in which they praised themselves for launching a diplomatic initiative. They never actually got around to doing more than giving these speeches. We had a ridiculous situation where they claimed credit for an interest rate reduction which was four times what they had asked for and extended to every country. They have been timid and reluctant to set out a strong position and push for it. Ireland must stand up and say exactly what it is in favour of and work with others to get it. When even restrained newspapers are talking about the risk of economic meltdown, there is no time left for hesitation. The people of Ireland have said they will do nothing to make circumstances worse. They have shown their desire for the European Union to take a lead. What we need now are leaders who are capable of rising to the challenge.

**Deputy Gerry Adams:** It is less than a week since the people voted on the fiscal treaty — the austerity treaty. Almost as soon as the votes had been counted, Government sources began to leak that the Government was seeking a better deal on the bank debt on the back of its referendum victory. The Taoiseach has told us that he spoke to Ms Angela Merkel on Friday, but he has refused to tell us what she said to him. Yesterday the spokesperson for the German Finance Minister rejected firmly the Government's advances and said firmly that Germany saw no need for movement. That is hardly surprising, given the refusal by the Taoiseach to pursue these issues since he took office.

One of the critical matters at this point relates to the interpretation of the vote in the referendum. The Government's European counterparts have interpreted the outcome of the Irish vote as an endorsement of the policies of austerity and bank bailouts. This is hardly surprising, given the Taoiseach's support for these positions. The authorities do not realise or perhaps have chosen to ignore the reality that a large section of the citizens in Ireland who voted "Yes" did so through gritted teeth in the face of Government and Fianna Fáil scare tactics. The strong "No" vote and the acknowledged reluctance of a section of "Yes" voters show that a very large percentage are opposed to the Government's austerity policies and the hand-over of Irish fiscal powers to the European Union.

It is up to the Taoiseach to fulfil his referendum commitments to remove the burden of the banking debt from taxpayers and initiate job stimulus projects. The Government promised jobs, investment and stability, on which Sinn Féin will be holding it to account. Fine Gael and the Labour Party have famously reneged on all of their major election promises and must not do so on their referendum promises. They should not regard the result as an endorsement of their austerity policies.

I have said to the Taoiseach before, albeit not in a personal manner, that he needs to stand up for the interests of Irish citizens. It is not acceptable for him to continue to sit on the sideline in the hope some other state will negotiate a deal from which Ireland could benefit. For example, the Spanish Government is seeking EU assistance in dealing with its banking crisis to avoid heaping the burden of bad banking debt on the shoulders of its citizens, as Fianna Fáil and the Green Party did in this state.

The Taoiseach may recall that Sinn Féin has argued consistently for the banking debt to be kept within the banking sector, separate from sovereign debt. Until last week, the Taoiseach rubbished this idea. I welcome his apparent and belated adoption of Sinn Féin policy. Sinn Féin was the first party in the Dáil to argue that the current level of Government debt was unsustainable. We all now acknowledge that the debt needs to be reduced significantly. There is a compelling case for the writing down of bad banking debt. However, this can only be secured if the Government seeks it and follows up with a very serious political effort in this regard.

In January the Taoiseach told the Dáil that he had never sought a write-down of Irish debt and that we would not have the term "default" written on our foreheads. At some point he needs to spell out when he changed his position on this issue. He knows by now that if he does not seek a debt write-down, he will not get one. He needs to spell out exactly how he plans to convince European leaders to agree to a fair deal for Ireland. Some proponents on the Government side argue that the Taoiseach does not want to show his negotiating position. However, he is showing it to us when he says his policy is working and that Ireland can and will play its part, etc.

The informal summit had as its focus job creation and growth. When the Taoiseach came back with the treaty — I read his speech again — he never once mentioned job creation, despite my challenging him on that occasion. We have argued consistently for a focus on job

creation and growth, which need to be central to the debate. One cannot cut one's way out of a recession. The jobs and growth strategy needs to be central to any strategy to deal with the current economic crisis. I, therefore, welcome the Taoiseach's late-in-the-day conversion to the jobs and growth agenda.

The Taoiseach promised clarity during the referendum campaign, but he seems to be arguing that austerity and stimulus can go hand in hand. They cannot; it is not possible. It is interesting that throughout the debate the Government has blamed officials at European level for spreading stories, as it did this morning, although it makes full use of officials to engage in spin, as it did last week. It seems no firm conclusions were reached at the informal summit, as is clear from the Taoiseach's notes, except that the attendees at the crisis meeting agreed to call another crisis meeting.

In the Taoiseach's statement he pays tribute to the steadfastness of the people. I agree with him. We are no mean people. We have the ability, culture, history, tenacity and determination to survive this crisis. We have survived worse in our proud history.

The Taoiseach notes that this crisis has not been easy for anyone. That is not true. The golden circle and the elites are still doing very well indeed. It is working people, the plain people of Ireland, who are carrying the weight of the Government's policies and the Taoiseach must deliver for them. He needs to honour his referendum commitments.

The urgent crisis facing almost half a million people in this State, and God knows how many millions across the European Union, is unemployment. We have the added problem of emigration. We need to see some urgency from Irish and European leaders in tackling this crisis. As I stated previously, the Government also needs to remove the burden of banking debt from Irish citizens and it needs to initiate genuine jobs growth initiatives rather than rhetoric, talk of it or the election promise followed by referendum promise.

**Deputy Pádraig Mac Lochlainn:** When the Taoiseach spoke to us last before the informal Council meeting he warned that at this Council meeting, "The intention is that we will not at this stage take decisions or draw conclusions." Why would the Council take decisions, given the current situation where unemployment is sky high across Europe and when there are queues for soup kitchens in many places, not just in Greece? I would suggest that the inconvenience of a referendum in this State may have had something to do with the reluctance of EU leaders to put their plans down on paper before the austerity treaty was passed here because we were told the treaty was the bad cop that we had to see before we could see the good cop of investment and a growth plan.

The treaty has been passed and the clear differences in attitude among the less well-off section of our people towards it has been brought to light. Post the informal Council, is it time to ask the Government to show its hand and state clearly what it is looking for in terms of a growth plan?

According to a report published this year by the International Monetary Fund, less government spending during periods of economic contraction lowers incomes in the short term and raises unemployment, particularly long-term unemployment. The report's authors reached this conclusion after examining 173 episodes of government-imposed fiscal austerity over the past 30 years, with the average deficit reduction equal to 1% of GDP.

They found that a 1% deficit cut had the effect of reducing real incomes by about 0.6% and raised unemployment by nearly 0.5%, and it gets worse. The IMF report also found that in cases where governments chose to pursue austerity programmes instead of deficit spending, income and employment levels frequently did not return to pre-recession levels even after five years. Recovery was even more painful when multiple countries tried to impose austerity

[Deputy Pádraig Mac Lochlainn.]

measures simultaneously, as is currently happening in the eurozone, since not every country can devalue its currency to boost exports at the same time.

With that in mind, I suppose we need to get to the crux of the issue. What is the Government's negotiating position? What does it regard as an adequate stimulus package to get the Irish economy moving?

I asked the Taoiseach the following questions on the previous occasion. Is the Government promoting or supporting an increase in the investment capacity of the European Investment Bank and if so, to what level? Chancellor Merkel and her Government's submission for the next Council meeting at the end of June amounts to approximately €10 billion for all of Europe. As the Taoiseach will be aware, the Irish Congress of Trade Unions has talked about a package of €10 billion for Ireland alone, which has a population of less than 1% of the European Union. If that is the sort of ball park Chancellor Merkel is in, the Taoiseach would need seriously to challenge that.

**The Taoiseach:** The board of the EIB has been asked to report to the June meeting on the capacity for future lending for qualified structural projects.

**Deputy Pádraig Mac Lochlainn:** Is the Government supporting changing the investment rules of the European Investment Bank, in particular, the 50:50 lending ratio, at which Sinn Féin has looked and suggested a 75:25? That would be extremely important to Ireland in terms of using the National Pensions Reserve Fund as a means to drive forward.

I welcome these opportunities for this House to——

**The Taoiseach:** Both Ministers were out there in the past fortnight talking about that issue with the EIB directly.

**Deputy Pádraig Mac Lochlainn:** I acknowledge the “Yes” side put and won its argument. That is fair enough. That is democracy. However, the Government also has a huge responsibility to deliver. The Taoiseach will be aware that a considerable section of the Irish people who voted “Yes” did so with gritted teeth and with a concern around future funding. I understand their concerns. Their hope is with this renewed chance and mandate that the Taoiseach has been given to go and get that deal once and for all. This is the moment of truth. It is here in front of us. Now we must have a deal on banking debt. We must have a real strategy for growth and investment. This will be the Government's litmus test in the next period.

The Government has not done negotiating to date and does not stand up for Ireland. Maybe, for the sake of clarity, the Taoiseach would outline what exactly the Government regards as an adequate stimulus package. What would be required? Is it the roll-out of next generation broadband? Is there a programme of school building? Are there road projects, such as the A5 road to Donegal and Derry? What are the projects? What is the strategy? How many jobs will be created? We need to see the detail. We need to know what the Taoiseach is looking for at European level and what strategic alliances he is seeking to build at European level.

We are told the EU master plan has three arms. The first is the one we know all too well. It is euphemistically referred to as having “sound public finances”. In reality, what this means is a complete ideological inflexibility to consider anything except austerity as a way out of Europe's economic trough. It is this policy that has seen the return of mass emigration to Ireland and has left one in two young Spaniards unemployed. It should be yesterday's policy but new life has been breathed into it in this country by harnessing the fear of the people. It is the policy adopted from day one of this crisis which, despite its obvious failure, is still somehow being championed by the German Chancellor and foisted upon others under threat of

deadly consequences. This arm of the plan does not work. We know this because Greece has had a second bailout and Portugal and this country have more or less admitted they will need a second bailout because the first one, and its austerity, did not work.

On a side point, one area where the EU has sought to make an impact, at least in terms of the media, is on youth unemployment.

I am hopeful that this is one area where the Taoiseach may be able to expand on what initiatives were discussed or will be discussed at June's meeting. My colleague, Senator Kathryn Reilly, has tried to get some clarity on this, even to the extent of making a freedom of information request. We need clarity and detail on the Government's strategy in terms of stimulus and bank write-down of debt.

We are told that "structural reforms" comprise the second arm of the grand plan. What are these structural reforms? We are relying on titbits of information and some guess work. Perhaps the Taoiseach can enlighten us to what is being proposed here and what position the Government will take.

What guarantee has he got or is he looking for that this structural reform will not merely be more of the neo-liberal policies favoured by the EU Commission over the last decade? How is the Government positioning itself to reject any moves towards lowering of wages across the EU in the name of competitiveness?

How much has civil society, in particular the trade unions, been consulted about these so-called reforms? Experience has taught us that when this EU Commission speaks of "labour market reforms" workers should worry and organise themselves.

What does the Taoiseach say to the press speculation that has Germany pushing for further privatisation of state enterprises? Is this something on which the Government will take a stand or is it on-board with the destruction of the State, asset by asset?

**Acting Chairman (Deputy Peter Mathews):** Deputy Mac Lochlainn's time is used up.

**Deputy Pádraig Mac Lochlainn:** I will wrap-up with this. The Taoiseach can see the range of questions, concerns and issues. The German Government has outlined its strategy and approach. It is time the Taoiseach outlined our plan and strategy to the people, particularly given the opportunity he has been given by those who feared the future and gave the Government one more chance with a "Yes" vote. Let us see what the Taoiseach does with it.

**Acting Chairman (Deputy Peter Mathews):** The next four Deputies, who will share time, are Luke 'Ming' Flanagan, Stephen Donnelly, Mattie McGrath and Mick Wallace, each of whom has four minutes.

**Deputy Luke 'Ming' Flanagan:** The European Union and its subset, the eurozone, are at a crossroads. We must have a debate on where we are going because we are not doing so at the moment. Currently, we are lunging from one crisis to the next with no overall plan. We must not sleepwalk into what are potentially the greatest changes to this nation state since its foundation. It is clear what eurozone countries must do for the currency to survive. There must be full fiscal and political union, and transfers of wealth to less well-off areas, in other words, a united states of Europe. This is not new thinking. It is something people such as Anthony Coughlan, who opposed the euro project, have called for since its inception. It is also a fact of which anyone with a brain in the newly formed Fine Gael, Fianna Fáil and Labour Party alliance was well aware. This is something the "Yes to every euro referendum" brigade have never admitted. The implications of such a move are immense. It would mean the end of Ireland as an independent state in terms of sovereignty, and let no one say otherwise or they



[Deputy Luke 'Ming' Flanagan.]

are not telling the truth, just as the truth was not told to the people at the time we joined the euro in the first place. This is why we must debate the issue truthfully, but only if sovereignty means anything to this Government. The laying of wreaths at memorials for the men and women of 1916 suggests the Government does care. Its actions in dealing with Europe, however, show the Government is hell-bent on creating servitude rather than sovereignty.

Angela Merkel wants the currency to survive in such a way as to help the German economy, but its survival appears to do nothing for us. Germany needs to wake up to this fact and pay the price for the benefits it secures from the euro. The price is that Germany should subsidise the periphery, something there is no sign of it doing. The price is also that power should move away from individual nation states such as Germany and France. There was a time when I believed we were in a union of equals. We were told during the debate on the Lisbon treaty that if we voted "Yes" we would be at the heart of Europe. What a joke that seems to be now. When we look for fairness on bank debt, we are now told by the same people that we are irrelevant and not big enough. We were meant to be at the heart of Europe. This is something we were promised by the current Government. The European institutions have been bypassed and replaced with bilateral meetings and lunches between Germany and France.

One might have imagined that Mr. Hollande would be different but the first thing he did following his election was to go to meet Angela Merkel. One might think was the right thing to do but one does not do that in a club. If two members out of six in my local GAA club had a meeting by themselves, the club would fall apart, and that applies in the case of a GAA club rather than something on which all our lives will depend in future. Regardless, they meet up and do whatever they want, but not for our benefit.

I believe we should negotiate a withdrawal from a system based on bullying rather than equality. Unfortunately, however, at a time when we need a strong negotiator we have a Taoiseach who cannot even inspire confidence in a sizeable minority of his party. At election time we were told by him he would do something about the bank debt. He has not even bothered to ask. It says everything that although we have elected a Taoiseach to go and do that for us, the ordinary people in Ballyhea, County Cork, must take up the battle and do it for themselves. It is the equivalent of a father instructing one of his children to do the shopping and feed the other children while he spends the rest of the day in the pub. We expected more and I and my children expect more in future. The Taoiseach must do a better job. Otherwise he should be prepared for annihilation at the next election.

**Deputy Stephen S. Donnelly:** Today at 8 a.m. I went to the Capuchin Day Centre on Bow Street on the north side of Dublin. A queue of people were waiting for food parcels which they get in blue bags. The Capuchin Day Centre distributes these every Wednesday morning. I spoke to the man who has been running the centre for many years. He told me that in 2008, approximately 50 people used to come on a Wednesday morning. This week approximately 1,400 people will come, almost 30 times more than in 2008. He said that some children come in their school uniforms and arrive out of breath because their parents are rushing them there from school in order that they arrive before dinner closes. He spoke of a new poor, including people from the construction industry and self-employed people who have lost their jobs and businesses and who have become homeless. These people are struggling to pay mortgages and have so little money they cannot feed themselves or their children. This is what austerity means in Ireland today and this is what we must deal with. It is not an economic concept. It amounts to hungry men, women and children on Bow Street.

Without a deal on the bank debt such austerity will get worse in this country. In the past two days we have heard from those responsible in Germany that there will be no deal or write-

down on the bank debt. Why is this? Why are the Germans saying this? What do those in Germany see when they look at Ireland? They see a country that pays its senior civil servants more than they pay theirs. They see a country that will award €250 million in pay rises this year while Germany will not. They see a Government that has agreed spending increases throughout the Civil Service from stationery and travel to office rent. They see a Government which sees paying other people's debts as a badge of honour. They see a Government that states publicly that it is not seeking a write-down.

Naturally, those in Germany maintain that they will not entertain a write-down of the €75 billion of private debt that the Irish people are being asked to pay off. Why is this? The Government has failed to make the hard political decisions. The soup kitchen on Bow Street has not seen even a €1 increase in its funding in recent years. Funding has been pulled from severely physically and mentally disabled youth in Wicklow. Under the budget, the Government will take 46 times more money from a lone parent with four children than from a high earner with no children, from whom it is extracting €100. The Government is not increasing higher end income tax because of a misapplication and a misunderstanding of economic theory. The Government is not getting a write-down because it has not yet earned the credibility to do so by making the necessary tough decisions. When the central European powers refer to Ireland, as they did yesterday at a European finance committee meeting, they refer to high wages and to our being bailed out by them. They do not refer to soup kitchens or the €60,000 that every Irish household is paying to the European banking system to stabilise it. The Government must up its game and change the conversation. It must change the view held by the central European powers about what is going on here and what is at stake. We owe it to the people and to the growing numbers in the queues on Bow Street on Wednesday mornings.

**Deputy Mattie McGrath:** I am pleased to be able to speak on this motion. I acknowledge the people voted last week for whatever reason, whether because of fear or otherwise. Business people, those in employment and others were concerned, rightly, about the future of Ireland in Europe and its future as a country on its own. The people took a decision that it is better to be in the system rather than outside. This is why the Taoiseach, the Minister of State, Deputy Creighton, and everyone else should change their stance when they meet European leaders. We must let them know that we are not simply messenger boys.

We have gained much from Europe since joining the European Economic Community in the early 1970s. We are now in a crisis and need help. We must be treated as an equal, rather than as lap-dogs to be given a pat on the head during photo-calls. This morning, the Taoiseach failed to answer a question on what Chancellor Merkel said to him in a telephone conversation. Did her words reflect the adage we have in Tipperary, namely, “Dúirt bean liom go ndúirt bean léi go raibh fear i dTiobraid Árann a bhfuil póca ina léine aige”? That is no good any more. Is he saying that dúirt bean liom go ndúirt bean léi go raibh fear i gContae Maigh Eo that has a pocket in his shirt? The pockets of Irish people are empty.

I will not relate more of the types of stories told by previous speakers. I meet people every day in my clinic, socially or on the streets who tell me they are suffering more than they can bear. Young people are being driven to emigration, while the lifeblood is being drained from businesses. People are also worried about their pensions and with good reason. Ireland must be treated fairly and that will not be the case until such time as we stand up to Chancellor Merkel and company. We must gain our rightful place among European nations.

Some months ago, a number of colleagues and I met representatives of the troika. I was shocked to learn they believed everything was grand in Ireland and the electorate had given the Government a mandate for its actions. The Government was elected on promises to do the



[Deputy Mattie McGrath.]

opposite of what the Fianna Fáil-Green Party Government did. In the Tánaiste's eyes fire was not hot enough to burn the bondholders. As the old saying goes, the bondholders are now laughing all the way to the bank. People were labouring under false illusions. The Government should deal with high earners, including senior public servants, and address pensions and other blatantly unfair issues. I am sure the Germans are well aware of this unfairness. When our officials travel abroad to meet their counterparts, they are being paid double what others are paid, travel first class and stay in the best hotels. The time for playing games is over.

The Taoiseach indicated this morning that the forthcoming European summit will be crucial. The time for talking is over and the Government must take action. The German and French banks recklessly shovelled money into our banks and regulators in both countries failed. Half of the debt acquired through the bank guarantee cannot and should not be repaid because it was lent recklessly by foreign banks. We should agree to repay perhaps half of it over a longer term of 30 years or more. Ireland is not a bad debtor and will continue to pay its way, as it has always done. We cannot cope with the albatross of debt around our necks which is choking business and frightening the young and old alike. Will the soup kitchens we had during the Famine make a reappearance? We can no longer stand for this. The Government must show leadership and wear the green jersey. It must let it be known that while Irish people are proud and reasonable and will play fair, they will not be treated as serfs.

**Deputy Mick Wallace:** One of the weaknesses of financial regulators is that they must lie. Central bankers and treasuries must swear there will not be a devaluation or default until such time as they suddenly agree there will be a devaluation or default. Each time they lie, they damage their credibility. However, even as they continue to lie, they must also be trusted to control events behind the scenes. Trust, however, is in short supply. Just as our banks lied to secure a bank guarantee and for a long time thereafter, which completely undermined the moral justification for the State stepping in to bail them out, Spain is now in the same boat. I do not know for how long the Spanish authorities have told us that everything is grand. Two years ago when Banco Santander was threatening to mount a takeover of another large European bank it was lying about its financial position.

It no longer makes sense to continue to handle the crisis as it is being handled now. That the taxpayer must pay for the bad management and business practice of financial institutions is outrageous. Rather than seeking to obtain funding through the State, Spain is seeking money from the European Stability Mechanism. I, too, would seek money if I were in Spain's shoes but it would probably be better to seek it from the European Central Bank. If the banks will not repay the money over a long period, those that are needed should be nationalised. It is nonsense to continue imposing austerity on the most vulnerable in Europe to try to solve the banking crisis.

The message from Germany in recent days that eurobonds are out of the question as they do not suit the agenda and would give the wrong impression is hard to take. Speaking on joint guarantees or borrowings such as eurozone bonds yesterday, one individual stated they would give the wrong incentive and reduce pressure on debt laden countries to cut their budget deficits. Some people will not be happy until countries have been reduced to dust. According to the unelected President of the European Commission, José Manuel Barroso, Greece must respect its commitments, by which he means the package of pulverising privatisations, tax rises and cuts in jobs, pay and services demanded by the European Union and International Monetary Fund in exchange for loans which cannot be repaid and are reducing the country to beggary.

Eurozone leaders appear to believe they can resolve the crisis through internal devaluation, an approach that will not work. Germany is more than keen to remain in the euro. Based on

its annual surplus of €160 billion, it is reckoned that the euro undervalues German exports by 40%. The reintroduction of the Deutschmark would, therefore, increase the price of German exports by 40%. Would Germany be able to sell Volkswagen cars in Spain, Italy or Greece for 40% more than the current price? That prospect is not a runner. Germany benefits from the current arrangement more than any other country. Chancellor Merkel argues that borrowers must pay up and sort out their problems. She may not like it but the lender carries as much responsibility as the borrower. Until she understands that, we will continue to travel down the wrong road.

**Acting Chairman (Deputy Peter Mathews):** We will now take questions for a period not exceeding 20 minutes.

**Deputy Timmy Dooley:** How is it proposed to proceed? Will the Minister of State respond to each question, a series of questions or——

**Acting Chairman (Deputy Peter Mathews):** I suggest the Minister of State should digest and respond to questions in groups of three.

**Deputy Timmy Dooley:** I will try to ensure she does not have to ruminate for too long on my questions.

**Deputy Pádraig Mac Lochlainn:** Let us hope they are digestible.

**Deputy Timmy Dooley:** With the Acting Chairman's permission, I will ask three relatively straightforward questions.

**Deputy Mattie McGrath:** Deputies should ask one question each.

**Acting Chairman (Deputy Peter Mathews):** I suggest that as a compromise each Deputy ask two questions.

**Deputy Timmy Dooley:** I thank the Minister of State for her work to date. Will she outline clearly what the Government has proposed to deal with the issue of bank debt? Has it proposed a write-down of the debt or a lengthy extension of the repayment term at low interest rates? What response it received? Was it a "Yes", "No" or "Maybe"? Those questions combined are my first question.

What position has the Government taken on the issue of eurobonds? I understand a consensus had been reached in Irish political circles that the introduction of eurobonds would be a significant way of dealing with the mutualisation of our sovereign debt. I listened with interest to the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, raising a note of caution on eurobonds when he spoke on "The Week in Politics" programme on Sunday night. Eurobonds, he said, would be akin to Germany allowing Ireland to use its credit card as we saw fit and, by the same token, Ireland allowing the Greeks to use our credit card to spend money as it wished. I understood this analogy to be an attempt by the Minister to raise a flag of caution or dissenting view that eurobonds may not be the best way to address this problem. His argument appears to be that the overarching conditions that could attach to eurobonds, including the requirement it would impose on member states to justify individual borrowing events, would have the potential to be so onerous as not to be worth the candle. I am paraphrasing, but that is my understanding of what he said. I would like clarity on the issue. I do not expect to receive an answer on the other issue, as we did not get one from the Taoiseach earlier.

**Deputy Stephen S. Donnelly:** I would like the Minister of State to give as clear an answer as possible on the issue of a write-down. There have been many mixed messages sent and different things have been said by different people. Is the Government actively looking for a write-down on any portion of the debt, including the bank debt that has become sovereign debt, or is it looking for a restructuring that would essentially lower the debt burden?

I have listened to German colleagues, the German media and even German parliamentarians who were at the finance committee yesterday. They all talk a lot about the bailout and the German money which has been made available, thankfully, to this country to help us as part of the troika funding. However, I never ever hear them recognise the fact that the net flow of money is ultimately out of the country. We have given a vast amount of money — money that is not coming back — to bondholders, some of which are German and French and so on. Based on the Minister of State's own experience in the negotiations, is that a predominant position? Is there a lack of understanding of the fact that in terms of net cash flow, *per capita* we are bailing out their banking systems to a much greater extent than they are bailing out ours. Is that understood? If not, is there anything the Government can do and should be doing about it?

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** As many of the questions are interlinked, I will try to provide for as much clarity as I can.

The outcome of the referendum changes matters a little from Ireland's perspective on the debt burden. I do not wish to overstate it, however, as we have already been criticised in the media and elsewhere for linking the result on Friday with the issue of bank debt. I do not wish to do that because we have said all along that they are separate issues. The decision in the referendum was one for the people, but, of course, there is some interrelation. The "Yes" vote strengthens our hand and changes the way in which the Government is looking at this issue and the way in which we are looking for opportunities. There will be a period of reflection, both with the Department of Finance and the Economic Management Council, as well in the Cabinet more generally, to see how we can leverage the "Yes" vote to our advantage. We will be exploring all opportunities in this regard.

Deputy Gerry Adams is incorrect that the Spanish have looked for a specific role for the permanent stability fund to recapitalise Spanish banks. They have not done so. There have been much speculation and discourse in the media and among politicians here about opportunities this could potentially present for Ireland, but as it has not happened yet, we will have to wait and see.

We sought leniency and flexibility on the overall debt burden last year, as Deputies are aware. The Minister for Finance explored the options available with the IMF and our European partners, but it was apparent that there was no entertaining it at that stage. We did succeed in having the interest rate reducing and the maturities of our loans extended. The interest rates are almost at rock bottom in terms of how low they can go, which is good news. We have had this conversation many times and it saves the State about €10 billion. There has been a burning of subordinated bondholders. As it has been minimal, I would not like to overstate it, but there has been a certain amount of progress made. The main priority for the Government in terms of debt sustainability has been dealing with the promissory notes. I am very optimistic about what can be achieved in that regard. It is a separate issue from the overall debt burden and the question of banking debt being part of sovereign debt. However, to deal with the promissory notes, I am very optimistic that the "Yes" vote enhances our opportunities. I know some believed it might happen before the summer, but I never believed that could happen for the simple political reason that there were elections due to be held in France and Greece. I always

considered there would be a window of opportunity in the autumn and think we will get a deal on the promissory notes.

The promissory notes are the first element. The second is the issue of banking debt forming part of sovereign debt. I am optimistic that something can happen in that regard, but I cannot yet be specific about what will happen. Some 23% of our sovereign debt is private banking debt.

The speculation about the role of the ESM in dealing with Spanish banking debt is just that, although we would be supportive in giving a role to the ESM in directly recapitalising Spanish banks. If that were to happen, we would most certainly be looking to have it done for Ireland in the case of at least some of our banking debt, which would make it more sustainable. We have said all along that our overall sovereign debt is just about sustainable, even though it involves a huge effort. I know we disagree on that point, but doctors differ. That is our position and we have been strident in communicating it to the rest of the world. We want to be seen as a country that is able to meet its obligations and so on. This brings us back to the issue raised by Deputy Gerry Adams about a default. It is absolutely clear that we will not default. This is not a Government which is talking about a default. We could potentially explore our options, whereby we would not default on our debt, but it would be dealt with in a different manner. In other words, the ESM would assume or take over some of the debt. However, that is speculative. I am trying to be as honest as I can, but I am certainly not making any commitment about a process that is very fluid.

Our position on eurobonds is clear. The Taoiseach, the Tánaiste, the Minister for Finance and I have all said we would be supportive of a eurobonds mechanism. Ultimately, that is the only solution to deal with debt levels across the European Union, specifically the eurozone. We have been supportive of this position since long before Christmas and it is finally on the agenda. While we can deride the outcome of the informal Council meeting two weeks ago and say it achieved nothing, the whole purpose of such an informal Council meeting is to enable to Prime Ministers to come together for a genuinely frank discussion and to put items on the agenda that were previously taboo. There were other informal summits at which Heads of State and Government came together, but they did not bring the taboo issues to the table. Therefore, it is a significant milestone that the issue of eurobonds was on the agenda for the first time. There is range of options; there is not just a one-size-fits-all solution. There are three proposals from the Commission, while other member states have different proposals. It is a question of arriving at a eurobonds proposal that is workable and acceptable to all member states. It is the most important solution to the crisis which would help to inspire confidence.

I disagree with the Deputy who suggested all of this meant we would see a united states of Europe and that we would cede all power and sovereignty. We have heard of that sort of Armageddon many times. I do not believe that. There can be a half-way house. There are some good articles in *The Economist* of this week or last week that deal with the various stages and steps. It is not about a full-blown federation. One can have federal type solutions to certain elements. A banking union, for example, is something we would like to see. A system of eurobonds is something the Irish people and State would like to see. That does not mean we want a full united states of Europe. We are not talking about that but we are talking about closer co-operation. If we want our currency to survive, there has to be closer co-operation. It is a fact of life. I think we want our currency to survive. We had a resounding answer to that question last week when the Irish people voted in significant numbers to save our currency, in effect. We have a mandate from the referendum vote. We have a mandate with regard to the debt burden and to negotiating a better deal for Ireland. We also have a clear mandate to save our currency. I take that clear message from the outcome of the referendum and I am heartened by it. It means we can go to the table with clear proposals.

[Deputy Lucinda Creighton.]

Today's debate is not the last before the Council meeting. We will be back before the summit at the end of the month. We will be working on more defined positions from the Government's perspective. We will be looking at ways to collaborate with other member states to put forward concrete proposals. Deputies can be assured we will have an opportunity to discuss those in more detail before the summit takes place.

A Deputy asked if I find, in my dealings with German colleagues, any recognition of a *quid pro quo* or of the fact there is not a one-way street where Germans pay into the EFSF, EFSM or the soon to be ESM and that Ireland has become a bulwark in terms of saving, and ultimately paying out to, bondholders, including German bondholders. There is a growing recognition of that but it is a slow process. The German media do not cover this issue. I use every opportunity to make this point. Yesterday, I met a delegation of German parliamentarians from the Bundestag. I believe they attended a number of committees of which Deputies are members. We had a full discussion. We must take every opportunity to make this point. Delegations from the Joint Committee on Finance, Public Expenditure and Reform have visited the Bundestag. We must get this argument into their thinking and psyche. We must do so through the media and the national discourse, and not merely through politicians. It is difficult and there is, sometimes, a one-sided view of this issue in Germany, unfortunately.

**Acting Chairman (Deputy Peter Mathews):** Deputy Mac Lochlainn, did you want to ask a question?

**Deputy Pádraig Mac Lochlainn:** The substance of my question has been dealt with. I do not think I will get a better answer.

**Deputy Lucinda Creighton:** May I take that as a compliment?

**Deputy Timmy Dooley:** I would.

**Acting Chairman (Deputy Peter Mathews):** I hope I am not breaking a protocol in saying I also took the opportunity, at yesterday's meeting of the Joint Committee on Finance, Public Expenditure and Reform, to give two barrels of an information shotgun to our visitors. They needed it because they did not understand the issue. That is a fact of life. I am appalled at the lack of understanding by members of the German delegation.

**Deputy Lucinda Creighton:** I offered them a strong coffee when I met them after the meeting of the joint committee.

**Deputy Luke 'Ming' Flanagan:** May I put a question that people have been putting to me in the last 24 hours? Once the Minister of State knew the "Yes" side would win the referendum vote, how long did it take her to decide the question was one of bank debt? Before the count, members of the Government had been saying until they were blue in the face that the issue was not one of bank debt. The people need to know what game the Government was playing with them. In order to get a "Yes" victory, Government supporters said the referendum had nothing to do with bank debt. When the "Yes" victory had been achieved, they said it had to do with bank debt.

**Deputy Lucinda Creighton:** That is not true.

**Deputy Luke 'Ming' Flanagan:** What have we got from the "Yes" victory? For a long time, opponents of the euro have been saying we are locked into the same interest rates as Germany and that when we need low interest rates, Germany may not need low interest rates, and *vice*



*versa*. That situation, along with lack of regulation, caused many of our problems. News is coming through today that the ECB intends to leave interest rates at the same level. Who is this for? Is it for us, who need lower interest rates? It obviously is not. Is it for Germany again, which does not want lower interest rates because its economy is booming and chugging along nicely? What are we getting out of this, when did the Government change its mind and who benefits from maintaining interest rates at their current level? The Government told us the treaty would be a good thing for us. It obviously is not.

**Deputy Timmy Dooley:** There has been considerable rhetoric, in the House and outside, about the need to stand up the German Chancellor, and I agree with much of it. However, rhetoric from the back benches of the Labour Party is suggesting it should be made clear to Chancellor Merkel that if she does not move on the issues we have talked about at length today, we should threaten to leave the euro and devalue our currency as a solution to our problems. That suggestion comes from a senior Labour Party backbencher.

**Deputy Luke ‘Ming’ Flanagan:** Hear, hear.

**Deputy Timmy Dooley:** Has that suggestion fed in to the thinking of the Government, or is it being reflected on by the Minister of State or by the Taoiseach? It has caused concern in the minds of some. It is welcomed by Deputy Luke Flanagan, which speaks volumes for the issue as it stands, but the suggestion is coming from the Labour Party and I ask the Minister of State to comment on it.

**Deputy Lucinda Creighton:** I am alarmed to hear “Hear, hear” from the back row of the Chamber. The notion it could be in Ireland’s interest to leave the euro is farcical.

**Deputy Luke ‘Ming’ Flanagan:** We might have no choice.

**Deputy Lucinda Creighton:** We have no intention of leaving the second largest currency in the world and leading the country off a cliff and into perdition, which is being advocated by some.

**Deputy Luke ‘Ming’ Flanagan:** What is the plan?

**Deputy Lucinda Creighton:** That is absolute nonsense and we have no intention of doing so.

**Deputy Timmy Dooley:** Good.

**Deputy Luke ‘Ming’ Flanagan:** It would be terrible to end up like Switzerland, would it not?

**Deputy Lucinda Creighton:** If Deputy Flanagan wants us to become a country with virtually no regulation, rock bottom taxation levels and so on, I would be interested to hear his proposals. They would have to be very much in contradiction of what he has been espousing in this Chamber for the past 14 or 15 months. However, making U-turns is, perhaps, something with which he is not unfamiliar.

**Deputy Luke ‘Ming’ Flanagan:** The Government has taught me well in that regard.

**Deputy Lucinda Creighton:** If the Deputy wants me to answer his questions I will do so.

**Deputy Luke ‘Ming’ Flanagan:** The Minister of State should stop throwing comments.

**Deputy Lucinda Creighton:** With regard to interest rates, the ECB is independent. It is too autonomous, in my opinion. It is for the governing board of the ECB to set interest rates. It is

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disappointing that the anticipated interest rate reduction did not happen on this occasion. I expect it will happen next month, at the very latest. Mr. Mario Draghi has been a revelation in the ECB. Dramatic strides have been made in providing liquidity to the financial system and preventing the collapse of banks and financial institutions all over Europe which are vital to the continuation of our economic activity. Mr. Mario Draghi has been a breath of fresh air in the ECB but I look forward to seeing more from the ECB.

We talk about eurobonds, a banking union and related issues, but we should also be talking about the mandate of the ECB. This is a sensitive issue and I have raised it with colleagues from other member states. Suffice it to say they did not leap at the opportunity I presented. However, this is something we must talk about.

Deputy Flanagan asked when the Government decided to link the referendum to bank debt. One advocate of a “No” vote, Mr. Declan Ganley, campaigned exclusively on the issue of bank debt. With Government colleagues, I repeatedly said the route to a better deal on our sovereign debt was to vote “Yes” rather than voting “No”, and that a “Yes” vote would strengthen the hand of the Government. I said that repeatedly. It is factually incorrect to say we ran away from that discussion during the course of the referendum campaign. We did not.

I thank all the Deputies who participated in today’s debate. Clearly, we do not always agree but that is the nature of democracy and it is helpful and fruitful for me to hear from Deputies and to engage in this exchange.

The importance of last month’s meeting lay not just in the discussion that took place but also in the groundwork that was laid for the formal decision-making meeting of the European Council that will take place later this month. As I said, we will be back in the Chamber — the Taoiseach and I and possibly the Tánaiste — in advance of the meeting to have a similar exchange and to have input from Deputies.

As the Taoiseach said at the outset, Ireland now approaches that meeting in a stronger position as a result of the outcome of last week’s referendum. We have argued consistently that budgetary discipline as encapsulated in the treaty must be accompanied by an equally robust and significant growth strategy. Budget rules alone will not enable us to overcome our difficulties. In last week’s vote the Irish people have sent out a strong message. We are and will remain strongly committed and responsible members both of the European Union and of the eurozone. However, the time has come for Europe to address the same energy and drive to the creation of a clear and effective strategy for growth and job creation. That means progress on a number of key fronts. We must ensure all Union instruments, especially the Single Market, are fully mobilised. That means ensuring the high level decisions and orientations offered at European Council level are turned into concrete action at Council level. That is one of the biggest challenges we face in terms of growth and stimulus.

**Deputy Timmy Dooley:** The Government should do something.

**Deputy Lucinda Creighton:** If we could simply implement the majority of the decisions that have already been taken we could add 4% or 5% to the GDP of the European Union as a whole. There is huge potential which is not to be dismissed.

President Van Rompuy has signalled his frustration at the gap that sometimes exists between rhetoric and delivery, a frustration I fully share. We must see urgent progress on measures that are regarded as having real potential to contribute to growth and job creation, including the long-awaited European patent and the energy efficiency directive. Making the most of the Single Market will be an important priority for the Government during our upcoming Presidency. Europe must also take steps to ensure there is a proper flow of finance into the economy

to support growth and job creation. That means mobilising the European Investment Bank, project bonds and all potential sources, including the Structural Funds, in support of this goal.

We are in the throes of negotiating the Union's budget for the period beyond 2014. Ensuring this is fully aligned in support of our efforts to generate growth and create jobs will be an important task. We must also ensure a greater focus on the job creation dimension of economic recovery. The only way a recovery will be sustainable, economically, politically and socially, is if it gets people back to work. We in the Government have made clear the priority we attach to this through our action plan for jobs and our Pathways to Work programme. It is long past time for us in Europe to ensure we make the most of the synergies between efforts at national and European level to ensure they are having the maximum effect.

As the Taoiseach identified, a wider debate is under way about how we can take economic and monetary union to a new level. President Van Rompuy will report back to the European Council at the end of the month, following his deliberations with Presidents Barosso, Draghi and Juncker. I very much welcome this debate, which is an important one to which Ireland is ready to contribute positively and constructively. However, it should not distract us from the urgent tasks we need to tackle now. Generating growth is obviously a key priority but so too is overcoming the crisis in Europe's banks and ensuring debt sustainability. We need a collective approach and a solution that benefits this country. Irish people have made great sacrifices throughout the crisis in the interests of Irish recovery and European stability, and they deserve enormous credit for this effort. This is a message we will continue to bring to our European partners in the important debate ahead.

### Message from Seanad

**Acting Chairman (Deputy Peter Mathews):** Seanad Éireann has passed the Electricity Regulation (Carbon Revenue Levy) (Amendment) Bill 2012, without amendment.

*Sitting suspended at 1.35 p.m. and resumed at 2.30 p.m.*

### Ceisteanna — Questions

#### Priority Questions

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#### National Cultural Institutions

1. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht if he has prepared any estimates of the cost savings from merging the National Library with the National Archives and the Manuscripts Commission; if the merger will have an impact on our cultural heritage; if he has examined the impact in other countries of similar moves; and if he will make a statement on the matter. [27114/12]

3. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht if, in view of his commitment to commemorating significant events in Irish history, he will explain the rationale behind the proposal to merge National Library, National Archives and Manuscripts Commission; if he has considered that this proposal will seriously undermine, if not destroy, the cultural infrastructure here; and if he has taken into account the legislative implications surrounding this proposal. [27464/12]

4. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht the rationale behind the mergers of cultural institutions, particularly the National Galleries; his plans to

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protect the identity of each of these institutions; and if he will make a statement on the matter. [27335/12]

5. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the way he proposes to address public concern regarding the threatened undermining of the arms length principle in cultural decision making and funding across our national cultural institutions and Culture Ireland in view of his plans to abolish or amalgamate cultural institutions or absorb the functions into his Department. [27463/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions No. 1 and Nos. 3 to 5, inclusive, together.

As Deputies will be aware, the Government's public service reform plan which was published by the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, on 17 November contains a number of actions in respect of my Department's remit. These include the amalgamation of the National Library, the National Archives and the Irish Manuscripts Commission; the combining of the National Gallery, the Irish Museum of Modern Art, IMMA, and the Crawford Gallery, while retaining separate identities; a critical review of Culture Ireland; a review of board structures at the National Library and the National Museum, and an examination of opportunities for shared services.

I underline the value I place on the role of the national cultural institutions which are the custodians of our arts and cultural heritage. They also have a key role in scholarship and national discourse. For this reason, €47.25 million was provided for our cultural institutions and bodies in the 2012 Estimates. The critical role the arts and culture play in attracting tourists to Ireland is also well recognised. Cultural tourism is a key element of Ireland's tourism industry and the national cultural institutions play a significant role in this respect. The institutions funded by my Department attracted more than 3 million visitors in 2011.

In the overall context of the public service reform agenda, one of my key concerns is to ensure all options are examined in order that the most appropriate implementation approach can be adopted for each institution. The artistic and curatorial autonomy of the cultural institutions is a major consideration in this regard. However, all of our cultural institutions are facing difficult challenges in the times ahead, particularly in terms of resources and funding. Given the difficult economic circumstances, there has been a considerable reduction in Exchequer funding in recent years and this is likely to continue for the foreseeable future. In this context, it is important that the institutions operate in the most efficient and effective way possible and are seen to provide value for money. Opportunities for sourcing alternative funding through philanthropy, commercial partnerships and other channels will also need to be sought proactively.

I see the reform process as offering all concerned a chance to take stock, assess how our institutions are equipped to deal with the challenges facing them and identify the best options to ensure their successful operation in the future. My Department has been examining the complex issues involved in the various reform proposals. This process has involved consultations with each of the institutions concerned. In addition, I have met the chairs of the various institutions involved in the process to afford them an opportunity to express their views on the actions included in the Government's public sector reform plan. My Department is also considering the various proposals made by the institutions. There can be little doubt, for example, that the sharing of services, in particular common back office services such as information technology, human resources, marketing and procurement, would lead to savings and efficienc-

ies for the institutions. If managed properly by them, such a sharing of services could release resources to enhance front-line services to the public.

I cannot accept the proposition that examining reform possibilities amounts to an attack on the cultural infrastructure of the nation, as has been suggested by some. In fact, the idea that any organisation should be or consider itself to be above examination or review and possible reform is unhealthy and a recipe for a bad deal for the taxpayer who funds these institutions and the public whom they serve. Engagement between my Department and the cultural institutions on the spectrum of actions set out in the Government's public service reform plan is ongoing and I anticipate that I will be in a position to revert to the Government on these matters shortly.

**Deputy Robert Troy:** I thank the Minister for his reply which highlights more concerns, rather than providing answers to these questions. There is deep anxiety within the arts sector about the proposed mergers of various cultural institutions, the absence of criteria for these reforms and, despite the Minister's remarks, the lack of consultation with stakeholders. In Fine Gael's pre-election document it promised that the discussion on the arts would be driven up the Government's agenda and that the arm's length principle would be respected. Is this latest development another in a long list of broken promises?

The cultural institutions are of systemic importance to our cultural heritage, identity, tourism industry and international reputation. Recently I attended a conference entitled, Culture and the Economy, which the Minister's colleague, the Minister of State, Deputy Lucinda Creighton, addressed. She spoke about the importance of our cultural institutions in terms of Ireland's Presidency of the European Union at the beginning of next year. It is imperative that our cultural institutions retain their autonomy and independence. Will the Minister commit to leaving the independent boards in place, protecting their autonomy and ensuring qualified directors are left in place in the cultural institutions? Given their independent nature under the National Cultural Institutions Act 1997, will he confirm that the public service moratorium does not apply to cultural institutions? Will he ensure all future directorships in the cultural institutions will be advertised externally? It is a matter of concern that the position of CEO in Cultural Ireland is only being advertised internally which runs contrary to the Government's commitment in respect of job advertisements. Will the position be advertised externally?

The Minister referred to the importance of philanthropy in funding this critical sector. Does he agree that it would be much easier to attract philanthropists if the independent boards were left in place and the Government stuck to its pre-election promise and retained an arm's length policy, that is, separating cultural institutions from political interference?

**Deputy Jimmy Deenihan:** Many of the issues raised by the Deputy will be considered when we make our final decision. My officials are engaged in consultations and will submit proposals to me in approximately two weeks. When the Government made the announcement, the Department immediately set up a reform unit, as well as a reform committee to which the unit would answer. An extensive process is ongoing. For example, there was consultation this morning. The information is available to everyone to show the process has taken place. The fundamental questions raised by the Deputy are being considered. The process is taking place but I cannot say today to what I can commit. Artistic and curatorial autonomy is a major consideration for me. The arm's length approach, evident in the Arts Council's dealings with other bodies, will be taken into consideration.

The National Archives and Culture Ireland are within my Department. There was a proposal to make Culture Ireland an independent body but in 2008 it was decided not to do this, and it is still part of the Department. The contract of the previous chief executive officer, who did a



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very good job, has expired and the job is now advertised. There are people working in Culture Ireland who do a good job and are well qualified for that position.

I thank Deputy Troy for raising these issues and I will certainly consider them. The overriding factor is that our national institutions, which are important from a cultural and economic point of view, are the custodians of our national treasures and must be protected for the future. They are looking after our heritage and culture for all our people. It is important that whatever is done in the future is done for the benefit of these institutions, and whatever actions will be taken will make them more effective to face future challenges.

**Deputy Maureen O’Sullivan:** Part of me is incredulous that the Minister has come up with this idea, because I know his commitment to the decade of commemorations and his chairing of that committee. I know his support for our cultural institutions and commemorating our history and I find it difficult to believe this proposal is coming from him. These are perfectly functioning institutions and he is treating them as if they were broken when they are not. They have been doing fantastic work since they were set up.

There are two areas where Ireland’s reputation is superb, namely, our development aid budget and our arts and culture. Instead of this being a cultural discussion, it will be cultural domination. In 1974, there was an interdepartmental report on the idea of a merger and it came up again in 2008. The reasons given for not going ahead with it then are still valid today. The main reason was the disciplines involved are very distinct. The National Archives has a statutory function which means legislation will be required to deal with any possible merger. The Minister spoke about consultation but the impression I am getting from people in the arts is that there has been no meaningful consultation. Why consult if this is almost a done deal and ready to go to Cabinet?

**Deputy Jimmy Deenihan:** Deputy Maureen O’Sullivan raised several pertinent issues which I will take on board. First, this was not my initiative as such. The Government’s public sector reform plan announced on 17 November goes across all Departments and not just the arts. Several State agencies are being reviewed and not just those under my Department.

The National Archives, in which the Deputy has a particular interest, is within my Department and is functioning well. If the amalgamation went ahead with the National Library, the National Archives would be taken out of the Department. As nothing has been decided yet, it is not a *fait accompli*. I will take a hard look at the proposals coming before me which will then have to go to Cabinet. Before any final decisions are made, their implications will be considered fully. I will have to accept them when they happen.

I am aware of the concerns about these agencies. I have a large number of friends working in these cultural institutions with whom I have worked for the past 30 years in various ways before the institutions got independent boards in 2005 and since then. I am aware of their needs and their future challenges, whether it is more space for archives, digitisation, the use of new technology, attracting funding from external sources or other issues. I would like if Deputy Maureen O’Sullivan discussed this matter with me further because she has a practical and balanced approach to issues.

**Deputy Sandra McLellan:** I thank the Minister for his reply. As he is aware, the arts sector is extremely resourceful, creative, pragmatic and working well with other stakeholders to agree savings and efficiencies within the arts. However, there is significant public concern about the threatened undermining of the arm’s length principle in cultural decision-making. Does the Minister accept the arm’s length principle will be compromised if the proposal to merge several

national institutions results in the demise of their individual boards? Will he get rid of the boards?

The principle of independence is vital for the protection of these institutions. I am glad the Minister has met with the chairs of the various organisations in question. How does he plan to address the widespread concerns about the lack of information, criteria and consultation in the changes of the status of the arts, culture, archive and museum bodies under his auspices? Culture Ireland has received great applause both here and internationally. What are his plans for its future? Will the position for chief executive officer be re-advertised? If so, will it be done internally or externally? Does he agree that if Culture Ireland does not remain independent its powers will become eroded?

**Deputy Jimmy Deenihan:** The Deputy has asked many questions and I will try to answer as many as I can. My officials would not agree there has been a lack of consultation or information on amalgamations. There have been ongoing discussions about amalgamations for several years. The 2009 budget contained a decision to examine this matter. As Deputy Maureen O'Sullivan found out, there were consultations. These have been ongoing over the years. Now, with the Government's decision on public sector reform plan, there have been further consultations which are extensive and continuing. Any Deputy can put down a freedom of information request on these discussions.

As for the criteria, the Government directive was clear in this respect. It will be the best solution that will matter and the one which I will put to the Government.

Culture Ireland has been very effective since it was established in 2005. It was originally proposed that it would be a statutory agency but a decision was made against this in 2008. It has operated effectively within my Department. It is not an independent agency. It had a chief executive officer and an independent board, which was not statutory, which made decisions with the executive on grant applications. When I travelled to America with Culture Ireland, I witnessed its success in making significant connections. With the various artists who have been supported, there has been an attempt to repair the damaged image of Ireland in Manhattan and on Wall Street. It could be said the image of Ireland which Imagine Ireland has helped to create is very different from the example from four years ago. Culture Ireland, through Imagine Ireland, has helped in rehabilitating this image. I agree that Culture Ireland is very important and I am confident it will retain its dynamic nature and effectiveness. It will continue to support the arts community, as it has in the past eight years.

The head of Culture Ireland was very effective; he was an ambassador as much as he was chief executive officer and did a very fine job. Unfortunately, his contract came to an end and could not be renewed because of contractual arrangements established long before my time. The position of head of Culture Ireland has been advertised internally, not externally. I am convinced there are people with experience in the Culture Ireland executive who are adequately qualified to continue the work done by the previous chief executive officer.

**Acting Chairman (Deputy Tom Hayes):** We are over time, but I will allow those who have indicated to ask a supplementary question, with a single answer from the Minister.

**Deputy Robert Troy:** Artistic autonomy is of importance to the Minister who should commit to ensuring the independent boards will remain in place. He has indicated that this was not his initiative, that it emanated from the public service reform programme, which I accept. It is, however, his responsibility to protect the arts sector and cultural institutions. I advise him to work with various stakeholders which are pragmatic and they will formulate ideas on where savings can be made and efficiencies achieved. The gallery institutions mentioned shared services to him and he should work along these lines. Will he outline a definite timeframe in

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order that the people concerned know exactly what the Government plans to do with the cultural institutions?

**Deputy Maureen O'Sullivan:** It is important to consider international examples which indicate amalgamations do not work. The process seemed to work in Canada, but there was major investment there. I am delighted to hear the Minister is not driving this process personally, which suggests he is willing to listen and take on board other suggestions. With regard to the director of Culture Ireland, it is vital to have the right person in place, as it is an important role. I hope we will not dismantle the Cultural Institutions Act 1997 which was driven by our new President.

**Deputy Sandra McLellan:** The director of Culture Ireland is an important figure and the Minister has indicated the board is very effective. If something is not broken, we should not try to fix it. I hope the Minister will commit to keeping the board in place.

**Deputy Jimmy Deenihan:** The board of Culture Ireland is up for critical review, as are the other agencies. I agree with Deputy Robert Troy about the galleries' submission; the three galleries came together in a positive way to present a good proposal which will be seriously considered and reviewed. I expect to receive the proposals in two weeks and will then go to the Cabinet. People will not be left to linger for a long time. I expect to have the decisions made as soon as possible. My officials considered the Canadian example, in which \$16 million was required for an amalgamation. There are other examples also in which it was quite expensive. These are all considerations.

### **Straitéis 20 Bliain don Ghaeilge**

2. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreacht agus Gaeltachta cé mhéid cruinnithe a bhí ag na Coistí idir-Rannacha atá freagrach as an Straitéis Fiche Bliain a chur i bhfeidhm; cén dul chun cinn atá déanta acu agus cad iad na torthaí atá bainte amach acu; agus cad iad na spriocanna atá acu don bhliain atá le teacht. [27087/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Aithnítear sa straitéis 20 bliain don Ghaeilge 2010-30 go bhfuil gá le cur chuige céimneach chun bearta éagsúla na straitéise a chur i gcrích. Le linn 2011, thug oifigigh mo Roinnse faoi chéim an bhunaithe den straitéis inar díriodh ar bhunú na struchtúr eagraíochtúil agus oibríochtúil. Bunaíodh struchtúir ar leith chun an straitéis a sheachadadh agus eagraítear cruinnithe, de réir mar is gá, faoi na struchtúir seo. Tá an coiste Rialtais ar an nGaeilge agus ar an nGaeltacht, a bhfuil an Taoiseach ina chathaoirleach air, ag déanamh maoirseachta ar an dul chun cinn leis an straitéis. Tá grúpa oifigeach sinsearach, atá comhdhéanta d'oifigigh ardleibhéil ó Ranna cuí, ag tacú leis an gcoiste Rialtais. Tá grúpa idir-rannach, a bhfuil mise mar Aire Stáit ina chathaoirleach air, ag déanamh comhordú ar chur i bhfeidhm na straitéise. Tá aonad straitéise i mo Roinn freagrach as pleanáil agus feidhmiú na straitéise a threorú.

Maidir leis an gcoiste Rialtais ar an nGaeilge agus ar an nGaeltacht, bhí cruinniú den choiste sin, faoi chathaoirleacht an Taoisigh, ann inné, 5 Meitheamh 2012. Tá an chéad chruinniú eile den choiste beartaithe don mhí seo chugainn. Maidir leis an ngrúpa idir-rannach atá ag feidhmiú faoi mo chathaoirleacht, bhí an chéad chruinniú den ghrúpa ann ar an 8 Feabhra 2012 chun cur i bhfeidhm réimsí sonracha gnímh sa straitéis a bhrú chun cinn ar bhealach comhtháite. Bhí ionadaithe sinsearach ó na Ranna ábhartha i láthair. Beidh an chéad chruinniú eile den ghrúpa ann ar an 27 Meitheamh 2012. Taobh amuigh de na grúpaí sin, tá trí ghrúpa oibre ardleibhéil bunaithe ag mo Roinnse leis na príomhpháirtithe leasmhara chun dlús a chur le

feidhmiú réimsí gnímh éagsúla den straitéis. Eagraítear cruinnithe de na grúpaí oibre seo, de réir mar is gá.

Mar thoradh ar chinntí polasaí a thóg an Rialtas ar an 31 Bealtaine 2011 maidir leis na struchtúir fhorfheidhmithe don straitéis agus maidir leis an sainmhíniú nua don Ghaeltacht, tá oifigigh mo Roinnse ag tabhairt tús áite do dhréachtú an Bhille Gaeltachta 2012, a thabharfaidh feidhm, de réir mar is cuí, do na cinntí Rialtais sin. Tá mé ag súil go bhfoilseofar an Bille Gaeltachta an-luath an mhí seo, faoi réir chead an Rialtais. Chomh maith leis an obair atá ar siúl ar dhréachtú an Bhille Gaeltachta, ní miste a rá gur fhógair mé dhá thionscnamh shuntasacha faoin straitéis ar an 26 Aibreán 2012. Ar an gcéad dul síos, chuir mé tús leis an bpróiseas pleanála teanga sa Ghaeltacht faoina mbeidh plean teanga á ullmhú ag leibhéal an phobail do gach ceantar Gaeltachta i gcomhréir leis an straitéis. Ar an dara dul síos, d'fhógair mé an clár tacaíochta teaghlaigh, a bhfuil sé mar aidhm aige an Ghaeilge a threisiú mar theanga teaghlaigh agus pobail sa Ghaeltacht i gcomhréir leis an straitéis.

**Deputy Peadar Tóibín:** Is le muintir na hÉireann an straitéis 20 bliain, atá bunaithe ar obair a rinne eagraíochtaí Gaeilge ó gach coirnéal den tír, Thuaidh agus Theas. Tá an straitéis glactha ag chuile páirtí sna Fiche-Sé Contae agus ag an cuid is mó dóibh sna Sé Contae. Os rud é go

3 o'clock bhfuil brú uafásach ag teacht ar an nGaeilge, is rud tábhachtach agus práinneach í an straitéis 20 bliain. D'fhoghlaim muid inniu gur tháinig íslú arís i mbliana ar líon na dteaghlach a fuair an deontas faoi scéim labhairt na Gaeilge. Le dhá bhliain anuas, tá go leor ráite ag Fine Gael atá glan in éadan an straitéis 20 bliain. Ag amanna éagsúla, bhí sé mar aidhm ag Fine Gael fáil réidh leis an nGaeilge mar ábhar éigeantach ag leibhéal na hardteiste, deireadh a chur le scéim labhairt na Gaeilge, na rialacha maidir le bunú gaelscoileanna nua a dhéanamh níos déine, scoileanna beaga Gaeltachta a dhúnadh, gan ról lárnach a bheith ag an gComhairle um Oideachas Gaeltachta agus Gaelscolaíochta sa straitéis agus laghdú a dhéanamh ar cumhachta Oifig an Choimisinéara Teanga. Anois, tá sé ráite go bhfuil buiséad Raidió na Gaeltachta ag íslú. Ar an taobh eile den scéal, d'fhoilsigh an Aire Stáit pacáiste tacaíochta mar pháirt den chlár teaghlaigh atá bunaithe in áit scéim labhairt na Gaeilge. Níl sa phacáiste seo ach treoirleabhar a bhí le fáil ó Comhlúadar cheana agus dlúthdhiosca éigin.

Níl ach 13 iarratas curtha isteach chuig an Roinn ag lorg an phacáiste seo go dtí seo. Cé mhéad cruinniú a bhí ag coiste idir-rannach i mbliana? An bhfuil an ceart agam go raibh dhá chruinniú ann sa sé mhí seo caite? Tá faic déanta ag an Rialtas maidir le scéim labhairt na Gaeilge ach amháin rudaí diúltacha.

**Deputy Dinny McGinley:** Tá an Teachta i ndiaidh tagairt a dhéanamh do rudaí nach bhfuil baint dhíreach ag an Roinn seo leo. Ní aontaím ar chor ar bith. Níor tháinig aon athrú ar stádas na Gaeilge san ardteistiméireacht, a mhalairt ar fad a tharla, tá stádas níos láidre ag cumas labhartha na Gaeilge san ardteistiméireacht ná mar a bhí. Tá 40% ag dul do labhairt na Gaeilge san ardteistiméireacht i gcomparáid leis an 25% a bhíodh ann. Céim mhór ar aghaidh í sin.

Maidir le scéim labhairt na Gaeilge, bhí dearcadh coitianta ann nár éirigh léi an aidhm a bhí aici a bhaint amach: cainteoirí dúchais a chothú sa Ghaeilge. Sé an laige mhór a bhí ann sa scéim ná nuair a cuireadh na páistí faoi scrúdú ar scoil, bhí siad sé bliana d'aois. Faoin am sin bhí an chéad teanga lonnaithe sa pháiste. An rud atá i gceist leis an scéim tacaíochta teaghlaigh ná díriú isteach ar na tuisimitheoirí am a thagann an páiste ar an saol, fiú sula dtiocfaidh an páiste. Deir teangeolaithe gur seo an tslí cheart le dul. Táimid ag déanamh teagmháil le tuisimitheoirí sula dtagann an páiste ar an saol, teagmháil leo chomh luath agus a thagann an páiste ar an saol agus ag tabhairt pacáistí dóibh. An méid atá sna pacáistí a luaigh an Teachta, níl ann ach an chéad chéim agus beimid ag cur leis na pacáistí sin, á méadú agus á bhforbairt sin sna seachtainí amach romhainn. An aidhm atá againn ná an rogha a thabhairt do thuisimitheoirí

[Deputy Dinny McGinley.]

na nGaeltachtaí, nó d'aon tuismitheoirí eile na buntáistí a bhaineann le clann a thógáil trí Ghaeilge a bhaint amach. Is í an deacracht mhór ná go raibh titim ar an líon daoine a bhí ag fáil deontas ó scéim labhairt na Gaeilge. Caithfimid tosnú roimhe sin, caithfimid tosnú leis an pháiste sa chliabhán agus an teanga a lonnú ag an phointe sin. Sin an fáth go bhfuil an clár seo istigh. Tá forbairt agus fás le teacht air, seo í an chéad chéim.

Tugaim aitheantas d'Fheidhmeannacht na Seirbhíse Sláinte go bhfuil sé sásta agus toilteanach chomhoibriú a dhéanamh linn san fhiontar seo.

**Deputy Peadar Tóibín:** Níl fadhb agam leis an bpácaiste tacaíochta do theaghlaigh; aontaím leis an togra sin, táim ag iarraidh mé féin mó pháistí a thógáil le Gaeilge. An fhadhb atá ann, áfach, ná nach bhfuil pacáiste ann ag an nóiméad; níl ann ach leabhar a bhí ann cheana féin ag Comhluadar agus dlúthdhiosca éigin. Níl eolas ar bith ag na tuismitheoirí atá ag iarraidh a gclann a thógáil le Gaeilge. Praiseach atá ann fós. B'fhéidir go mbeadh sé níos fearr sa todhchaí ach níl rud ar bith ann anois díreach chun tacaíocht a thabhairt do theaghlaigh.

Tá deis an-chuid rudaí a dhéanamh mar gheall air, rudaí beaga nach bhfuil aon chostas ag baint leo, cosúil le beartas luath-thumoideachais iomlán a chur i bhfeidhm sna bunscoileanna Gaeltachta agus ról lárnach a thabhairt do COGG sa choiste oideachais sa straitéis 20 bliain agus aonad náisiúnta pleanála a chruthú dá thoradh.

Tá tuairim fhorleathan ann anois i measc lucht na Gaeilge go bhfuil an straitéis ar shlua na marbh, nach bhfuil aon treise inti agus nach bhfuil an Rialtas ag obair uirthi. Tá an t-am ag sleamhnú thart ag an Rialtas agus tá an straitéis ag feidhmiú le dhá bhliain anuas anois ach fós níl aon rud láidir ann chun tacú le daoine.

**Deputy Dinny McGinley:** Tá an-chuid oibre déanta go dtí seo maidir leis an straitéis. An clár tacaíochta teaghlaigh, níor lánseáladh é go dtí míó shin agus tiocfaidh fás agus forbairt air sin. Tá suim ag an Teachta sa rud seo ar fad, chonaic mé féin agus a pháistí nuair a bhí mé i Rath Carn agus an Ghaeilge á labhairt acu. Mar Aire Stáit sa Roinn Ealaíon, Oidhreacht agus Gaeltachta, tá fáilte agus céad agam d'aon mholtaí fiúntacha, réadúla a thagann isteach chu-gainn maidir leis an straitéis. Maidir leis an gclár tacaíochta teaghlaigh, na rudaí atá sa chlár go fóill, tháinig siad ón phobal mar bhí cruinnithe againn. Má tá moltaí ag an Teachta, nó ag éinne eile, beidh fonn orainn iad a chur sa phacáiste. Tá seo seolta le mí anuas, beidh suíomh Idirlíne againn agus beidh cead, ceart agus deis ag na tuismitheoirí thart ar an suíomh agus gach saghas eolais a fháil chomh maith.

Tá ról tábhachtach ag COGG. Tá fochoiste d'oifigigh ard-leibhéal idir mo Roinn agus an Roinn Oideachais agus Scileanna. Bhí COGG istigh cheana féin ann agus bhí Údarás na Gaeltachta agus Foras na Gaeilge istigh lena gcuid tuairimí a chur i láthair. Níl aon fáth ar an domhan nach mbeidh siad ag teacht isteach arís agus arís eile fá choinne a ndearcadh, a mbarúl-acha agus a gcomhairle a thabhairt dúinn. Táimid go léir ag obair as lámh a chéile, níl aon duine i gcoinne aon duine eile, táimid ag brú an rud ar aghaidh.

Tá an Bille Gaeltachta réidh le teacht agus táim cinnte go gcuirfear fríd an Teach seo é roimh an samhradh. Bille an-chuimsitheach é, an chéad Bille Gaeltachta ó 1956, a thabharfaidh cumasú don Stát agus do na Ranna dul ar aghaidh leis an obair thábhachtach i gcur i bhfeidhm na straitéise. Tá Impleachtaí aige do na Gaeltachtaí agus d'Údarás na Gaeltachta, Foras na Gaeilge agus mar sin. Tá sé ar tí teacht roimh an Teach. Is mór an dul chun cinn sin agus tá an obair sin ar siúl ag oifigigh mo Roinne.



## Other Questions

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### Straitéis 20 Bliain don Ghaeilge

6. D'fhiafraigh **Michael P. Kitt** den Aire Ealaíon Oidhreachta agus Gaeltachta an ndéanfar athrú ar scéimeanna na gCampáí Samhraidh sa Ghaeltacht agus na gColáistí Samhraidh sa Ghaeltacht; agus an ndéanfaidh sé ráiteas ina thaobh. [27110/12]

7. D'fhiafraigh **Niall Collins** den Aire Ealaíon Oidhreachta agus Gaeltachta cad iad na pleananna atá aige faoin Straitéis Fiche Bliain don Ghaeilge, 2010-2030, chun an Ghaeilge a chaomhnú sa teaghlach; cén beartas atá aige do theaghlaigh na Gaeltachta; agus an ndéanfaidh sé ráiteas ina thaobh. [27218/12]

8. D'fhiafraigh **Pádraig Mac Lochlainn** den Aire Ealaíon Oidhreachta agus Gaeltachta an bhfuil sé i gceist aige aon scéim cosúil le Líofo 2015 a chur ar bun sa stát seo; agus, mura bhfuil, míniú a thabhairt ar an bhfáth nach bhfuil. [27088/12]

28. D'fhiafraigh **Seán Crowe** den Aire Ealaíon Oidhreachta agus Gaeltachta cathain a bheartaíonn sé na scéimeanna teanga nua a leathnú go dtí gach limistéar Gaeltachta; agus cad iad na critéir a úsáideadh chun na háiteanna inar bunaíodh scéimeanna teanga cheana féin a roghnú. [27093/12]

**Deputy Dinny McGinley:** Tógfaidh mé Ceisteanna Uimh. 6, 7, 8 agus 28 le chéile.

I gcomhréir lena bhfuil ráite i gclár an Rialtais, tá sé mar thosaíocht ag mo Roinnse tacú leis an straitéis 20 bliain don Ghaeilge a chur i bhfeidhm agus tabhairt faoi na spriocanna indéanta atá luaite inti. Cé go dtréasláim leis an tionscnamh “Líofo 2015” i dTuaisceart Éireann, a bhfuil sé mar aidhm aige 1,000 duine a spreagadh ó thuaidh chun líofacht sa Ghaeilge a bhaint amach faoin mbliain 2015, ní miste a rá go bhfuil sé mar aidhm againne sa dlínse seo líon na gcainteoirí laethúla Gaeilge a ardú go 250,000 duine thar shaolré na straitéise 20 bliain don Ghaeilge.

Sa chomhthéacs seo, ba mhaith liom aird na dTeachtaí a tharraingt ar bhearta ar leith a bhfuil tosaíocht á tabhairt dóibh. D'fhógair mé an clár tacaíochta teaghlaigh ar an 26 Aibreán, a bhfuil sé mar aidhm aige an Ghaeilge a threisiú mar theanga teaghlaigh agus pobail sa Ghaeltacht. Faoin gclár seo, tá mo Roinnse ag tabhairt faoi 12 beart ar leith chun tacú le teaghlaigh Ghaeltachta atá ag tógáil a gclann le Gaeilge nó a dteastaíonn uathu a gclann a thógáil le Gaeilge. Mar shampla, tá tús curtha ag mo Roinnse, i gcomhar le Feidhmeannacht na Seirbhíse Sláinte, le feachtas feasachta chun na buntáistí a bhaineann le páistí a thógáil le Gaeilge a chur in iúl do mháithreacha atá ag súil le páiste nó a bhfuil páiste nuabheirthe acu.

Tá i gceist ag mo Roinn freisin forbairt a dhéanamh ar scéim na gcúntóirí teanga chun freastal níos fearr a dhéanamh ar pháistí i scoileanna Gaeltachta chun a gcuid Gaeilge a shealbhú agus a shabhairt.

Ar ndóigh, tá sé tábhachtach nach bhfuil an Ghaeilge ceangailte leis an scoil amháin in intinn an pháiste agus, dá bhrí sin, tá sé beartaithe forbairt a dhéanamh ar scéim na gcampaí samhraidh chun díriú ar raon níos leithne páistíó thrí bliana d'aois go 14 bliana d'aois, agus béim bhreise a chur ar na gníomhaíochtaí a thacóidh le saibhriú teanga.

Chomh maith leis sin, tá sé i gceist cur chuige nua a fheidhmiú le déagóirí na Gaeltachta chun cur ina luí orthu gur buntáiste breise í an Ghaeilge dóibh. Tá sé beartaithe cúrsaí oiliúna faoi leith a chur ar bun do dhéagóirí nGaeltacht a bhfuil Gaeilge líofa acu ionas go mbeidh siad ábalta dul ag obair mar chúntóirí sna coláistí Gaeilge. Tá sé beartaithe fosta tacaíocht a

[Deputy Dinny McGinley.]

chur ar fáil do na coláistí Gaeilge chun na déagóirí seo a fhostú mar chúntóirí ar chúrsaí Gaeilge faoi scéim na bhfoghlaimoirí Gaeilge de chuid mo Roinnse.

Maidir leis an bpróiseas pleanála teanga sa Ghaeltacht, a d'fhógair mé ar an 26 Aibreán, táim ag súil an Bille Gaeltachta 2012 a fhoilsiú go han-luath. Tabharfar feidhm reachtúil faoin mBille don phróiseas pleanála teanga faoina mbeidh plean teanga á ullmhú ag leibhéal an phobail d'achan cheantar Gaeltachta. Tá sé i gceist faoin bpróiseas pleanála teanga go mbeidh an Ghaeltacht roinnte i 19 ceantar pleanála teanga ar leith. Bunaíodh na ceantair seo ar cheantair phleanála Údarás na Gaeltachta, ag tógáil san áireamh cúinsí teanga, cúinsí tíreolaíocha, struchtúir pobail agus dlús daonra. Tá sé cinn de na ceantair phleanála teanga is láidre ó thaobh úsáid na Gaeilge de roghnaithe cheana féin chun tús áite a thabhairt dóibh maidir le hullmhú pleananna teanga. Is iad na ceantair atá i gceist ná dhá cheantar i nGaeltacht Dhún na nGall, dhá cheantar i nGaeltacht na Gaillimhe, chomh maith le Ciarraí Thiar agus na Déise. Ní mór a bheith soiléir gurb í seo an chéad chéim sa phróiseas agus go bhfuil sé i gceist, de réir a chéile, aghaidh a thabhairt ar an bpróiseas seo sna ceantair phleanála teanga go léir.

**Deputy Michael P. Kitt:** Ba mhaith liom ceist a chur ar an Aire Stáit maidir leis na campaí samhraidh. Mar a dúirt sé, tá béim á leagadh ar pháistí idir trí bliana agus sé bliana d'aois agus ar scoláirí idir seacht mbliana agus 14 bliana d'aois. Os rud é go bhfuil níos mó scoláirí i gceist i láthair na huaire, an mbeidh níos mó airgid ar fáil chun an athrú seo a bhaint amach? An bhfuil aon athrú le déanamh ar an scéim a bhaineann leis na scoláirí a théann go dtí na coláistí samhraidh sa Ghaeltacht?

Dúirt an tAire Stáit go mbeidh an Bille Gaeltachta bunaithe ar an teanga in áit na tíreolaíochta, mar atá an reachtaíocht faoi láthair. Conas a bheidh an Bille leagtha amach, de réir na straitéise 20 bliana? Cén fáth nár thug an tAire Stáit cuireadh do na daoine sna ceantair go léir? Ba cheart go mbeadh muintir na 19 ceantar páirteach, ach níor tugadh cuireadh ach amháin go dtí daoine ó sé cheantar.

**Deputy Dinny McGinley:** Is cinnte go bhfuil ról an-lárnach agus an-tábhachtach ag na coláistí samhraidh i saol na tíre agus i gcur chun cinn na Gaeilge. Tá an-obair á dhéanamh acu agus tabharfaimid gach tacaíocht dóibh as seo amach. Iarradh orm an ráta céanna in aghaidh an lae a bhí ann anuraidh a thabhairt do na mná tí, atá mar chuid an-tábhachtach d'obair na gcoláiste samhraidh, i mbliana. Tá a fhios ag an Teachta gur tháinig íslíú ar an ráta le cúpla bliain anuas. Gheobhaidh na mná tí €9.90 in aghaidh an lae le haghaidh gach dalta. Is toradh maith é sin i gcomhthéacs na ndeacrachtaí atá againn.

Mar a dúirt mé, beidh ról ag déagóirí na Gaeltachta sna coláistí samhraidh agus sna campaí samhraidh. Tá an réimse aoise a bhaineann leis na campaí samhraidh leathnaithe againn. Beidh daltaí idir trí bliana agus 14 bliana d'aois ag freastal orthu. Cuirfidh sé sin go mór le hobair na gcampa, a bhfuil tionchar mór acu ar aos óg na Gaeltachta.

**Deputy Michael P. Kitt:** Baineann costas airgeadaíochta leis sin.

**Deputy Dinny McGinley:** Beimid ag breathnú ar an airgead sna Meastúcháin fá choinne é sin a chur i bhfeidhm chomh maith agus is féidir. Labhair an Teachta mar gheall ar na 19 ceantar pleanála teanga. Táimid ag tosnú le sé cheantar. Tá mé tar éis insint cén áit ina bhfuil siad. Ní fhéadfadh muid tosnú le 19 ceantar. Níl na hacmhainní pearsanra againn chun é sin a dhéanamh. Beidh ar Údarás na Gaeltachta agus dreamanna eile dul amach go dtí na ceantair seo chun cuidiú agus comhairle a thabhairt do mhuintir na háite. Sa tslí sin, tiocfaidh na pleananna teanga ón phobal féin. Gheobhaidh siad treoir agus comhairle ón údarás. Ní féidir linn na 19 ceantar a dhéanamh le chéile. Déanfar iad ar bhonn céimnithe — anois agus go luath

ina dhiadh sin agus arís eile go dtí go bhfuil na 19 ceantar clúdaithe. Is é sin an fáth go bhfuil siad á dhéanamh ar bhonn céimnithe de réir a chéile.

**Deputy Peadar Tóibín:** Ní féidir breithiúnas a thabhairt ar an mBille Gaeilge ós rud é nach bhfuil sé foilsithe go fóill. Tá mé ag iarraidh breithiúnas a thabhairt ar an méid ata déanta ag an Rialtas go dtí seo. Is féidir linn fanacht go dtí go bhfeicimid an reachtaíocht sin, lena bhfuilimid ag súil.

Tá fadhbanna ag na coláistí samhraidh. Níl an éileamh céanna ar spásanna sna coláistí samhraidh ann i mbliana, i gcomparáid leis na blianta roimhe seo. Chuala mé ar an talamh go mbeidh deacrachtaí ag cuid acu na spásanna sin a líonadh, go háirithe i mí Lúnasa seo chugainn.

Ba mhaith liom níos mó eolais a fháil ón Aire Stáit faoi spriocdátaí na scéimeanna teanga atá luaite aige. Tá mé ag smaoineamh go háirithe faoin chéad dream lena bhfuil sé ag dul ar aghaidh. Cén spriocdáta atá i gceist aige chun é a leathnú amach go dtí na ceantair eile?

D'iarr mé i gCeist Uimh. 8 an bhfuil sé i gceist ag an Rialtas scrúdú a dhéanamh ar an togra Líofa 2015 atá eagrú ag an Aire sa Tuaisceart, Carál Ní Chuilín ó Shinn Féin. Mar is eol don Aire Stáit, is é cuspóir an togra sin, atá oscailte do chách, ná 1,000 cainteoir nua Gaeilge a chruthú sa Tuaisceart roimh 2015. Tá an-éileamh ar an scéim. Is rud iontach é go bhfuil póilíní sa Tuaisceart agus duine nó beirt ón DUP agus na páirtithe eile tar éis clárú don togra.

Mar is eol don Aire Stáit, d'eagraigh Bernard Dunne an feachtas Bród, a bhí cosúil leis an scéim Líofa. Bhí sé ag iarraidh an méid duine a labhraíonn an Gheilge sa tír seo a leathnú. Cén fáth nach bhfuil togra den tsórt sin á reachtáil ag an Rialtas? Tá cumhacht agus airgead ag an Aire Stáit. Cé gur rud beag é daoine nua a spreagadh chun an Ghaeilge a úsáid, is rud tábhachtach é.

Cén fáth nach bhfuil togra ar nós Líofa 2016 á chruthú ag an Rialtas chun ómós a thabhairt do na laochra a throid ar son saoirse na tíre seo? Tá an tAire Stáit i gcónaí ag rá go bhfuil a chluasa oscailte le haghaidh smaointí nua. Iarraim air inniu tacaíocht a thabhairt do togra ar nós Líofa 2016 sa Stát seo, a mheallfadh an méid is mó daoine agus is féidir chun líofacht a chur ar a gcuid Gaeilge.

**Deputy Dinny McGinley:** Sílim gur scéim mhaith í an scéim Líofa. De réir mar ata ráite ag an Teachta, tá ag éirí go maith leis. Tá sé ar intinn ag na húdaráis ó Thuaidh 1,000 duine a fháil a bhfuil fonn acu an Ghaeilge a labhairt. Bhí mé i mBéal Feirste agus i Stormont nuair a rinne an tAire, Carál Ní Chuilín, lánseáil ar an scéim. Chuaigh sé i bhfeidhm go mór orm. Bhí réimse leathan den phobal, ó gach taobh agus gach páirtí, i láthair. Is rud maith é sin. Céim ar aghaidh a bheidh ann máeiríonn leo 1,000 duine a fháil. Ar ndóigh, tá sé ar intinn againn líon na gainteoirí laethúla sa tír seo a ardú go dtí 250,000 le linn na straitéise 20 bliain don Ghaeilge. Is féidir a rá go bhfuil pleananna níos mó agus níos uailmhianacha againn i gcomparáid leis an bplean ó Thuaidh.

Mar Aire Stáit, is cinnte go bhfuil mé sásta aon moladh fiúntach ar bith, ina measc an moladh atá déanta ag an Teachta maidir le 1916, a scrúdú. Más rud é go gcuideoidh sé liom an Ghaeilge a threisiú i measc an phobail, is fiú éisteacht leis. Tá pleananna maidir leis an Ghaeilge á ullmhú i gcomhthéacs comóradh 1916. Bhí an Ghaeilge mar pháirt an-thábhachtach den Éirí Amach don Phiarsach féin. Tá Conradh na Gaeilge agus eagraíochtaí eile ag scrúdú a gcuid pleananna i láthair na huair. Tá an tAire, an Teachta Deenihan, mar chathaoirleach ar an gcomhchoiste céiliúradh atá againn agus tá mé mar leas-chathaoirleach. Tiocfaidh na grúpaíéagsúla isteach chun cur i láthair a dhéanamh ar na bpleananna atá acu maidir le páirt lárnach a thabhairt don Ghaeilge le linn an chomóraidh. Tá sé sin beagnach socraithe againn. Aontáim leis an gcur chuige atá againn.

[Deputy Dinny McGinley.]

Maidir leis na coláistí samhraidh, bhí inní orainn go raibh na figiúirí ag laghdú. Freastalaíonn idir 24,000 agus 25,000 scoláire ar na coláistí gach bhliain. Tá súil agam nach mbeidh titim tubaisteach ar na figiúirí sin i mbliana. Tá deacrachtaí eacnamaíochta sa tír seo. Cosnaíonn sé airgead daltaí a chur go dtí an Ghaeltacht, cosúil le gach áit eile. Is dócha go bhfuil sé sin ag cur isteach ar dhaoine. Más rud é go bhfuil titim, tá súil agam nach mbeidh sé ró-mhór. Níos luaithe sa bhliain, bhí inní orainn go mbeadh titim. Dé réir an scéal atá ag teacht ar ais chugam go neamhoifigiúil, níl rudaí chomh holc agus a shíleamar go mbeidís. Cífidimid de réir mar a théann sé ar aghaidh caidé mar a bheidh sé. Mar adúirt mé, tá súil agam nach mbeidh an titim ró-mhór, mar go bhfuil obair chomh tábhachtach sin ar siúl acu.

**Deputy Peadar Tóibín:** Dúirt an tAire Stáit cheana gurb é an chospóir atá ag an straitéis 20 bliain ná an méad daoine le Gaeilge a dhúbailt le linn tréimhse áirithe. De réir an daonáirimh, tháinig feabhas ar líon na bhfigiúirí atá ag úsáid na Gaeilge chuile lá taobh amuigh den chóras oideachais, ach is feabhas an-bheag atá i gceist. Tá Gaeilge á labhairt ag 77,000 daoine sa tír chuile lá. Nílimid chun an chospóir 250,000 daoine a bhaint amach má leanaimid ag an luas seo go 2030. Caithfidimid níos mó daoine a chur leis an bhfigiúr seo. Caithfidimid céim díreach a thógaint ar aghaidh. Ní leor chospóir a bheith againn ach implementation plan agus timescale a bheith againn chomh maith. Tá an plean ann. Ní gá dúinn ach féachaint trasna na Teorainne, agus tá an cumhacht ag an Rialtas.

Deireann an tAire Stáit gur ceart moltaí a chur chuige le déanamh. Táim ag iarraidh anois go sínfeadh sé a lámh trasna an urláir seo inniu agus go n-aontódh sé le seo. Táim ag iarraidh go mbeadh sé sásta teacht ar ais chugainn agus a rá linn go ndearna an Oireachtas an cinneadh seo agus go bhfuil sé sásta é a chur i bhfeidhm.

**Deputy Michael P. Kitt:** Tá dhá cheist agam don Aire Stáit os rud é go bhfuilimid ag caint mar gheall ar smaointí nó tuairimí nua. Maidir leis an teanga sa teaghlach agus cúrsaí oideachais, an bhfuil tuairimí ag an Aire Stáit i dtaobh marcanna breise don scrúdú béil? Cad é a thuairim faoi sin?

**Deputy Dinny McGinley:** Freagróidh mé ceisteanna an Teachta Tóibín ar dtús. Gabhaim buíochas lena bhfuil ráite aige. Beimid sásta suí síos leis an Teachta aon uair agus aon mholadh atá aige a phlé. Tá mo dhoras oscailte gach lá a bhfuil mé anseo i mBaile Átha Cliath. Dála an scéil, bhí ceannaire Shinn Féin istigh againn cheana féin, cúpla míó shin, le cuid dá chomhghleacaithe agus bhuail mise agus an tAire, an Teachta Deenihan, leis. Phléamar cúrsaí Gaeilge, cultúrtha agus teanga, agus bhí an-chomhthuiscint eadrainn. Beidh fáilte roimh an Teachta freisin. Aon uair a bhím i gContae na Mí, bíonn an Teachta ann. Tá sé an-díograsach agus dícheallach i mbun a chuid dualgas ansin. Bíonn fáilte roimhe i gcónaí agus bíonn lúcháir agus áthas orm é a fheiceáil. Táimid ag lorg moltaíon bpobal a chuirfidh leis an bplean atá againn 250,000 duine a bheith ag labhairt Gaeilge go laethúil sa tír. Máéiríonn linn sin é a bhaint amach, beidh mé lán sásta. B'fhéidir nach mbeidh mé beo nuair a bheidh an 20 bliain suas, ach ar a laghad beidh mé thar a bheith sásta go bhfuil sé bainte amach againn.

Maidir leis an cheist a chur an Teachta Kitt i dtaobh an scrúdú béil, mar atá ráite agam, thosaigh an ardteistiméireacht inniu leis an scrúdú Bhéarla. Cuirim fáilte roimh an cinneadh a rinne an tAire Oideachais agus Scileanna go mbeidh 40% de na marcanna ag dul don scrúdú béil. Táéisteacht, labhairt agus scríobh sa scrúdú agus tá labhairt na teanga thar a bheith tábhachtach. Sílim go mbeidh tionchar mór ag seo ar labhairt na Gaeilge. Ní fhéadfaí baoite níos fearr a bheith againn le bheith ag tabhairt ar dhaoine an teanga a labhairt ná béim a bheith ar labhairt sa scrúdú. Is féidir le daltaí altanna agus aistí a scríobh atá de ghlan mheabhar acu, ach tá sé iontach tábhachtach go bhfuil cumas labhartha acu, agus aontaím ar fad le sin. Beidh

sé le feiceáil sna cúpla bliain amach romhainn cad é an feabhas a thiocfaidh ar labhairt na Gaeilge ag an leibhéal sin. Seo iad na daoine a bheidh ag dul isteach sna choláistí oiliúna le bheith ina múinteoirí, agus tá sé iontach tábhachtach go mbeadh cumas Gaeilge acu fá choinne í a thabhairt don chéad glúin eile.

### **Cruthú Fostaíochta**

9. D'fhiafraigh **Timmy Dooley** den Aire Ealaíon Oidhreachta agus Gaeltachta an gcuirfear tuilleadh post ar fáil sa Ghaeltacht sna míonna atá le teacht; an mbeidh Údarás na Gaeltachta ag obair leis a Roinn agus le heagraíochtaí pobail ó thaobh fostaíochta agus cúrsaí teanga de; agus an ndéanfaidh sé ráiteas ina thaobh. [27224/12]

33. D'fhiafraigh **Gerry Adams** den Aire Ealaíon Oidhreachta agus Gaeltachta cé mhéid post atá cruthaithe ag Údarás na Gaeltachta le bliain anuas; cé mhéid post a cailleadh i gceantair Ghaeltachta; agus cad iad na spriocanna atá ag an Údarás don bhliain atá le teacht. [27086/12]

**Deputy Dinny McGinley:** Tógfaidh mé Ceisteanna Uimh. 9 agus 33 le chéile.

Bhí 7,000 post, coibhéis lánaimseartha, i gcliant-chuideachtaí Údaráis na Gaeltachta ag deireadh 2011. Cruthaíodh 734 post nua in 2011 agus, nuair a thógtar líon na bpost a cailleadh san áireamh, bhí glanchaillteanas de 104 post i gceist. Is í an sprioc fostaíochta atá ag an údarás do 2012 ná 400 post a chruthú. I rith na bliana reatha, díreoidh straitéis fiontraíochta an údaráis ar thacaíocht a chur ar fáil dá chliant-chuideachtaí reatha agus d'fhiontair atá bunaithe ar acmhainní nádúrtha. Lorgófar infheistíocht bhreise ó chomhlachtaí nua agus reatha agus cuirfear béim ar leith ar an bhfostaíocht a cailleadh i gceantair áirithe le roinnt blianta anuas a athchur chun an fhostaíocht sa Ghaeltacht a threisiú.

Thóg an Rialtas cinneadh polasaí anuraidh go leanfaidh Údarás na Gaeltachta ag comhlíonadh a chuid feidhmeanna go ginearálta, an fheidhm fiontraíochta san áireamh. Chomh maith leis sin, tógadh cinneadh go bhforbrófar meicníocht maidir le comhoibriú idir Údarás na Gaeltachta, Fiontraíocht Éireann agus an tÚdarás Forbartha Tionscail i gcás tograí suntasacha Gaeltachta a bhfuil poitéinseal ard acu. Is sampla maith den chomhoibriú sin an infheistíocht a d'fhógair an tÚdarás Forbartha Tionscail sa chuideachta Bioniche Pharma, in Indreabhán, Contae na Gaillimhe, le déanaí.

Ar ndóigh, tá sé mar mhóraidhm ag Údarás na Gaeltachta an Ghaeilge a chothú mar theanga pobail sa Ghaeltacht. Chomh maith leis na scéimeanna táirgiúla fostaíochta atá mar bhunús do straitéis fostaíochta an údaráis, tacaíonn sé le tionscnaimh forbartha pobail agus cuidíonn sé le réimse leathan de thionscnaimh teanga, cultúrtha agus oideachais atá dírithe ar an nGaeilge a neartú mar phríomhmheán cumarsáide i ngach earnáil de shaol an phobail. I measc na scéimeanna agus na dtionscnamh a chuirtear ar fáil, áirítear: scéim deontas reachtála d'eagraíochtaí pobail; ionaid seirbhísí teanga atá bunaithe ar fud na Gaeltachta; scéim an luathoideachais; scéim Ghaeilge do na naíonraí; agus an tacaíocht a chuirtear fáil don eagraíocht, Óige na Gaeltachta.

Tá tionchar tábhachtach ag an infheistíocht a dhéanann an t-údarás sna hearnálacha seo ar an bhforbairt pobail agus teanga araon agus cuimsíonn sé a ról i dtaca le cur i bhfeidhm na straitéise 20 bliain don Ghaeilge sa Ghaeltacht.

**Deputy Michael P. Kitt:** Tá poist nua á fhógairt agus cuirim fáilte roimh an bhfostaíocht nua san Indreabhán, ach cailleadh poist freisin sna ceantair Gaeltachta. An féidir leis an Aire Stáit a rá linn an mbeidh poist nua á fhógairt ag an údarás sna míonna atá le teacht? An bhfuil airgead ann don infheistíocht seo? An bhfuil “pipeline” ann, mar a deireann an IDA do na tionscnaimh seo?



**Deputy Dinny McGinley:** Tá na poist atáthar ag cur ar bun thiar ar an Spidéal ag Mylan nó Bioniche Pharma thar a bheith tábhachtach. Taispeánann sin an chomhoibriú a bhí idir Údarás na Gaeltachta agus an IDA, go dtáinig an 220 post seo isteach san iarthar agus a rachaidh chun socair go mór don cheantar Gaeltachta sin. Poist de ard-chaighdeán agus poist an-mhaith ar fad iad. Tá Údarás na Gaeltachta de shíor ag lorg dreamanna úr le h-infheistíocht a dhéanamh san ceantair Gaeltachta. Tá siad ag plé le comhlachtaí sa Ghaeltacht. Tá a fhios ag na Teachtaí go bhfuil cuid de na comhlachtaí ag leathnú na fostaíochta atá acu i láthair na huaire, fiú amháin i mo cheantar fhéin. Tá an t-údarás fite fuaite sna forbairtí sin.

Maidir leis na hacmhainní, tá €6 mhilliún de dheontas chaipitil ag an údarás i mbliana, mar a bhí aige anuraidh. Ba mhaith linn go mbeadh sé níos mó, ach ar a laghad, d'éirigh linn é a choinneáil ag an leibhéal a raibh sé anuraidh. Deir feidhmeannaigh an údaráis liom go mbeidh ar a laghad €4 mhilliún, €5 mhilliún nó €6 mhilliún eile acu, mar a bhí anuraidh, óna gcuid acmhainní fein. Táim iontach dóchasach go n-éireoidh leo na 400 post úr atá beartaithe acu don bhliain seo a bhaint amach. Tá níos mó ná cruthú fostaíochta úr sna Gaeltachtaí i gceist. Tá sé an-thábhachtach chomh maith go gcoinneofar na 7,000 post lán-aimseartha atá ann cheana. Tá an t-údarás ag plé leis na gcliant-chomhlachtaí lá i ndiaidh lae le déanamh cinnte de go bhfuil gach tacaíocht le fáil fá choinne na poist atá lonnaithe ansin a choinneáil. Rud maith é sin. Is é sin an chéad céim, na poist sin a choinneáil agus ansin poist agus fostaíocht úr a thabhairt isteach. Ainneoin na deacrachtaí eacnamaíochta agus an ghéarchéim eacnamaíochta agus airgeadais, tá mé dóchasach go n-éireoidh leis an údarás an sprioc sin a bhaint amach.

**Deputy Peadar Tóibín:** An féidir leis an Aire Stáit na figiúirí a thabhairt dúinn arís? Ní raibh seans agam cloisint cé mhéid post atá caillte agus cruthaithe agus na spriocanna don bhliain seo.

**Deputy Dinny McGinley:** Cruthaíodh 734 post nua sa Ghaeltacht sa bhliain a chuaigh thart, 2011, ach nuair a thógtar na poist a chailleadh san áireamh, bhí glanchaillteanas de 104 post. Is é sin le rá go raibh 104 níos lú ag obair i gcliant-chomhlachtaí an údaráis ag deireadh 2011 ná mar a bhí ag tús na bliana.

**Deputy Peadar Tóibín:** Go raibh maith agat. Tá an fhadhb chéanna sna Gaeltachtaí agus atá go forleathan ar fud na tíre. Chruthaigh Enterprise Ireland sé post breise san iomlán an bhliain seo chaite. Cailleadh méid mór post an bhliain seo chaite agus an balance a bhí ann sa deireadh ná sé post. Fadhb mhór í seo. Tá naoinear ag imeacht ar imirce ón tír gach uair den lá i rith na bliana. Caithfidh níos mó infheistíochta a dhéanamh agus níos mó airgid a chur isteach chun an fhadhb seo a réiteach. Cé mhéid de na post sin a chruthaigh comhlachtaí dúchasach agus cé mhéid acu a tháinig ó chomhlachtaí iasachtach? Tá sé iontach tábhachtach nach ndéanaimid dearmad ar na comhlachtaí dúchasach mar tá siadsan ag fulaingt ag an bomaite seo. Táimid ag fáil i bhfad níos mó poist ó thar lear — agus is rud maith é sin — ach ní cheart dúinn dearmad a dhéanamh faoi na comhlachtaí dúchasach.

Chuala mé scéal nach bhfuil aon bhrú ar na comhlachtaí seo daoine le Gaeilge a fhostú. Mar sin, nuair a thagann comhlacht ó thar lear, is minic a bhíonn daoine le Béarla de dhíth orthu nó áileamh acu. Níl aon riail ann go gcaithfidh na daoine atá fostaíthe sna comhlachtaí faoi scáth Údaráis na Gaeltachta Gaeilge a bheith acu. Cad é tuairim an Aire Stáit faoi sin?

**Deputy Dinny McGinley:** Aontaím leis an Teachta go bhfuil na comhlachtaí dúchasach tábhachtach. Tagann na comhlachtaí móra isteach nuair a oireann sin dóibh agus go minic imíonn siad ar an gcaoi céanna. Tá ceangailt níos mó ag na comhlachtaí dúchasach leis an tír. Ón eolas ar Údarás na Gaeltachta atá agam mar Theachta Dála le 30 bhliain, creidim go dtugann sé aire mhaith do chomhlachtaí dúchasach. Deirtear liom go neamhoifigiúil go bhfuil níos mó léiriú suime ag fiontair dúchasach anois fostaíocht agus tionscail a chur ar bun ná mar a bhí le tamall

anuas, agus is dea-chomhartha é sin. Tá an imirce againn agus tá an líon atá dífhostaithe, thart ar 450,000, ró-ard. Is é an prionsabal atá ag an Rialtas agus an chospóir nó an aidhm atá againn ná tabhairt faoi an dífhostaíocht. Beidh an deacracht eacnamaíochta againn go dtí go n-ísleofar an dífhostaíocht agus is dúshlán mór é.

Ó d'éirigh leis an reifreann an tseachtain seo chaite, sílim go mbeidh muinín níos mó anois ag comhlachtaí idirnáisiúnta i dtodhchaí eacnamaíochta na tíre seo. Cífidh siad go bhfuilimid ceangailte leis an Eoraip, agus má bhíonn aon deacracht againn, go mbeidh airgead le fáil ón Eoraip. Tugann sin seasmhacht don tír agus sílim go mbeidh sin ina bhuntáiste d'Údarás na Gaeltachta, don IDA agus daoine eile nuair a théann siad ag lorg infheistíochta ó Mheiriceá nó cibé tír, agus go mbeidh sé níos éasca dóibh an jab a dhéanamh nuair a fheicfear an cinneadh a rinne muintir na hÉireann an tseachtain seo chaite sa reifreann.

**Deputy Michael P. Kitt:** An bhfuil aon eolas ag an Aire Stáit mar gheall ar phoist ó thurasóireacht sa Ghaeltacht? An bhfuil aon phlean aige sa treo sin maidir leis The Gathering an bhliain seo chugainn?

**Deputy Dinny McGinley:** Is ócáid mhór thábhachtach a bheidh sa “chomhchruinniú”, The Gathering, a bheidh againn an bhliain seo chugainn. B'fhéidir go bhfuil focal Gaeilge níos fearr ar sin ag an fear as Cúige Mumhan ná mar atá agam. Beidh an chomhthionól, nó cibé a thugaimid air, an-thábhachtach. Beidh gach Aire agus gach Teachta ag déanamh teagmhála le gach duine, cibéait a bhfuil siad, a bheidh ag iarraidh teacht ar ais anseo, idir gaolta agus daoine a d'imigh. Beidh fáilte Uí Cheallaigh rompu uilig i ngach páirt d'Éirinn chuig a dtagann siad. Beidh na brait dearga taobh amuigh de gach teach ag cur fáilte roimh na daoine seo. Tá an togra seo an-thábhachtach.

Is páirt tábhachtach do thionscal na tíre seo an turasóireacht. Tugann sé €3.5 billiún isteach ó thaobh amuigh den tír agus cuireann sé 180,000 duine ag obair sa tír. Tá súil agam go mbeidh méadú dá réir air nuair a thagann na daoine seo go léir isteach an bhliain seo chugainn. Smaoineamh ar dóigh atá ann agus is fiú tacaíochta a thabhairt dó. Tá mé cinnte go mbeidh tacaíocht ar fáil do seo ó ghach taobh den Teach.

**Deputy Peadar Tóibín:** B'fhéidir go bhféadfaí an focal “bailiúchán”, focal cóngarach d'Fhine Gael agus d'Fhianna Fáil, a úsáid. Maidir leis an gconradh, braitheann gnó ar bhrabús agus braitheann brabús ar éileamh. Tá an t-éileamh ag íslíú thart timpeall na hEorpa faoi láthair de bharr na polasaithe déine atá sa chonradh. Tá a fhios ag aon duine a bhfuil cúlra gnó aige go dtiteann an brabús nuair a thiteann an t-éileamh, agus sin atá ag tarlú.

Ag teacht ar ais go dtí an cheist, cad é tuairim an Aire Stáit faoi riachtanas a bheith ann Gaeilge a bheith ag duine atá ag iarraidh post a fháil i gcomhlacht faoi scáth Údarás na Gaeltachta?

**Deputy Dinny McGinley:** Ceist chasta í sin. Sílim gur léirigh Údarás na Gaeltachta le blianta anuas go mbíonn fáilte mhór roimh daoine a labhrann Gaeilge a fhostú. Maidir le cuid de na monarchain a thug mé féin cuairt orthu — is beag ceantar Gaeltachta nár thug mé cuairt air — tá a fhios agam gur bhí agus go bhfuil lúcháir orm a fheiceáil go raibh agus go bhfuil atmaisféar Gaeilge iontu uilig. Ach ar ndóigh, bíonn eisceachtaí ann. Nuair a bhíonn post ar fáil ag a bhfuil ard-cáilíochtaí agus scileanna ag baint leis nach bhfuil ag duine sa cheantar nó sa Ghaeltacht, caithfear an duine a thabhairt isteach. Tarlaíonn sin. Tharla sé 30 bliain ó shin. Tugadh daoine isteach a raibh an Béarla acu, ach tá na monarchain ag dul ar aghaidh go fóill. Mar sin, má théann tromlach na bpost do lucht na Gaeilge, sin mar is ceart é a bheith, ach má tá scileanna speisialta riachtanach agus muna bhfuil siad le fáil sa cheantar, is fearr duine a fhostú a dhéanfaidh an obair, cé acu i mBéarla nó i nGaeilge, fad is go labhrann an chuid is

[Deputy Dinny McGinley.]

mó de na hoibrithe an Ghaeilge. Sílim go dtugann an t-údarás aird ar an riachtanas le Gaeilge agus go gcoiníonn sé a shúile ar na hoibrithe atá ag obair i monarchain an údaráis. B'fhéidir nach mbeadh tionscal ansin ach amháin go bhfuil siad sa Ghaeltacht.

### Arramara Teo

10. D'fhiafraigh **Caoimhghín Ó Caoláin** den Aire Ealaíon, Oidhreacht agus Gaeltachta an ndéanfaidh sé ráiteas ar staid reatha Arramara Teo, agus chun a fhiafraí de ar éirigh leis an Roinn aon infheisteoirí a fháil don chomhlacht. [27092/12]

471. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreacht agus Gaeltachta an ndéanfaidh sé ráiteas i dtaobh an bhfuil daoine fostaithe in Arramara Teo, a bhí ar fostú roimhe seo in Údarás na Gaeltachta, agus má tá, i dtaobh cén ról a bhí acu, agus cén próiseas a úsáideadh chun iad a roghnú chun dul ag obair in Arramara Teo. [27130/12]

**Deputy Dinny McGinley:** Tógfaidh mé Ceisteanna Uimh. 10 agus 471 le chéile.

Is fochuideachta de chuid Údarás na Gaeltachta é Arramara Teoranta agus, dá bhrí sin, níl aon ról agamsa mar Aire Stáit maidir le bainistiú na fochuideachta. Tuigtear dom, áfach, go bhfuil próiseas idir lámha ag Údarás na Gaeltachta chun páirtneír straitéiseach a aimsiú don chomhlacht agus go bhfuil dul chun cinn maith á dhéanamh leis an bpróiseas sin. Aithníonn Údarás na Gaeltachta an poitéinseal fáis agus forbartha atá ag an earnáil próiseála feamainne, agus tá mé dóchasach, dá bharr, go rachfaidh an próiseas atá idir lámha chun leasa Arramara Teoranta, a chuid fostaithe, lucht bainte feamainne agus na hearnála i gcoitinne. Feidhmíonn Údarás na Gaeltachta faoi réir fhorálacha na nAcht um Údarás na Gaeltachta 1979 go 2010 ina chuid gnóthaí féin agus i dtaca le gnóthaí a chuid fochuideachtaí. Níl aon ról agamsa ná ag mo Roinn, dá bharr, i ndáil le gníomhaíochtaí an údaráis nó a chuid fochuideachtaí lá go lá.

Tuigtear dom go bhfuil iar-fhostaí amháin de chuid an údaráis fostaithe mar bhainisteoir ginearálta ar Arramara Teoranta. Is conradh fostaíochta sealadach seacht míó thús na bliana atá i gceist toisc gur éirigh an bainisteoir ginearálta a bhí ann go dtí sin as oifig dá rogha féin. Ó tharla go bhfuil próiseas ar bun maidir leis an bhfochuideachta Arramara nó sciar de a dhíol, tuigtear dom go raibh gá le leanúnachas tréan bainistíochta a chinntiú san fhochuideachta agus nach raibh sé praiticiúil an post áirithe seo a fhógairt don tréimhse ghairid a bhí i gceist.

**Deputy Peadar Tóibín:** Bunaíodh an comhlacht feamainne Arramara Teoranta 50 bliain ó shin. Tá sé faoi lán-úinéireacht ag Údarás na Gaeltachta ó 2006. Tá 550 bainteoirí feamainne ag soláthar feamainne d'Arramara Teoranta agus tá 17 duine fostaithe sa mhonarchan freisin. Is beag forbairt atá déanta ag an gcomhlacht sa tréimhse sin ó thóg an t-údarás smacht air. I mí Mheán Fómhair seo chaite, d'iarr mo chomhghleacaí, an Seanadóir Ó Clochartaigh, ar an Aire Stáit cad a bhí i gceist ag an Rialtas a dhéanamh ó thaobh infheistíochta de. Tá comhairleoirí airgeadais, Farrell Grant Sparks, ceaptha ag an bomaite agus tá próiseas áirithe ag dul ar aghaidh.

Tá go leor inní ar mhuintir na háite i dtaobh an saghas páirtneír a bheidh i ndán d'Arramara Teoranta. Ba cheart go mbeadh seans ag an gcomhlacht seo níos mó oibre a dhéanamh sa todhchaí. Tá éileamh ar feamainn ó earnáil na ceimice. Úsáideann daoine táirgí feamainne ar a craiceann. Le blianta anuas, tá an-chuid oibre déanta le feamainn ag comhlachtaí ar nós Rí na Mara i gConamara. Tá deis ag an Rialtas an chomhlacht seo a fhorbairt as seo amach. Más féidir níos mó táirgí a chruthú agus a dhíol sna margat thar lear, beidh an comhlacht in ann níos mó daoine a fhostú. Tá mé buartha nach bhfuil sé mar priority ag an Rialtas. Cad atá sé i gceist ag an Rialtas a dhéanamh leis an gcomhlacht sa bhliain amach romhainn?

**Deputy Dinny McGinley:** Is cinnte gur comhlacht tábhachtach é, chomh fada agus a bhaineann sé leis an iarthar. Sílim go bhfuil beagnach scór duine ag obair sa chomhlacht faoi láthair. Níl a fhios agam an bhfuil 500 bainteoirí feamainne, ach tá 250 dóibh ar a laghad. Tá eolas agam faoin gcomhlacht seo. Go dtí blianta beaga anuas, bhí cuid de lonnaithe i mo cheantar féin ar an gClochán Liath. Tá sé lonnaithe go hiomlán i gConamara ó rinneadh cónascadh air.

Tuigeanann Údarás na Gaeltachta go bhfuil féidireachtaí móra ag an gcomhlacht. Is é sin an fáth gur ghlac Údarás na Gaeltachta sealbhaíocht iomlán ar an gcomhlacht i 2006. Tuigeanann an t-údarás freisin go bhfuil gá le rudaí eile a thabhairt isteach, ar nós saineolas ar chúrsaí feamainne, scileanna, taighde, acmhainní agus infheistíocht. Is é sin an fáth go bhfuil an t-údarás i dteagmháil le comhlacht eile. Tá scrúdú dhéanamh acu ar conas is féidir na riachtanaisí seo a chur ar fáil, sa dóigh is gur féidir linn méadú mór a chur ar líon na ndaoine atá ag cur feamainn ar fáil nó ag obair sa mhonarchan. Is ar mhaithe le fostaíocht, eacnamaíocht na Gaeltachta agus an Ghaeilge atá na cainteanna seo ag dul ar aghaidh. Tá súil agam go n-éireoidh leo. De réir mar a thuigim é, tá an próiseas ag dul ar aghaidh. Mar a dúirt mé, fostaíocht atá i gceist sa deireadh thiar thall. Is cuma má tá Údarás na Gaeltachta, nó comhlacht ar bith eile a bhfuil na buntáistí seo acu, mar scairshealbhóir iomlán. Is é an rud is tábhachtaí ná go bhfuil na poist ar fáil. Má tá infheistíocht breise ag teacht isteach, b'fhéidir as comhlacht idirnáisiúnta atá in Albain agus i gCalifornia, cuirfidh mé fáilte roimhe. Má tá an infheistíocht sin á dhéanamh, caithfidh mé fáilte a chur roimhe. Tá mé cinnte go gcuirfidh an Teachta fáilte roimhe chomh maith.

**Deputy Peadar Tóibín:** Tógann an comhlacht, Tara Mines, atá in aice liom san Uaimh, sinc amach as an talamh. Nuair atá an mianra sin iompartha chomh fada le Droichead Átha, déantar é a easpórtáil go dtí tíortha eile ina chruthaítear rudaí as. Má thagann comhlacht idirnáisiúnta isteach sa chás seo, tá contúirt ann go rachfaidh an feamainn seo amach as an tír gan faic a dhéanamh leis in Éirinn. Má tharlaíonn sé sin, caillfear na postanna atá in Arramara Teoranta ag an bomaite. Iarraim ar an Rialtas staidéar féidireachta a dhéanamh agus priority a thabhairt don obair seo a choimeád sa tír.

**Deputy Dinny McGinley:** Níl easaontas eadrainn. Sílim gurb é an príomh-rud ná go ndéanfar an phróiseáil sa tír seo. Ba mhaith liom go mbeadh sé sin in intinn an údaráis sna cainteanna agus comhráití atá ag dul ar aghaidh.

*Written Answers follow Adjournment.*

### Topical Issue Debate

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### Debt Renegotiation

**Deputy Michael McGrath:** I thank the Office of the Ceann Comhairle for selecting this important item for discussion today. My motivation for raising it is to seek an update from the Minister on the Government's efforts to renegotiate the arrangement associated with the IBRC promissory notes, which, as we know, account for approximately €30.6 billion, and, in light of the recent developments in the eurozone, particularly Spain, to negotiate an overall reduction in the burden of bank related debt this State is carrying.

During the recent referendum campaign, the Taoiseach and Ministers were at pains at every opportunity to emphasise there was no connection between passing the treaty and obtaining a deal on Ireland's bank debt. However, no sooner were the votes counted than the Taoiseach, Tánaiste and Ministers were lining up to say the passage of the referendum would strengthen

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our case for obtaining a deal on the bank debt. In the immediate aftermath of the vote, the Taoiseach said the carrying of the referendum sent a message to EU leaders seeking a just deal on Ireland's bank debt. We have been informed that the Taoiseach raised this issue directly with Chancellor Merkel by telephone last Friday. However, the overtures by the Government have been flatly rejected publicly today by Mr. Mario Draghi, governor of the European Central Bank, and in recent days by a spokesperson for the German Finance Minister, Mr. Wolfgang Schäuble.

It is important to return to the issue of the promissory note. As we know, in March of this year, payment of the €3.06 billion that was due was kicked to touch for 12 months using a convoluted arrangement that involved NAMA and Bank of Ireland, subject to the approval of that bank's shareholders later this month. However, the Irish Central Bank was repaid the €3.06 billion it was due in emergency liquidity assistance. However, there is still €28 billion at play in respect of promissory notes, including the €3 billion that was deferred from this year and the remaining €25 billion.

As far back as September 2011, the Minister for Finance, Deputy Michael Noonan, advised us that the Government was in talks with the European authorities about negotiating the promissory note. In November, reference was made to the preparation of a technical paper. It is now June 2012 but we have seen no such paper, and we have no timeline for the completion of any such paper. What is the position on Ireland's efforts to renegotiate the promissory note structure?

In the Dáil, on 1 February, the Minister, Deputy Noonan, in response to a question I put to him, confirmed that the core Government objective was essentially to come up with a new financial arrangement at a lower coupon and over a longer period of time. Is that the Government's objective? Is the Government objective to repay this over a longer period of time and at a reduced interest rate or is it to reduce the principal — the face value of the amount of money that is owing?

The second question is, are the Government's ambitions to renegotiate the banking debt merely limited to the promissory note or is the Government determined to address the remaining €30 billion or so which was invested in Bank of Ireland, AIB and Permanent TSB through the National Pensions Reserve Fund and the cash reserves of the State which were to hand?

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):**

I thank Deputy Michael McGrath for raising this important issue. I am taking this on behalf of the Minister for Finance, Deputy Noonan, who is on important Government business as we speak.

The Government is committed to reviewing the arrangements that were put in place to capitalise the Irish Bank Resolution Corporation, IBRC, by the previous Government. The purpose of this review is to determine whether there is a way to reduce the overall cost to the State. Part of the capitalisation of IBRC was provided using promissory notes as consideration. The troika has agreed to engage in this process to produce a common paper which will consider all options for restructuring the notes in terms of the source of funding, the duration of the notes, the interest rate, etc.

While the development in relation to the end-March promissory note payment, whereby the payment due was settled with a Government bond maturing in 2031, is a positive development, we must keep our eye on the greater benefits which would derive from the re-engineering of the promissory note and also the potential improvements for the banking sector which could also stem from the ongoing technical discussions. It should be borne in mind also that recent concerns in the eurozone underpin the fact our problems are part of a wider European dilemma



and the need for solutions to address the Irish situation as part of an overall eurozone-global solution.

It is for these reasons we must look at the recent developments in relation to the promissory note repayment as an initial step to facilitate a project where, if we are successful, it will be in the medium term rather than immediately. These discussions will continue and the Government is focused on developing an alternative solution to the promissory note arrangement in IBRC. The ongoing discussions may also explore options to re-finance the long-term Government bond issued in settlement of the 31 March payment. We all want to arrive at a successful conclusion that is in the interests of Ireland and the EU.

We support proposals to allow European funds to directly recapitalise banks and will ensure any proposals advanced at EU level will be in the best interest of the Irish taxpayer. It is too early to make an assessment as to what mechanism will be arrived at ultimately in the potential recapitalisation of the Spanish banking sector or to speculate as to how such mechanisms could, if implemented, be utilised retrospectively to the benefit of the Irish position. It should be borne in mind that the recent concerns in the eurozone underpin the fact the solutions to address the Spanish situation, as with the Irish situation, should be seen as part of an overall eurozone-global solution. We will continue to review the proposals that emerge in relation to Spanish bank recapitalisation to ascertain whether any of the proposed measures would have favourable applicability if implemented in Ireland, including whether they could potentially alleviate a proportion of the €62.8 billion cost to the State of the recapitalisation of the Irish banks.

While our debt levels are sustainable and we are committed to repaying our debts, the development of an alternative funding arrangement, which would, for example, extend the term of the loan or reduce the costs, would aid our return to the markets in 2013. This Government has constantly sought to advance proposals that are in Ireland's interest, and our successes can be seen in the interest rate reduction that has saved the State almost €10 billion over the lifetime of the EU loans and the settlement of the 2012 promissory note payment by way of a long-term Government bond.

The positive result in last week's referendum has been recognised across Europe as good news for the European project, strengthening the eurozone's course to a more stable future. The referendum result also improves the Government's position in any negotiations that might occur in the further restructuring of the Irish banks, costs incurred to date in the recapitalisation of the institutions or the funding of the assets held by the banks.

The Government will continue to press Ireland's case for a better long-term solution to our debt problems. We will continue to monitor developments in the eurozone closely and to participate actively in discussions leading to a sustainable solution to problems facing individual countries and the eurozone. We recognise clearly that the eventual solution must have regard for Ireland's best interests and the interests of the eurozone. The House will appreciate it is too early in the process to predict what the eventual outcome might be and, as indicated, it is not envisaged the eventual solution will be arrived at in the short term. Given the decision-making process in the European Union, it is much more likely a sustainable solution will emerge in the medium term.

**Deputy Michael McGrath:** The issue is that something will need to be done in the short term with Spain, which has a matter of weeks at most before certainty must be brought to the recapitalisation of its banks. The problem for Ireland is the absence of clarity as to the negotiating strategy of the Irish Government. We simply do not know what the Government is seeking. Is the Government simply looking at tinkering around the edges of the promissory note or is it looking at securing a write-down or writing off of some of the bank related debt? Those of

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us in this House and the Irish people deserve to have clarity on the core Government objective in terms of the Irish bank debt. Certainly, if Spain is successful in securing approval for the ESM to directly recapitalise its banks, something in which I wish it well and which I hope it achieves, there is a compelling case for that to be applied to Ireland in order that equity would be applied across the European Union whereby what is given to one eurozone member is also given to another.

Perhaps the Minister of State could give Members a sense of the Government's objective because, during the referendum campaign, we were told it had nothing to do with bank debt and, immediately following the passing of the referendum, we were told the great result strengthened Ireland's case to get a better deal on the bank debt. What are we looking for? Are we looking for longer terms and cheaper interest rates or are we looking for a write-down in the amount owing?

**Deputy John Perry:** The Taoiseach gave a comprehensive reply this morning. As he stated, it is a eurozone problem.

I do not doubt the capabilities of the Minister, Deputy Noonan. What he has achieved to date has been quite considerable. Deputy Michael McGrath must remember this is a legacy of the previous Government and which the current Administration inherited. The Deputy can be assured the interests of the people will be well served by the Taoiseach and the Minister, Deputy Noonan, who will be negotiating the best deal possible for the taxpayer.

### State Examinations

**Deputy David Stanton:** I thank the Office of the Ceann Comhairle for allowing me raise this matter and I thank also the Minister of State, Deputy Cannon, for being present. This matter impacts on a small number of students. Believe it or not, I first raised this on 11 March 1999 and I am back again today on it. I have been reminded of it because of a specific case, which I do not want to go into, of a young man who is doing the leaving certificate but who is quite ill and may not be able to sit two papers on the same day because he is so ill.

The debate is a little wider than that. Some 57,000 students are sitting the leaving certificate this year and I take the opportunity to wish them well. However, roughly less than 1% of those would be what I would call "crisis" students. These are students who, during the leaving certificate examination period, either suffer a bereavement or have a serious accident or get seriously ill which prevents them from sitting one subject or a number of subjects.

The suggestion is quite simple, that within four to six weeks of not being able to sit the examination for one of these reasons, these students would be facilitated to sit the examination. It would not be a re-sit because they would not have sat the exam. If they were to take part in the original examination process, they would not be able to go ahead.

I believe the number of students involved would be relatively small, perhaps a few hundred, but it could make all the difference for them.

It would mean they would not have to repeat the whole year, something they might have to do if they are not given this opportunity. The logistics are not too demanding. Students could go to a regional centre. There need not be too many regional centres throughout the country. I imagine four centres would be enough. Students would be willing to travel. Teachers and examiners are available. A back-up paper is available for each subject as well. All the logistical reasons against doing this can be countered. It would make a great difference to these students because they would not lose a full year. Many of these students would have worked remarkably hard but, through no fault of their own, they have been hit with this wall. I imagine the Minister

of State will agree that if, during a leaving certificate examination, a close member of a student's family passes away, whether a parent of a sibling, it is difficult to expect that student to sit the examination. If that student has worked hard all year and is depending on the points attained in the examination to get a place in college, the choice is to repeat the whole year or settle for something a good deal less than what is merited. This issue should be considered from a humanitarian point of view. I realise it is too late for this year but something should be done for next year.

Another factor was brought to my attention in 1999 when I first raised this matter. If we give students no choice but to repeat the whole year and if the issue is a bereavement, then they would sit the examination on the anniversary of the death of a loved one, something we should try to avoid if possible. The solution I propose will help in many ways. No great additional cost is involved. It can be managed easily in an administrative sense. I call on the Minister to examine the possibility constructively and not to dismiss it out of hand, as occurred in 1999 when I raised the matter previously. I await the Minister of State's response.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I thank Deputy Stanton for raising this matter, which I am taking on behalf of my colleague, the Minister for Education and Skills, Deputy Ruairí Quinn. The State Examinations Commission was established as an independent agency in 2003 and has statutory responsibility for operational matters relating to the certificate examinations. Every possible effort is made by the commission, within the limitations of our examination system, to accommodate candidates who suffer illness, bereavement or other trauma immediately before or during the examinations. Each year, arrangements are made to cater for a wide range of personal emergencies. These include alterations to the standard examination timetable and special sittings in venues such as hospitals. The National Educational Psychological Service also assists schools and examination candidates in crisis during examinations.

The terminal nature of the Irish examinations system, however, imposes some constraints on the degree to which the life experiences of individual candidates can be accommodated. The issue of repeat examinations was considered prior to the State Examinations Commission's establishment by the Department of Education and Skills. It was concluded that the constraints inherent in a terminal and externally examined examination system result in significant difficulties in respect of the provision of repeat examinations. These constraints derive from the length of the school year, the timescale required for holding examinations, providing adequate time for the preparation of marking schemes for repeat examination papers and arranging for the comprehensive briefing and training of examiners, providing ample time for those examiners to conduct the marking to a high standard, the pressing requirement of having results available to feed into the college entry process conducted by the Central Applications Office and college admissions departments in August each year and the need for an appeals system for the review of repeat results.

The State examinations are run against the tightest of timescales and to maximum capacity in delivering a high quality product at both leaving and junior certificate levels. It is not possible to hold repeat examinations and have results available to the deadlines required. Repeat examinations would not accommodate all the life experiences of individual candidates because not all candidates would be able to take the repeat examinations for one reason or another. Over the years the SEC has dealt with a great variety of individual cases. In the final analysis, it is difficult to envisage a fair, proper and impartial system of repeat examinations without allowing all candidates to repeat their tests.

Deputy Stanton may be referring to a specific case. The Deputy should note that the Minister's office tried to make contact with him today to establish if there are any specific matters

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which need to be addressed or brought to the attention of the SEC. I would be pleased to bring to the SEC's attention any specific case which the Deputy wishes to raise.

**Deputy David Stanton:** I thank the Minister of State for his response. This issue relates to a small number of students, perhaps fewer than 400. They could be accommodated in four centres. The examiners have already been trained and briefed. I have been an examiner in years gone by. Most of the points made by the Minister of State can be refuted. When I brought up this issue in 1999 I received a response which was, almost word for word, the same. I congratulate whoever in the Department dug out that reply but it is neither here nor there.

This is an important humanitarian issue which we should make an effort to address and it is not beyond the bounds of possibility to do so. It would not make a great demand on the system. It would only cater for a small number of students. It would not be a repeat examination because those involved would not have sat the examination previously because of illness or bereavement. I call on the Minister of State to use his political good offices. He should approach the State Examinations Commission and call on it to re-examine this issue and determine whether any change is possible. If we can help even one student who has suffered a bereavement, who has had a serious illness or accident and who must put his whole life on hold for 12 months through no fault of his own, then we should do so.

**Deputy Ciarán Cannon:** The Deputy will be aware that the leaving certificate is a terminal examination, carried out by external examiners. This contrasts with examination systems in other countries where assessment is conducted on a continuous basis or takes place at regular intervals and where some of the assessment is conducted by the student's teachers.

It is an inevitable consequence of a terminal, point-in-time system, such as the system we have, that some candidates will take certain tests at a time which they believe to be less than optimum. Each year the leaving certificate and junior certificate examinations give rise to many situations where real human needs, such as those highlighted by the Deputy, must be balanced by the requirement of equity for the general body of candidates. This is one of the greatest hurdles to be overcome in putting in place any system along the lines suggested by the Deputy. However, I would be more than willing to engage further with the Deputy in the coming weeks and to engage directly with the SEC to establish whether we could reassess the decision taken some time ago not to include the opportunity for repeat examinations for children or young people who experience trauma during examination time and to establish if any further progress can be made.

### **Business Regulation**

**Deputy Brian Walsh:** I thank the Ceann Comhairle's office for allowing me to raise this matter, which is of some importance to small businesses, ordinary workers and the Revenue Commissioners. Recent years have witnessed the proliferation of what could be described candidly as an underhand and damaging practice by which viable companies deliberately accumulate debt before winding up and starting again as a new entity, leaving a trail of unpaid creditors in their wake. The companies that engage in this practice, in which a debt-free business arises in a new guise from the ashes of a failed entity, are commonly referred to as phoenix companies.

Necessarily, business ventures entail an element of risk. It is inescapable that some businesses will fail. For those who try in business but fail, it is important that supports are in place in order that the risks associated with such ventures do not become so great as to constitute a deterrent against the entrepreneurial spirit which helps to drive and grow our economy. A clear distinction must be made, however, between companies with a genuine inability to pay

their debts and those which deliberately contrive to avoid paying debts. I am aware of some cases in which companies have closed for business on one particular evening, owing significant amounts of money to the Revenue Commissioners and small businesses among others. However, the following morning the same directors have opened under the guise of a new company in the same premises debt-free, leaving small suppliers to suffer and leaving the taxpayer to pick up significant bills. The prevalence of this practice and the extent of its impact on the Exchequer should not be underestimated. Last year, the business monitoring agency, BusinessPro, calculated that as many as one in 20 new companies showed classic phoenix characteristics, such as common directorships with their failed predecessors. In many of these cases, pension contributions, wages and moneys owed to small suppliers are left unpaid while accumulated tax bills are left outstanding at considerable cost to the taxpayer. The problem has been identified to the Revenue and approximately 700 phoenix companies are currently the subject of risk focused monitoring to ensure enforcement measures can be taken expeditiously should issues of non-compliance arise again. However, monitoring a phoenix company after it has re-formed and jettisoned its debt is to close the stable door long after the horse has bolted. It is of little consolation to the Revenue Commissioners, unpaid employees who are out of pocket or small suppliers that the unscrupulous directors of a company will find it more difficult to get away with their actions a second time.

Other regulations that purport to safeguard against the activities of phoenix companies include the requirement under company law of a liquidator to report on the conduct of company directors. I am aware of cases of collusion between directors and amenable creditors whose debt is exaggerated to secure greater voting rights in the appointment of co-operative liquidators. In some cases, bogus creditors are created to give stronger voting rights to those who wish to appoint a friendly liquidator. Such practices could be prevented if, for example, an independent auditor were required to verify the authenticity of invoices pertaining to debts in certain instances.

What is certain is that strengthened regulation is required to prevent phoenix type activity by companies in the first instance in the interests of small businesses, employees, ordinary workers and the taxpayer. In these circumstances, I ask the Minister to consider what legislative options may be open to him to strengthen safeguards against this costly and inequitable practice.

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I thank Deputy Walsh for raising this matter. As the Deputy recognised, company failures while unwelcome are a normal part of business and entrepreneurship. I suspect he will be aware of some of the information I propose to impart in that I will set out what are the restrictions under company law.

Company law is based on the essential structure that a company is a separate legal entity from its members and the directors who manage it. This means a company's profits or losses are its own and are not transferable to the individuals within the company. This framework means that persons involved in an insolvent company which has been liquidated may lawfully establish another company without the debts of the previous company following them into the new corporate entity. The importance of this framework is that it encourages investment and entrepreneurship which can lead to the creation of jobs. Section 56 of the Company Law Enforcement Act 2001 provides that the liquidator of an insolvent company must submit a report to the Office of the Director of Corporate Enforcement, ODCE, on its demise, together with information on the conduct of any person who was a director of the company during the 12 months preceding its liquidation. The liquidator must also proceed to apply to the High



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Court for the restriction of each of the directors of the insolvent company, unless relieved of that obligation by the ODCE.

While there is no definition of the term “phoenix company” in Irish company law, in general it is considered to be a scenario in which directors of a company restart a business in disregard of their duties under company law and their financial and other obligations to one or more of the stakeholders in a previous failed company. This may occur, for example, by failing to liquidate the previous company and ensuring the payment of debts that can be paid by the previous company.

Phoenix practices are an abuse of separate legal personality and may result in competition in the applicable business market being distorted because the phoenix company enjoys lower than market costs and, therefore, has the potential to achieve an unfair competitive advantage in the marketplace; creditors suffering financial consequences, some of whom may themselves fail in consequence; and directors not bearing any personal liability or otherwise escaping accountability for the failure.

The Company Law Enforcement Act 2001 established the Office of the Director of Corporate Enforcement and strengthened the legislative provisions dealing with insolvent companies. The director has powers to initiate company investigations, prosecutions, restrictions and disqualifications with a view to curbing relevant abusive practices by directors. The ODCE has been also conferred with certain powers to address unliquidated insolvent companies, namely, those companies which are not in liquidation and have not yet been dissolved. The legal powers include applying to the High Court for the restriction of the company’s directors. This power has been successfully used to sanction directors.

The effect of being disqualified is that when such a disqualification order is imposed the person concerned is disqualified from acting as a director, auditor, officer, receiver, liquidator or examiner or being involved in the promotion, formation or management of a company for a period of five years or such other period as the court may direct. A restriction declaration, if made, prohibits an individual from acting, either directly or indirectly, as an officer of a company or from being involved in its formation or promotion for five years, unless the company is adequately capitalised. In the case of a private company the capital requirement is €63,487 in allotted paid-up share capital, which must be paid for in cash. The equivalent figure for public companies is €317,435.

As the Director of Corporate Enforcement stated in his recently published annual report, insolvent companies abandoned by directors which come to be struck off the register of companies for a failure to file their annual returns continued to receive the attention of his office in 2011. This category refers to companies which are not in liquidation but which have been dissolved having been struck off by the Registrar of Companies for failing to file annual returns with the Companies Registration Office. The companies in question may be solvent or insolvent. In the case of insolvent struck off companies the directors are eligible to be disqualified from acting as company directors. It is open to the Office of the Director of Corporate Enforcement to apply to the High Court for the disqualification of the directors of these struck off companies. However, the law also provides that the court cannot disqualify a person who demonstrates to the court that the company had no liabilities at the time of strike off or that the liabilities in question were discharged before the initiation of the disqualification application. In considering the penalty to be imposed, the court may instead restrict the directors where it adjudges that disqualification is not warranted. In other cases, the former directors are able to satisfy the ODCE that all liabilities had been settled at the time of strike off or prior to the issue of the intended court proceedings.

The giving of credit by one business to another is an essential part of normal business life and facilitates entrepreneurship. However, creditors must also bear responsibility for protecting their own commercial position and for bringing to account the persons involved in phoenix activity. The Office of the Director of Corporate Enforcement complements these efforts by selecting those cases where particularly serious phoenix behaviour has taken place or substantial public interest may be at stake. The office welcomes any complaints from members of the public concerning the activities of phoenix companies.

In a nutshell, a wide range of powers is available to address the issue of phoenix companies. Deputy Walsh referred to indications of collusion between directors, creditors and perhaps liquidators and alluded to the possibility of having independent audits. As his proposal was not anticipated, I will seek a response from my officials to ascertain whether the carrying out of such independent audits in respect of the debts of companies would be practicable.

**Deputy Brian Walsh:** I thank the Minister for his comprehensive and helpful reply. The main loser in the circumstances I have described is not the small suppliers, although they also incur losses, but the Revenue Commissioners to whom VAT, PRSI and PAYE remain unpaid. It is galling to see the directors establish new companies immediately after closing phoenix companies. I am aware of several cases in my constituency of companies closing on one evening and re-opening under a different guise the following morning. The powers available are clearly not restrictive enough and the provisions of the Companies Acts clearly not sufficient to deter unscrupulous company directors from engaging in the types of behaviour I have described. The current provisions must be strengthened. In that regard, it may be necessary for the Minister for Finance to introduce legislation to strengthen the hand of the Revenue Commissioners in dealing with the individuals involved in such companies.

As I noted the main loser in the case of phoenix companies is the taxpayer who incurs losses as a result of the non-payment of taxes. Some of the examples referred to me indicate that the moneys not collected by the Revenue Commissioners could amount to tens of millions of euro, which is a significant amount of money. Steps should be taken to address this issue more comprehensively.

**Deputy Richard Bruton:** As Deputy Walsh noted, the Revenue Commissioners are monitoring approximately 700 cases. In 2011 around 70 cases involving more than 100 struck off companies were investigated by the ODCE. At least 50 were deemed not to be suitable for legal action and remain under investigation. In the remaining 20 cases disqualification proceedings were initiated or being actively contemplated at year end. The ODCE obtains a lot of co-operation from many bodies, not just from the Revenue Commissioners, but also from the Construction Industry Monitoring Agency which investigates complaints of non-compliance with registered employment agreements in the construction sector, from the Pensions Board and the Office of the Pensions Ombudsman in respect of unpaid pension contributions, and from the Department of Social Protection in respect of outstanding redundancy liabilities. Information is gathered by the ODCE in an attempt to identify unliquidated insolvent companies or cases of abuse. The liquidator has the obligation to report company directors within six months of his or her appointment.

The system is designed to catch these cases, but if the Deputy has specific information or proposals that will help to tighten this up, I will certainly have it or them examined. I will certainly examine whether a role for auditors would help. Obviously, we have to be conscious of regulatory burdens and obligations; therefore, we would have to assess whether the measure would confer more benefits in catching wrongdoing over the cost that might be imposed on those who are doing their business according to the books.

### General Practitioner Services

**Deputy Anthony Lawlor:** I thank the Ceann Comhairle for giving me the opportunity to raise this issue and the Minister of State for being in attendance. The issue I wish to raise was brought to my attention in my clinics a few weeks ago by an elderly couple who explained to me that they were both in need of regular blood tests because one of them was on warfarin which required regular blood testing, while the other needed blood tests owing to a diagnosis. They told me that they both had medical cards and that they were being charged by different GPs for having the tests done. They were both visibly upset when they told me this because they believed they should not be charged for this facility as they both had medical cards.

When they left the office, we conducted some research. We rang a number of GPs in Kildare and found out that while a few doctors were not charging patients for this facility, a number were charging between €20 and €45, even though it should be provided free of charge. Doctors claimed they were charging for the service because it was taking time for them to carry out blood tests. The health correspondent of the *Irish Independent*, Eilish O'Regan, wrote that in some cases it could take up to 20 minutes to carry out a blood test. Was blood being taken from a stone? Other reasons for charging included the cost of transporting blood samples to laboratories. If a doctor takes five blood samples per day and is charging €40 per patient, for €200 I would pick up the blood samples on my bicycle and bring them to the laboratory. It seems ridiculous.

I wrote to the HSE to confirm if the practice of charging for these services was allowed. It sent me a letter on 17 May. It stated:

It is a general practitioner's contractual responsibility to provide proper and necessary treatment to eligible persons. If part of that proper and necessary treatment, as referred to above, includes routine phlebotomy, the GP must provide that service free of charge under the terms of his or her contract. The HSE has written to GP contract holders and clarified the position on this matter, and has also communicated the position to the Irish Medical Organisation.

I have also a letter the HSE sent on 20 June 2011 which clearly states GPs should not be charging medical card holders for these services. There is a response on *MediLearning.ie* from Dr. Mary Gray, the spokesperson for GPs on the IMO committee. She stated the following:

This position was notified to the Department of Health and Children in 2009 and 2010 in IMO submissions on the Financial Emergency Measures in the Public Interest Act. The matter was further clarified in correspondence with the Minister for Health and Children ... It was not a matter of dispute between the parties and we therefore strongly reject any suggestion that GPs are acting outside of the terms of the GMS contract.

Therefore, the IMO believes doctors should charge for the service, while the HSE believes they should not. People are at loggerheads and there seems to be no solution forthcoming either from the HSE or the IMO. This has been ongoing since 2009. At the end of the day, do we expect patients who have built a long-term relationship with their doctors to ring the HSE and make a complaint? I find it very difficult to believe. The direction should come from the HSE. Those who are suffering are the sick and the elderly, the people for whom we have to care.

**Deputy Minister of State at the Department of Health ( Róisín Shortall:** I thank the Deputy for raising this issue because it has come up from time to time in the last year in the House. I am glad to have the opportunity to clarify the position on it.

The current general medical services GP capitation contract was introduced in 1989 and is based on a diagnosis and treatment model. Section 11 of the contract provides that the medical

practitioner shall provide for eligible persons, on behalf of the Health Service Executive, all proper and necessary treatment of a kind usually undertaken by a general practitioner and not requiring special skill or experience of a degree or kind which general practitioners cannot reasonably be expected to possess. GPs who hold GMS contracts with the HSE must not seek or accept money from medical card or GP visit card holders for services covered under the GMS contract. In circumstances where the taking of blood is necessary either to assist in the process of diagnosing a patient, or monitor a diagnosed condition, the GP may not charge the patient if he or she is eligible for free GMS services. I am very disappointed that a minority of GPs have chosen to charge patients whom the State has deemed to be unable to meet the cost of medical services.

This issue was first raised last year. At my request, the HSE wrote to all GMS GPs on 21 June 2011, reminding them of their obligations under their contract in respect of services such as phlebotomy and advised them that charges should not be applied for such services. The HSE also pointed out that in many GP surgeries it was the practice nurse who took blood samples and that the HSE significantly subsidised the cost of employing such practice nurses. I will continue to monitor the situation closely to ensure this unacceptable practice is brought to an end.

The HSE is encouraging eligible patients who believe they have been inappropriately charged by a GP for routine phlebotomy services to seek a refund from the GP in question. Alternatively, they may wish to follow up with the HSE and the matter will be fully investigated. Formal complaints will be dealt with through the HSE's consumer affairs service. In a number of cases to date GPs have reimbursed their patients following receipt of correspondence from the HSE. It is appreciated that because of the nature of the GP-patient relationship, it may be difficult for patients to make such complaints. I fully appreciate this. Where public representatives are made aware of GPs charging GMS patients in error, they may wish to notify the HSE directly.

It is worth reiterating that the programme for Government provides for the introduction of a new GMS contract, with an increased emphasis on the management of chronic conditions such as diabetes and cardiovascular conditions. It is envisaged that the new contract, when finalised, will focus on prevention and include a requirement for GPs to provide care as part of integrated multidisciplinary primary care teams. Officials in my Department are in consultations with the HSE with a view to drawing up a new contract. The appropriate arrangements for phlebotomy services will be considered as part of the new contract. I again thank the Deputy for raising the matter.

**Deputy Anthony Lawlor:** I thank the Minister of State for her reply. I note that she has raised this matter on a number of occasions, but the sad fact is that the practice continues. The Minister of State said it is being continued by a minority of GPs. I can assure her that the majority of GPs are charging medical card holders for blood tests.

Should a test case be taken against a GP? I cite the vice-president of the Irish Medical Organisation, Dr. Ronan Boland and Dr. Mary Gray, who has said that the IMO received legal advice that routine blood testing was not part of their contract. She said if any action were taken against a GP the IMO believed it would be on solid legal ground to defend it. I believe we should take a test case against one of these doctors and establish whether they have a legal right to charge for this service.

Do we need to introduce legislation to ensure the HSE contract requires doctors not to charge for blood tests? Will the new contract referred to by the Minister of State ensure all loopholes such as this are closed? Patients who are scared and worried do not want to have a conflict with their GPs with whom they have built up long and trusting relationships. Public

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representatives such as myself do not want to report GPs on behalf of constituents because this can also lead to a breakdown in trust. We must ensure this does not happen in the future.

**Deputy Róisín Shortall:** I am disappointed to hear the problem is widespread in Deputy Lawlor's constituency, and I do not doubt him for a moment. I would encourage the Deputy to take action and to report the names of the GPs who are charging, when they should not be doing so, to the HSE. If he has a concern about doing that, I would be happy to act as a go-between and to accept reports from him on GPs who have been found to have engaged in this practice.

Following the action taken last year, a number of patients have been reimbursed. I will now give serious consideration to sending a reminder letter to GPs. I thought the problem had been stemmed. If that is not the case, I am happy to pursue the matter. If Deputy Lawlor will forward me the information he has, I will take action on it.

### **Message from Select sub-Committee**

**An Leas-Cheann Comhairle:** The Select sub-Committee on Jobs, Enterprise and Innovation has completed its consideration of the Credit Guarantee Bill 2012 and has made amendments thereto.

### **European Communities (Amendment) Bill 2012: Second Stage**

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I move: "That the Bill be now read a Second Time".

I am pleased to introduce the European Communities (Amendment) Bill 2012 following the outcome of last week's referendum. The history of the European Communities Act itself stands as a reminder of the length and depth of Ireland's relationship with what has become the European Union. It has served as the means of domesticating each successive treaty in Irish law. It charts our progress as the Union has widened and deepened.

Our journey in Europe has been a positive one for this country and for its people. Last week's result takes that journey another step forward. It has sent, and has been received, as a strong signal that Ireland wishes to remain in the mainstream as a committed member state. It has underscored our commitment to a strong and stable euro, the currency we share with our partners. It has strengthened our hand as we face into one of the most important and significant periods in the Union's history.

Throughout the referendum campaign, the Government argued that in Ireland, as in Europe, stability is necessary for growth, and growth is necessary for recovery. This reality has now been accepted at the highest levels within the Union and developing a growth strategy for Europe will be the foremost item for discussion when the European Council meets later this month.

Key issues for discussion on that occasion will include mobilising all Union policies, especially the Single Market, and ensuring a better flow of finance into the economy to create jobs and growth, whether this is from the EIB or through project bonds. We will avail of all possible synergies between action at European and national level to contribute to job creation, with youth unemployment a particular priority for us.

An important debate is also taking place on what steps are necessary to restore stability to the euro and to take economic and monetary union to a new stage. President van Rompuy is working to identify the main building blocks that will be needed and the best way in which this work can be advanced. He is doing so in conjunction with the presidents of the Commission,



the ECB and the euro group and will report to leaders at the end of the month. I welcome this forward looking approach. The time has come to move on.

I hope the collective approach will be both practical and ambitious. It is very clear that Europe's problems will not be resolved unless and until growth is delivered, until the poisonous link between banking and sovereign debt is severed and until difficulties in the banking system are confronted and dealt with resolutely and credibly. The outcome of this discussion must be a solution that works for Ireland and that assists our recovery, including in making our bank related debt more sustainable.

Throughout the referendum campaign we heard from people of the very real impact the crisis is having on their lives. People are under real pressure and are worried for their own future and for that of their children. The Government is very conscious of the high burden of responsibility it carries. We know that all of the high level discussion in the world is of little value unless it makes a real and tangible difference on the ground for our people, our families and our businesses. The Government will take last week's result not just as a vote in favour of the passing of the treaty itself, but as a call to redouble our efforts to work for recovery and fresh hope.

The Bill is short and technical in nature, but significant in its import. The Government published it at the beginning of last month, in line with our explicit commitment to make available, well in advance of the referendum, all legislative proposals that were in any way related to the proposition put to the people concerning the Stability Treaty last week. It was in full knowledge of the Government's clearly stated intention to legislate for the amendment to Article 136 of the Treaty on the Functioning of the European Union, in order to provide that legal underpinning to the ESM, that our people went to the polls on Thursday last. The Bill, thus, is part of the legislative follow-up to the popular will and solemn decision of the Irish people, as explicitly expressed through last week's vote. It is all the more important for that.

The purpose of the European Communities (Amendment) Bill 2012 is to amend the European Communities Act 1972 to do a number of important things. It provides that the Protocol amending the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, and the European Council decision amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for member states whose currency is the euro, shall both form part of the domestic law of the State. If the Bill is passed, these two elements would, upon ratification by Ireland, become a part of the domestic law of the State.

The first element is the protocol on transitional measures on the composition of the European Parliament.

The Lisbon Treaty provides for 751 seats in the Parliament, compared to 736 seats previously. The allocation of these seats under Lisbon increases the number of MEPs allocated to 12 member states, while reducing Germany's allocation from 99 to 96, which is the maximum for any member state. Ireland's number of MEPs remains unchanged.

This protocol bridges the gap between the existing Parliament which was elected in June 2009 before Lisbon entered into force and that which will be returned in 2014. The aim of the protocol is to include in the current parliament the additional seats which are provided under the Lisbon Treaty. In June 2009, 736 MEPs were elected and an additional 18 "shadow MEPs" were given observer status in anticipation of the entry into force of the Lisbon Treaty. The European Council in December 2008 and June 2009 adopted declarations to the effect that transitional measures were to be adopted as soon as possible to provide legally for the

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additional MEPs, while not reducing Germany's allocation until the next elections to the European Parliament in 2014. The protocol was agreed and signed by all member states on 23 June 2010. Ireland ratified the protocol on 23 November 2010, with the deposit of our instrument of ratification with the Italian Government in Rome.

Following ratification by all EU member states, the protocol entered into force on 1 December 2011. The entry into force of this protocol thus regularises the position of the 18 "shadow MEPs" and as a consequence the current Parliament exceptionally now has 754 members. From 2014, the Parliament will revert to having 751 MEPs, as intended in the Lisbon treaty. The impact of this protocol is thus entirely temporary, however as this protocol represented a change to the EU treaties, a change to the European Communities Act is thus necessary to provide for that change in domestic law.

The second element provided for in the Bill to become part of the domestic law of the State is the European Council decision amending Article 136 of the Treaty on the Functioning of the European Union, TFEU. Before elaborating on the European Council decision of 25 March 2011 amending Article 136 of the TFEU, I wish to provide the House with some background and context to the decision. When the economic crisis broke in Europe, and in particular when Greece came under severe pressure in the markets, the EU did not have a rescue mechanism through which loans could be advanced to a member state in difficulty. Loans to Greece were, therefore, made through a complex set of bilateral arrangements. That was clearly not a sustainable position. In June 2010, therefore, the European financial stability facility, EFSF, was established with the aim of preserving financial stability in the euro area.

It will be recalled by the House that the EU-IMF package for Ireland includes loans to the order of €17.7 billion from the EFSF. It will also be recalled that loans from the EFSF may be issued only up to June 2013, and that the EFSF is to be liquidated on a date after that when there are no longer loans outstanding. The EFSF was always intended to be a temporary facility. In October 2010, the European Council agreed on the need for member states to establish a permanent crisis mechanism. Difficulties in financial markets led to an acceleration of pace, and the euro group of finance Ministers, at a meeting on 28 November 2010, following a proposal from the Commission, agreed the main features of the future crisis mechanism, to be called the European Stability Mechanism, ESM.

At its meeting on 16 and 17 December 2010, the European Council agreed that the Treaty on the Functioning of the European Union should be amended to make reference to a permanent mechanism to be established by the member states of the euro area to safeguard the financial stability of the euro area as a whole. It was agreed that Article 136 of the TFEU be revised by adding a paragraph as follows:

The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionally.

The meeting of EU Heads of State or Government on 24 and 25 March 2011, adopted the decision amending Article 136 of the TFEU. The amendment to the TFEU will enter into force when it has been approved by all the member states in accordance with their respective constitutional requirements. The European Council called for the rapid launch of national approval procedures with a view to its entry into force on 1 January 2013. The amendment of Article 136 of the TFEU will provide a legal underpinning to the ESM, which is to enter into force next month. Throughout the referendum campaign the Government made clear our strong view that the coming into force of the ESM is very much in Ireland's interests. It follows

logically that providing for the amendment to Article 136 of the TFEU, which underpins it, is also strongly in our national interest.

I note that the ESM Bill itself, which was published by the Minister for Finance, will be before this House tomorrow, as I understand it. Thus, I do not propose to go into the detail of the ESM treaty or the contents of the ESM Bill. I do, however, wish to be very clear on a couple of related points that were raised during the debate on the stability treaty. First, in light of the people's decision of last week, Ireland will now ratify the stability treaty. Second, through the ESM Bill, we will legislate for the ESM treaty so that Ireland is in a position to have the treaty ratified in time for its entry into force next month. Third, through the Bill before us today, the European Communities (Amendment) Bill 2012, we will legislate to provide for the amendment of Article 136 of the TFEU.

During the referendum campaign we heard a great deal about why Ireland should attempt to veto the ESM, either through failing to legislate for it or through failing to ratify the amendment to Article 136. That was, and is, nonsense in legal and economic terms. Early entry into force of the ESM is very much in our interest. Why would a country in Ireland's position seek to delay a mechanism which will ensure that it has access to future funding, should the need arise? That makes no sense. In legal terms, we do not have the capacity to prevent the ESM entering into force; as the House is well aware, the treaty will enter into force once it is ratified by those providing 90% of its capital. Ireland is providing 1.59%. We do not, therefore, possess a strong lever, even if we were minded to deploy one. Through agreeing to ratify the stability treaty last week the people have voted to ensure Ireland will have access to it. It is the solemn duty of this House, therefore, that their views be respected and fully acted upon as quickly as possible.

As I said at the outset, the Bill before the House today covers two distinct elements. However, in the interests of the efficient management of business, the Government will propose that it be amended to provide for two other elements when it goes through its Dáil Committee Stage next week. It might be useful to the House, therefore, to say something about these new elements today. The first new element will propose that the European Communities Bill be amended also to provide that certain parts of the Croatian accession treaty shall become part of the domestic law of the State, as soon as Ireland ratifies the treaty. Approval of this amendment will pave the way for Ireland's ratification of the Croatian accession treaty. The forthcoming accession of Croatia, planned for 1 July 2013, will see the end of the EU integration process for that country; but it will, I hope, also mark the beginning of the accession of all the countries of the Western Balkans. Ireland is a strong advocate of the enlargement process, particularly as it applies to that region.

Croatia's journey to membership has been a long one. In June 2000, at the European Council meeting in Feira, Portugal, the EU confirmed that all the countries of the Western Balkans were potential candidates for EU membership. The EU-Western Balkans Summit that took place in June 2003 in Thessaloniki, Greece, saw the reaffirmation of this European perspective for the countries concerned. Croatian accession is proof that the EU holds to its promises, that the process may be complex, difficult, and demanding, but that there is certainty about the outcome. Ireland has been positively associated with Croatia's accession process from the beginning. During the Irish Presidency in 2004, this country sought and achieved a single clear decision on granting Croatia candidate status. The intervening eight years have seen the Croats undertake onerous reforms in order to bring their legislation in line with the EU *acquis*. The *acquis* has become ever more complex. Croatia was the first acceding country to have to negotiate specific chapters on rule of law, the judiciary, fundamental rights, justice, and security.

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Negotiations with Croatia were finally concluded at an Intergovernmental Conference on 30 June 2011. The process of drafting the Treaty of Accession was completed in September 2011 and it was signed in the margins of the European Council meeting on 9 December last. The Taoiseach signed on behalf of Ireland. We have now welcomed Croatia into our meeting rooms as an acceding state with active observer status. That is to allow it to become familiar with the working methods of the EU institutions and to be involved in the decision-making process before its accession. The process of ratifying the accession treaty has also begun. Croatia held a referendum in January on EU accession which saw an emphatic result in favour, with two thirds of voters agreeing to Croatia's future as an EU member state. The Croatian Government proceeded to ratify the treaty on 4 April this year. A further five member states have also ratified the treaty to date.

The task of negotiating and agreeing the terms of membership has been a mammoth one. It involved alignment with tens of thousands of pages of EU legislation. In the process, Croatia was required to make difficult economic choices and brave political decisions. Throughout the process, the EU has worked closely with Croatia, measuring its efforts against the exacting conditions of membership. For our part, Ireland carefully monitored the entire process, especially the conduct of the accession negotiations in policy areas of particular significance to us, such as agriculture, regional policy and institutional questions. The process is not yet complete and the Commission continues to monitor Croatia's progress, with particular attention to the issues of the judiciary, corruption and privatising the shipbuilding industry. Decisions will also need to be taken by individual member states, including Ireland, on whether to allow immediate access to our domestic labour markets for Croatian nationals. However, this is not a matter for decision now.

Croatia's accession will see our European family expand to 28 members. Croatia's success is the best proof of how strong and successful the transformative power of the enlargement policy can be. The Croatia that is on the verge of EU membership is different than the country that applied for accession to the EU nearly a decade ago. Croatia's foreign Minister, Ms Vesna Pusic, visited Ireland last year in her previous role as president of the national committee for monitoring EU accession negotiations. During my meeting with her and her colleagues, she spoke of how the accession process and the reforms it entailed had been to the overall benefit of Croatia. She pointed in particular to the requirements on the judiciary and fundamental rights. This area has seen the greatest reform, which she considered to be the EU membership negotiations' greatest benefit for Croatia.

Croatia's progress has shown others the way and proven that the benefits of European integration are within their grasp. Croatia has shown that it is possible for a country once ravaged by war and inter-ethnic strife to build stable democratic institutions where fundamental rights are respected and the rule of law is strengthened. It has shown that it is possible for a country that declared its independence just 21 years ago to build a competitive economy that is ready to form a part of the Internal Market and that has coped with the financial crisis.

I am also encouraged by Croatia's stated commitment to help its neighbours in the western Balkans to reach their goal of EU membership. The Croatian Government has already generously shared its translations of the *acquis* with its neighbours. It has undertaken to share its experience of the accession process to help guide others along the path. Croatia will prove to be a responsible member of the Union with which Ireland can work effectively.

As we debate the other aspects of the Bill, it is heartening to be reminded in this time of crisis that EU membership remains attractive and that countries are prepared to make painful reforms in order to join it.

The second amendment to the Bill that the Government will move on Committee Stage will provide for the protocol on the concerns of the Irish people on the treaty of Lisbon, which was signed in Brussels on 16 May to form part of the domestic law of the State. The signing of this protocol represents the culmination of a process that reaches back to the agreement reached among the EU leaders at the European Council meeting of 18 and 19 June 2009 when they agreed upon a decision on the concerns of the Irish people on the Lisbon treaty with regard to the right to life, family and education; taxation; and security and defence. The European Council stated that the sole purpose of the protocol would be to give full treaty status to the clarifications set out in the decision. The protocol will clarify but not change either the content or the application of the Lisbon treaty. In taking its decision, the European Council agreed that, at the time of the conclusion of the next accession treaty, the decision's provisions would be set out in a protocol to be attached, in accordance with the respective constitutional requirements of the member states, to the Treaty on European Union and the Treaty on the Functioning of the European Union.

As Croatian accession is moving closer and the process of ratification of its accession treaty is under way, it is timely that the process of turning the decision into a protocol is also being advanced. I warmly welcome the signing of the protocol, which is a case of our EU partners again delivering on their solemn promises. These are not entered into lightly and are delivered upon as agreed. It is fitting that this amendment is being introduced alongside the Croatian accession treaty. The amendment will pave the way for Ireland to ratify our protocol. I look forward to all EU partners having done so by the end of June 2013, which is the target date for the protocol's entry into force.

This Bill is short and technical, but significant, and touches on some of the most important issues confronting the Union. I look forward to an informed and reasoned debate. I commend the Bill to the House.

**Deputy Seán Ó Fearghail:** Tá áthas orm deis a fháil labhairt ar an ábhar tábhachtach seo atá os ár gcomhair um tráthnóna. As we begin this debate, it would be appropriate to pay tribute to the Tánaiste, his director of elections, the Minister for Social Protection, Deputy Burton, his partners in government and their director of elections, the Minister for Agriculture, Food and the Marine, Deputy Coveney, for their work on the campaign. I am sure that the Tánaiste will——

**Deputy Eamon Gilmore:** Reciprocate.

**Deputy Seán Ó Fearghail:** ——acknowledge the work done by Deputy Martin. It was a clear demonstration of a positive and constructive Opposition. Our director of elections, Deputy Dooley, toured the country with Deputy Martin.

I also acknowledge the reason and dignity with which the campaign was generally conducted by people on all sides of the divide. There may have been a bit of political opportunism and some outrageous claims may have been made from time to time——

**Deputy Jonathan O'Brien:** Deputy Ó Fearghail is forgiven.

**Deputy Seán Ó Fearghail:** ——but we can all be quite satisfied with the nature of the campaign.

We all accept that last Thursday's decisive vote in favour of the stability treaty was a significant step along a long and winding path towards tackling the euro crisis for this country and Europe as a whole. The past four years of the crisis have placed the Union and the eurozone in particular under unprecedented stress. Fiscal imbalances, the threat of financial contagion



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and a profound disequilibrium between eurozone economies on a scale unimaginable to the signatories and creators of the Maastricht treaty dominate the EU agenda. The stability treaty establishes a fiscal framework as one part of a larger, complex puzzle of measures that are needed to stave off the collapse of the euro and the ensuing disastrous economic consequences. It is a step towards confronting the euro crisis.

The European Stability Mechanism, ESM, which replaces the temporary European Financial Stability Facility, EFSF, and European Financial Stabilisation Mechanism, EFSM, with a €700 billion financial bazooka, is the next step along the road to confronting the immense challenge that the euro faces. Despite threats from opponents of the stability treaty who continue to fail to outline where they will get the money from, the ESM represents a back-stop and a source of reliable funding at sustainable borrowing rates if Ireland requires it post 2013.

This Bill is the first step in a two-stage process in passing the ESM, which is the latest piece in the puzzle of addressing the euro crisis. While the technical details of the ESM will be fully fleshed out when Second Stage of its passage is debated tomorrow, this evening is an opportunity to look at the broader necessity of the ESM. I will outline the context of the crisis and its origins before speaking about the necessity of the ESM and its role in the broader, complex and arduous task of addressing the profound structural problems in the euro.

Examining the origins of the current crisis gives us some perspective on this important Bill and the need for the creation of the ESM as well as a sense of what future action will be required. The Maastricht treaty created a revamped European Union and a common currency that had two aims, those being economic and political. The economic aim was to provide financial stability and integration away from the endemic fluctuations and pressures of floating exchange rates. The political aim was to strengthen the “ever closer Union” following the dramatic shifts in the political topography of Europe after the end of the Cold War.

Since 1970 and the creation of the Werner plan for monetary and fiscal union, the proponents of deeper European integration and the economic stability and growth that they hoped it would bring envisaged a currency union as a positive European force. Currency conflicts such as the infamous battle of the franc in 1992, when the French central bank desperately attempted to retain some parity with the ever strengthening Deutschmark, underlined the damage that fluctuations in exchange rates could inflict upon a common market. The limits of efforts such as the currency snake to provide stability had been ruthlessly exposed by the divergent strengths of European economies. Black Wednesday in Britain, when sterling dropped out of the exchange rate mechanism, ERM, thereby tarnishing the economic reputation of the Conservative Party, is testament to the difficulties of exchange rates and the pressures under which they place governments. Furthermore, the dramatic political backdrop of the fall of the Berlin Wall, the re-unification of Germany and the end of the Cold War was a tectonic geopolitical shift on a scale not seen since the defeat of the Axis powers in 1945.

The creators of the single currency were operating on *terra nova*, a changed Europe. The original *raison d'être* of the EEC had been underpinned by the omnipresent spectre of the USSR, which helped to unify the rest of free Europe. The loss of this unifying force and the re-unification of Germany re-ignited old fears among a generation of leaders still shaped by the Second World War about the prospect of overbearing German dominance across the Continent. Under the guidance of Jacques Delors in the Commission and the leadership of French President François Mitterrand and German Chancellor Helmut Kohl, the EEC sought to forge a new union and common currency that would allay such fears and ensure a European Germany rather than a German Europe.

It is against this backdrop of strategic political demands and objectives that the Maastricht treaty took shape and established a common currency to achieve both its economic and political aims.

The common currency ultimately expanded across 17 of the 27 EU member states. A successful transition from national currencies, buoyant economic growth across the Continent and the convergence of bond yields for participant countries near the historically low Deutsche bond levels masked profound problems with the design framework of the euro. Behind the reality, however, disequilibrium between eurozone countries occurred where large current account deficits and surpluses accumulated, as countries did not have the usual economic indicator of an exchange rate. This allowed for a sharp economic divergence to develop, particularly between northern and southern eurozone countries. The accumulated trade surpluses in certain countries were recycled by their banks fuelling asset bubbles and consumption in other countries. The euro both facilitated and masked the problems at hand. The inability of countries to use the traditional currency devaluation lever to adjust and compete with other countries placed greater pressure on internal devaluation and the recessionary impact that can have.

Behind the initial success lay structural problems that were utterly exposed in the aftermath of the fallout from the sub-prime mortgage crisis that emerged in the USA. The collapse of Lehman Brothers was a cataclysmic event that starved the markets of funding and exposed the weaknesses of certain eurozone countries. The limits of the eurozone structures were completely laid bare by the pressures that countries blocked out from the bond market and struggling with banking debt were coming under. Ireland had adhered to the criteria under the Stability and Growth Pact that aimed to stabilise fiscal policy across the eurozone, unlike France and Germany which were the first to break the pact. Yet the deeper problems in the euro, the problems we are now seeking to address, ultimately generated the grave challenges we face as a country today.

Since 2008, Europe has in effect been playing catch up. The scale of the problems have become increasingly apparent and the scope of the solutions, many of them politically inconceivable at the start of the crisis, are coming to the fore. The initial creation of the European financial stability facility, EFSF, and the European financial stabilisation mechanism, EFSM, as funds for supporting countries that were unable to access funding on the bond markets, was an *ad hoc* response to an escalating situation. The fiscal treaty was another step towards addressing some of the underlying problems of the eurozone. The evolution of the European Central Bank, which has purchased bonds on the secondary market and launched a multi-billion euro LTRO, long-term re-financing operation, to finance banks and avoid the banking system from freezing over is also another milestone in adapting to the crisis. The European Stability Mechanism, ESM, represents a permanent funding mechanism to support countries on a level and scale inconceivable even three years ago.

In light of the weariness of creditor countries to lend money and the EU restrictions on financial support, the creation of the ESM marks a significant shift in eurozone policy and a transformation of pre-existing thinking on the crisis. While Europe has stalled on several issues and the pressing need for change is all too clear the creation of the ESM, the evolving role of the ECB and the passage of the stability treaty all represent significant steps forward for a Union often derided by the term “euro sclerosis”.

This Bill is the first step in the two stage passage of the ESM, which is a crucial part of the EU response to the euro crisis, providing a permanent bailout mechanism and a financial backstop for eurozone countries. Vetoing the ESM, as some opponents advocate, will simply generate uncertainty and deny Ireland access to a reliable source of money at sustainable borrowing rates if necessary after the bailout funds finish. It amends Article 136 of the Treaty

[Deputy Seán Ó Fearghaíl.]

on the Functioning of the European Union, the Lisbon treaty, to allow for the establishment of a permanent financial support mechanism, the ESM for the eurozone. Ireland's membership of the ESM involves two steps — ratifying the treaty and the Dáil passing an amendment to Article 136 of the EU treaties.

The stability mechanism will provide the necessary tool for dealing with such cases of risk to the financial stability of the euro area as a whole as experienced in 2010 and, hence, help preserve the economic and financial stability of the Union itself. The finer technical details of the ESM will be dealt with in the ESM Bill which comes before the Dáil on Thursday under the auspices of the Department of Finance.

The question was raised during the stability treaty campaign as to why Ireland is not holding a referendum on the ESM. The Independent Member for Donegal South-West, Deputy Thomas Pringle, has brought a High Court challenge that encompasses the ESM and Article 136. He wants the court to examine the legality of an amendment to an existing treaty which, he says, will also be pushed through without a vote if the 31 May referendum were passed, as it has been. Deputy Pringle has asked the court to look at this amendment before any further action is taken by the Government to approve it. However, legal advice to the Government indicates the changes to Article 136 do not come under the scope of the 1987 Crotty judgment which places a legal obligation on the Government to hold referenda on issues that significantly affect sovereignty. I will not comment further on an ongoing court case except to provide the context to our own discussion on the ESM.

During the referendum debate Sinn Féin and other opponents of the recently passed fiscal compact treaty advocated that we veto the ESM using the Article 136 amendment mechanism to re-negotiate the terms of its loans. However, this ignores two critical issues. It is far from clear that the Article 136 amendment is really necessary to set up the ESM. The European Court of Justice has never said so. The only court to have pronounced on this issue — the German Federal Constitutional Court — produced a highly ambiguous ruling on this point last October. Indeed, the ESM's temporary predecessor, the EFSF, was successfully set up on the basis of another treaty article. In other words, it is unclear that Ireland actually has a veto on the setting up of the ESM. Opponents may be overplaying their hand in threatening a veto.

More importantly, Ireland does not benefit from vetoing the ESM. Why would we want to block a source of reliable funds at sustainable borrowing rates? Threatening to veto an institution as vital as the ESM would be an utterly bizarre strategy for a country in Ireland's weak position. It would achieve nothing other than infuriate those states upon which we are reliant for funding. The ESM provides a reliable source of funding from 2013 if Ireland needs a second bailout, a matter which opponents of the fiscal compact have failed to point out. Furthermore, it provides a backstop which will assure potential investors in Irish bonds that they will be repaid if the State runs into future financial difficulty, thus lowering Ireland's borrowing costs. If Ireland vetoes the ESM, where will we get money from after the bailout finishes in 2013?

As I outlined earlier the problems with the eurozone are manifold and require real commitment and leadership from across the Continent to overcome effectively. Fianna Fáil has consistently argued that, in addition to the progress made with the fiscal compact treaty and the establishment of the ESM, much more fundamental work remains to be done to save the eurozone. Monetary union needs to be complemented with a higher level of fiscal and political union with EU institutions such as the ECB reformed to suit a new role. We advocate an overhaul of the role of the ECB to allow it purchase the bonds of countries in financial difficulties and adapt a goal of economic growth as well as its current objective of price stability. A pan-European banking resolution and regulation authority which guarantees deposits across the Union should also be established. Debt should be mutualised across the eurozone with the

launch of eurobonds which can be used to help stimulate growth. The disequilibrium between member states' economies in terms of government spending, labour unit costs and inflation needs to be recognised and addressed when shaping broader monetary and fiscal policy. The fiscal compact treaty and ESM are small steps towards addressing the broader profound problems that the eurozone faces. The design flaws of the euro need to be tackled if it is to survive in the long run.

The European Stability Mechanism, ESM, is one part of a bigger puzzle and its implementation will be beneficial to both Ireland and Europe. It is one more step for us to take along the road to recovery, and it is important that this House passes this legislation as quickly as possible. I commend the Bill to the House.

**Deputy Pádraig Mac Lochlainn:** It is typical of the chaotic approach that has been taken by the EU leadership over a period that this Bill comes before us today in this form. From day one of this crisis, there has been no joined-up and thought-out attempt to deal with the core issues causing this significant social catastrophe for people across Europe. The rule book has been thrown out the window, along with the community method. When the rules do not suit, it seems the EU now ignores them. Britain and the Czech Republic now find themselves half-divorced from the rest of the Union, something we were told for decades would never be allowed to happen.

There has only been one approach tried by the EU with this and previous Governments, which is austerity at all costs, and it has been a failure. It reflects extremely poorly on this Government and once again it has clearly been out-negotiated, allowing itself to accept a blackmail link between the proposed ESM and the austerity treaty. It failed to stand up for Ireland at every point in this crisis, and that performance is continuing as the Irish people are still paying dearly for the failure of the elected leaders. We should be clear that this is a bad way to make law and it is constitutionally questionable.

We call on the Government to publish its legal advice from the Attorney General on this matter. Sinn Féin does not agree with the use of the controversial simplified revision procedure, Article 48.6 of the Treaty on the European Union, to make this amendment. Treaty changes should be arrived at through democratic dialogue and should not be rushed through loopholes. This smacks of backroom dealing and does nothing to inspire confidence among our citizens in the EU and its decision-making procedure. The self-amending clause, as it is called, was inserted into EU law in the Lisbon treaty. Sinn Féin opposed it then and warned it could be used to rush through unpopular and ill-thought out decisions of significant importance without the normal level of scrutiny and democratic debate. We have been proven correct on that point.

Will the Government explain why this route was chosen over the standard approach? Why did it choose the option that allows the least scrutiny and debate? Sinn Féin is in favour of a fund that can be used as a last resort for states blocked from borrowing on the markets. Such an idea ties in with our vision of a Europe which offers genuine solidarity to members when they are in need. We are not willing to support any old stability mechanism. We will not support a bankers' mechanism or one hitched to the train of austerity. Such a mechanism is of no use to the ordinary people of Europe in the medium and long run.

The ESM will inherit many of the failings of its predecessor, the European Financial Stability Facility. There is some hope and time to allow for an improvement in what is being proposed, and the Spanish Government is seeking changes. My colleague, Deputy Pearse Doherty, will outline in detail tomorrow Sinn Féin's position on the ESM so I will not elaborate on it greatly now. Needless to say, it is not Sinn Féin's ideal solution. We would prefer to see the European Central Bank empowered to act as a lender of last resort, with the ability to recapitalise banks

[Deputy Pádraig Mac Lochlainn.]

where necessary. This is not a realistic political option at this point. As usual, during the crisis, alternatives seemingly are not considered as the system must be protected at all costs.

Greece, Spain and possibly Cyprus, as well as this State, are likely to require emergency funding in the near future. We hope that by supporting this amendment, despite our criticism of how it was arrived at, the EU and our Government will take the opportunity to re-examine the options available and use this facility to create an emergency funding vehicle that matches the needs of citizens. That would be a major step forward in providing stability to the eurozone and the real economy. That is why we are supporting this Bill on Second Stage.

There are two additional items to be added on Committee Stage. I convey Sinn Féin's support for the Croatian accession treaty protocol. It has been a long journey for the Croatian people and in the European affairs and foreign affairs committee there has been a long dialogue dealing with these issues. We have maintained a very active interest in the affairs of the western Balkans. The Tánaiste and Minister for Foreign Affairs and Trade knows our concerns about Serbia and Bosnia. There is an ongoing position in Serbia where homosexual rights activists cannot hold an event to celebrate their rights, which is completely contrary to the progressive culture that is inherent in the European Union. There is also a concern about the approach of the Serbian Government in destabilising Bosnia. Lord Ashdown has been here to outline his concerns, having played a leading role in the region. Croatia is a good news story but before we can see the story replicated by other states in the western Balkans we must deal with certain challenges. Baroness Catherine Ashton, the external affairs representative for the European Union, will have a challenge in that region and although there has been a fair bit of criticism, I hope the issues can be resolved soon.

It was indicated that once Croatia takes up its place in the European Union, there will be access to our domestic labour markets. Ireland should be quite embarrassed about how we have treated the Romanian and Bulgarian citizens, as we have not given them the same rights as other eastern European countries which acceded to the European Union. There was a second opportunity recently for our Government to remedy that injustice and we failed to do so again. I do not anticipate that the Croatian citizens will enjoy those rights but I am hopeful the Government will review the decision it has made on Romanian and Bulgarian citizens. That would demonstrate true European solidarity and give those citizens the same rights as other members of the European Union. It is welcome.

I could comment mischievously about the protocol relating to the concerns of the Irish people about the first Lisbon treaty. I will withhold my comments.

**Deputy Clare Daly:** I wish to share time with Deputy Finian McGrath.

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

**Deputy Clare Daly:** It is scandalous, particularly as the Labour Party is involved, that we will debate under a guillotine, not just today but tomorrow, items of fundamental importance to the future of Europe and the sovereignty of citizens in this country. Our comments must be corralled into a very short space, which is wholly unacceptable. It is a complete U-turn, yet again, by the Government which was elected on the basis of talking about changes, transparency, open government and involvement of our citizens. It is a shame, and the Labour Party should be particularly embarrassed by it.

Some of the transitional measures in the legislation regarding MEPs are fine but the key reason we will oppose it is the fact it involves the facility to amend Article 136 of the Treaty on the Functioning of the European Union. This was a central issue in the debate we had on



the fiscal treaty. It is somewhat ironic and regrettable we are discussing it now as one would think these measures were in place, given the debate of recent weeks. Despite the protests of Fianna Fáil, in order to make these amendments, we need the unanimous agreement of all member states.

The European Union clearly needs the amendment to set up the permanent bailout fund, as it calls it, although “bailout” is a harmless term for what is really extortion. Loan-sharking would be a more accurate way of putting it. The idea, as put forward by Fianna Fáil, that we are simply facilitating the creation of a reliable source of funding is ludicrous. It might have been ridiculous last week in the debate on the fiscal treaty, but this week, given the events in Spain, it is completely ridiculous. Spain alone could subsume the entire fund without any other country getting a look in. The problem is that Europe is at a crossroads and rather than taking stock and changing direction, we are perpetuating the same mistakes and digging a deeper hole.

Fianna Fáil asks from where we will get the money, which was the stock argument in the last few weeks. The facilitation of the setting up of the ESM was supposedly to save the eurozone, but we continue to see huge pressures exerted. A default by Greece or other countries would lead to enormous costs if the eurozone was broken up. There are pressures in that regard. By asking from where we will get the money, it avoids the central question of why we are looking for it. One of the key reasons is bank debt; for us to pay back debts that were never ours in the first place. We must see this debate in that context.

I nearly feel sorry for the Taoiseach, given how much he has been slapped around in the last few days since the passing of the fiscal treaty. Despite his bleating about getting a better deal, he has been firmly slapped into place by his German colleagues and had to admit that despite the passing of the fiscal treaty referendum, it is unlikely the bank debt issue will be sorted out. Let us face it, he was told to go away and that the European Union had more important things to be worried about than him and his bank debt. It shows how naive the Government was in its approach to the referendum and the whole issue of bank debt that is imposing such severe austerity on the lives and living standards of ordinary people across the State.

Doffing the cap will not work. The Government has been told this; therefore, it must take stock and look at this issue in a different way. It is not too late; even though the people voted to pass the fiscal treaty, that does not mean the treaty has been ratified, it merely gives the Government permission to ratify it on behalf of the people. Presumably that permission could be altered afterwards. There is a precedent for this in that the people voted to change the way people were elected to Seanad Éireann, but the then Government did not enact the legislation to make that change. The Government, therefore, has the power not to ratify the fiscal treaty.

The Tánaiste should make a stand because it is clear now is the time for the Government to stand up or be bypassed. We should join the rest of Europe which has not ratified the treaty. We see growing instability in countries such as Germany in which opposition parties have made it clear they are not interested in signing up to the treaty based on the fact that there are no growth criteria. We see in countries such as the Netherlands massive growth in the polls for those parties opposed to austerity and nothing will happen until the Greek and French elections are out of the way. We have the chance to do something, not to let the moment pass. The Government should consider this because we are debating a major change to a key European Union treaty to set up a permanent fund that will cost the country economically and socially.

There has been a lot of discussion about strict conditionality. In the debate on the treaty we were led to believe it just meant that we would sign up to the treaty and then have access to the ESM fund. That is not the case. This is a code word for the acceleration of vicious austerity, a programme of major macro-economic adjustment which will be spearheaded by the European Commission and Central Bank which will decide on key issues of economic policy in Ireland

[Deputy Clare Daly.]

that will have a major impact on citizens. That is what it means — the policies that are being enforced and the neoliberal agendas highlighted yesterday when talking about events in Latvia in recent years where 10% of the population were forced to leave the country, 30% of public sector workers were sacked and the remaining employees had a 40% pay cut. As a result, the Latvian economy shrank by 25%. It has turned around a little, with a small growth figure last year, which is being lauded as a great achievement, but it masks the butchery that took place before it. No economy, never mind a group of economies such as those in the European Union, has ever been turned around by austerity measures. Ratifying this treaty would increase the European tendency to put the interests of bankers and big business ahead of those of the people or the social charter the European Union was designed to deliver.

When we look at changing the treaties to facilitate the establishment of the ESM, we see the Labour Party and Fine Gael going along with it. Article 15 of the ESM treaty indicates how the funds can be used to recapitalise financial institutions. The Labour Party has made a great virtue of how it opposed the bank guarantee, while Fine Gael claims it did not realise what was happening, that Fianna Fáil and the Green Party were to blame and that if Fine Gael had had access to all of the information, it would not have supported the bank guarantee either. What else does this article provide for except a similar situation in all of Europe, transferring private bank debts on to the shoulders of European citizens? Those who were supposedly opposed to this in Ireland, who would have done something about it had they been in government, are now in power and have the opportunity to do it because the Government enjoys the power of veto and has the ability to use its voice such that the rest of Europe will sit up and take notice. Contrary to the remarks made that such a course of action would leave us isolated, it would result in an almighty cheer throughout the rest of Europe from our fellow citizens who have been reeling from austerity measures.

We are talking about facilitating a fund we may or may not be able to access but into which we will definitely have to pay money. The fund is based on an €11 billion provision. From where will this money come? It is money that can be called upon, with an initial payment of €1.47 billion, but we must pay the money in instalments, starting with a sum of €225 million next month, from an economy that is already on its knees and paying billions in interest payments on previous debts. There is the proviso that the amount can be increased at any time, with a demand for the full amount to be paid should it be deemed necessary by the board which will adjudicate on the matter. We have the ludicrous situation where a fund is being set up in order that we can have access to it, but we must also pay into it. By virtue of the setting up of the fund in the first place, it could be instrumental in pushing us in the direction of a second bailout, the very thing it was allegedly set up to prevent. This is economic lunacy and a massive infringement on the sovereign rights of citizens of this state.

We do not have time to develop the points made and, sadly, not all of us will be able to speak in the debate tomorrow on the ESM proper because it is to be guillotined. The idea of legal immunity being built into the ESM such that it will not be accountable or subject to freedom of information requests is scandalous. Crucially, there is the issue of whether a referendum is necessary. I think it is but the matter is before the courts. It is ironic that while we are discussing this legislation, which the Government intends to ram through following a vote, the courts are wondering what way they will adjudicate on it. It does not matter what way this is packaged. The reality is that what is being provided for is a major transfer of sovereign powers and a major signing off of funds belonging to the citizens and how they will be spent and handed over. The idea that people would not have a say on this or that elected Members would have their debate guillotined is an affront.

The Government parties' method of doffing the cap has been exposed in the past few days. They have been shown to be a bit player in Europe. People are not particularly interested in what they have to say and the polite approach does not work. They still have an opportunity to show a bit of muscle and they should do that by opposing this legislation and the legislation on the ESM which will be before the House tomorrow.

**Deputy Finian McGrath:** I am grateful for the opportunity to contribute to the debate. The EU has a long way to go to convince people of its sincerity and trust and the recent referendum showed that clearly when 50% of our citizens stayed at home on polling day. All politicians and Governments must reflect on this. Let us have a proper debate about the future direction of the Union. When 50% of the people stay at home rather than vote on an important referendum, that sends out a strong message about the lack of connection between them and the European project. That is why it is important to have independent voices to act as a watchdog, as most of the large political parties are sleepwalking on Europe and they do not seem to know what is happening on the day. The referendum, the banking crisis and the ongoing debate on the huge debt problem have demonstrated clearly that eurocrats are still sitting on the bench with ten minutes to go. They need a wake up call quickly.

I know where I stand on Europe and, as an internationalist, my political and economic world does not end in Berlin or Paris. However, most of the so-called pro-European politicians and political parties in the House do not know where they are going and that is not quality leadership. We also have a Taoiseach who will not participate in live media debates with party leaders or Independent Members. What kind of message does that send to the people of Ireland and Europe and to the millions of unemployed people throughout the Union? That reflects a lack of confidence, which is not what we need in a time of crisis. We need strong and decisive leaders and, sadly, that is lacking.

The Bill "is necessary to amend the European Communities Act 1972, in order to provide that the Protocol, amending the Protocol on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community; and that the European Council Decision amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro, shall form part of the domestic law of the State". That is the purpose of the legislation but again the Second Reading has been guillotined. This means the business of signing up to the ESM treaty and committing us to significant expenditure to help bail out Spain and other member states in the coming period could go through all Stages in the Oireachtas by the end of next week with minimal debate in the media about the long-term implications of these steps or awareness of what all this means among the public. The relation of the ESM treaty to the Article 136 of the Treaty on the Functioning of the European Union, TFEU, amendment of the EU treaties authorising it and to the fiscal treaty on which Irish voters decided last Thursday is set out in an excellent book entitled "A Tale of Two Treaties — A Citizens Guide to the Stability Treaties of 2012" by Cork solicitors, Joe Noonan and Mary Lenihan. It is important to deal with the detail of these issues.

The proposal to ratify the ESM treaty as it stands and to approve the Article 136 TFEU amendment to the EU treaties as authorising the stability mechanism envisaged in the ESM treaty is unlawful under EU treaties and are, therefore, unconstitutional in Ireland and other member states. We should examine these proposals closely. Constitutional challenges have been mounted to the ESM treaty and to the Article 136 TFEU amendment in our courts and in Estonia. Deputy Thomas Pringle has launched a constitutional challenge on these matters which opens in the High Court on 19 June. His lawyers are seeking a constitutional referendum

[Deputy Finian McGrath.]

on the ESM treaty. They also claim that “the EU treaties should be amended under a different provision of the Art. 48 TEU treaty revision procedure than that being currently used if the ESM treaty as it stands is to be lawfully ratified under European law.” The Deputy’s legal action is seeking to defend the principle — this has been often misrepresented — that the Union is an entity governed by the rule of law in the face of political attempts to change the European treaties by subterfuge and to open a way of transforming the current EMU into a fiscal-political union for the eurozone. I and many other Irish people share his concern that the integrity of the existing EU treaties and the Constitution be upheld in the face of an attempt by some eurozone governments to take the eurozone captive for their own ends and to organise the EMU on different principles from heretofore by means of the ESM treaty.

I have major concerns about what is happening in Ireland and the world generally regarding the financial crisis and the connections between finance, politics and current and former politicians. A number of top level politicians have recently become members of a secretive corporate billionaire and political society known as the Bilderberg group. Members openly express their desire to see protestors against their new world order “die in plane crashes” or label them as “cockroaches”. I find these comments highly offensive and consider the secretive nature of their meetings a direct threat to democracy around the world, as there is mounting evidence to suggest the group’s members have purposely engineered the global economic crisis for their own financial gain. The list of members is interesting. They include Paul Gallagher and Dermot Gleeson, former Attorneys General, Michael McDowell, former Attorney General and Minister for Justice, Equality and Law Reform, the current Minister for Finance and Peter Sutherland of Fine Gael and Goldman Sachs International. The agenda of the group’s meeting in 2011 includes direct references to the true scale of the Irish economic crisis and it can be seen that members of the group are actively trying to destroy the economy in order that they can personally profit from the financial crisis by investing in the private companies to which our State assets are being sold off at way below their true market value and by financially betting against Ireland on the international stock and currency markets.

**Acting Chairman (Deputy Thomas P. Broughan):** I caution the Deputy that it is important if he makes statements about people who are not present in the House to ensure he uses freedom of expression effectively.

**Deputy Finian McGrath:** I accept the Acting Chairman’s advice.

I raised EU issues during the debate on the fiscal treaty referendum. Many of us felt the treaty was flawed and did not inspire confidence in the economy. I also said it was a rushed decision. Rushed decisions are bad decisions and this has been proved by a number of decisions taken in recent years to address the banking crisis. I heard the Taoiseach having a go at Deputy Shane Ross this morning regarding his proposal some weeks ago to defer the fiscal treaty referendum. When Deputy Ross put forward that proposal, polls showed that 54% of the electorate wanted the Government to take a calmer and cooler approach. The failure of almost half of the electorate to cast their vote in the referendum last week tells its own tale.

Economic growth and jobs should have been at the heart of the treaty instead of in the form of an add-in which indicated that action will hopefully be taken in six months time. That will be too late for many people. One can only hope that the change of government in France will provide some impetus to progress in this regard. Regardless of the positions taken in other member states, our Government should come out strongly on the issue. There was a great deal of reference during the debate on the referendum to Article 3, paragraph 1, and Article 4 of the treaty, with many of us expressing concern that the additional €5.7 billion in cuts from 2015 would only deepen the recession. Commerzbank, a European financial giant, observed that the

treaty was totally irrelevant to an Irish recovery and would have no major impact on it. Although I would not generally be on the side of such organisations, that assessment is particularly clear and instructive.

On the broader issue of economic sovereignty and the sovereignty of the State, I am greatly concerned by the treaty provisions which give powers of oversight to the European Union. The treaty bypasses the Dáil as the final arbiter of budgetary policy and, as such, is yet another agreement which signs away Irish sovereignty and freedom and assigns a power of determination over their affairs beyond that of the Irish people as represented by the Oireachtas. Governments will no longer have a free rein on broad economic policies in terms of when to spend to stimulate the economy. The elephant in the room is that this marks the first serious step towards a federal Union where national governments are subservient to the European Commission or the European Central Bank. I have no difficulty in others expressing support for European federalism — a type of united states of Europe — but my own preference is for a Europe of independent nation states. The global economic crisis, however, has led us to a situation where Germany is the only country in a strong position in these negotiations. The reality is that the entire European Union project is being moulded into the German model for the future. That is an issue deserving of our close attention. We should have been afforded more time and latitude to consider the ongoing debate on the treaty in Germany before asking the Irish people to make their decision thereon.

This morning we heard further proof that the German Parliament, across all political parties, is determined to shut the door firmly on any proposed deal on our bank debt. Many of us made the case during the debate that the treaty opens the door for the European Union to dictate precisely how Irish governments can spend Exchequer moneys and that the current troika arrangements may become a standard in the future. We are all in favour of good house-keeping and seek to adhere to it in our family and personal lives. No Member of this House is opposed to the country getting its financial act together. However, the other elephant in the room is that the treaty includes no provisions for the easing of the debt burden. I have referred to Germany, but the situation in Greece, France and right across Europe is changing by the day.

The Bill provides for the substitution of a new definition for the existing definition of the treaties governing the European Union. I emphasise the word “treaty”, which implies a respect for difference and diversity. A community is about looking after each another, not having major players walking over smaller entities. I have spoken to a number of Members of the European Parliament who, although very pro-Europe, are greatly concerned by the manner in which democracy has been shafted in the past 12 months. Recent elections in various member states must serve as a wake-up call to us all. I take this opportunity to wish the Irish football team well in the European Championships. However, concern as been expressed for the safety of supporters in certain locations where we have seen the emergence of political groups on the extreme right. Resentment of the Union among ordinary European citizens is an issue that cannot be ignored by any government.

Section 2 of the Bill refers to the European Council decision of 25 March 2011 amending Article 136 of the Treaty on the Functioning of the European Union with regard to the European Stability Mechanism. The reality, at this time, is that we have stagnation instead of stability, coercion in place of co-operation and authoritarianism rather than governance, all of which is leading to a stifling of growth across the Union. I remind the Tánaiste of his pre-election promises to burn the Anglo Irish Bank bondholders and his claim that it would be Labour’s way or Frankfurt’s way. I urge him and his Government colleagues to support the pro-growth voices across the Union. The Tánaiste must also support the reform of the ECB that would allow it to issue euro bonds.



[Deputy Finian McGrath.]

Small business owners in this country are very concerned by the provisions of Article 3 which stipulate that eurozone members' budgetary position must be balanced or in surplus, with a structural deficit ceiling of 0.5% of gross domestic product. Article 4 provides that when the ratio of government debt to gross domestic products exceeds 60%, the member state in question must reduce that debt at an average rate of one twentieth per year. These issues were discussed during the debate and remain relevant to today's discussion.

We must have a broader debate on the European Union which allows us to examine in a positive way where we are going and whether we are making the right decisions. Many of us who raised genuine concerns in recent weeks were dismissed as cranks and worse. As an Independent Member of this House and a member of the Technical Group, my responsibility, together with my colleagues, is to ensure every proposal the Government brings before the House is scrutinised, challenged and debated in the interests of the people. I accept without qualm the democratic result of the referendum. However, it must be borne in mind that in my own constituency of Dublin North Central, for instance, 37.8% of voters rejected the proposal on the basis of very genuine concerns, while many others stayed at home. There is a disconnect between ordinary citizens and the establishment right across the European Union.

**Deputy Olivia Mitchell:** I propose to share time with the Minister of State, Deputy Lucinda Creighton, and Deputy Seán Kyne.

**Acting Chairman (Deputy Thomas P. Broughan):** That is agreed.

**Deputy Olivia Mitchell:** We are all aware of the grave crisis facing Europe such that the future of the eurozone project is now in question. We can also see how joined at the hip we all are in terms of our financial and economic futures. The availability of a rescue mechanism for Spain, Estonia, Greece or any other member state is as important to Ireland as the availability of such a mechanism for ourselves. Given the relative size of Spain's economy, it is probably even more important. After more than four years of successive financial crises, we are finally at the end game. That which was heretofore unmentionable — whether one calls it the spectre in the corner, the elephant in the room or the thing of which we are all afraid — is now being openly discussed, namely, the potential collapse of the euro, with a growing view that such an outcome is moving from a possibility to a probability. Parliamentarians across Europe have a role in ensuring that does not happen.

If we thought we were grappling with disaster heretofore, there is now a realisation across the eurozone that we have seen nothing compared with what would befall us were the euro to fail. This would be a disaster not only for Ireland, Spain, Greece or any other individual state, but a cataclysmic disaster for all 17 eurozone countries, including Germany. It would be only slightly less of a disaster for the other EU member states and for the countries with which Europe trades.

This is an enormously challenging time for European leaders, unlike any outside wartime in Europe. The time for pussyfooting is over, as is the time for timid and tentative half measures. We need decisive political leadership in addressing a comprehensive solution not only to the immediate crisis with the euro in Spain but also in ensuring the euro is placed on a sustainable footing if it is to survive. That is the leadership required.

Spain is talking about a bailout requirement of approximately €40 billion, but the reality is — this is widely accepted — that it is only now external experts have been called in to validate its banks' exposure. God knows what the exposure of its banks will ultimately be, but it is widely accepted that it will be considerably in excess of the €40 billion mentioned. Whatever

the figure is, Spain must be rescued. If it goes down, we all will. Right now it is more important to our future that it is rescued than any Irish bank deal or renegotiation of a bank deal. That is not to say we do not need a better deal on our bailout programme — we certainly do. That is precisely why the Taoiseach, the Tánaiste and every Minister raise this issue at every opportunity and will continue to do so.

The ratification of the treaty on fiscal prudence and agreeing to these new rules will help by proving our commitment to engaging in sensible fiscal behaviour. So too would a better deal for Spain, especially if the deal shifts the burden from the sovereign to the banks. Currently, that is not permitted. Under existing rules, neither the current EFSF nor the soon to be permanent facility, the ESM, is allowed to make direct injections into banks. However, I am sure it is not beyond the ingenuity of our leaders to find some mechanism to allow the rescue of the banks in Spain which, at the same time, will not drive the sovereign over the edge.

I certainly hope a more favourable deal for Spain which may be negotiated will be reflected in a reopening and restructuring of the bailout deal and conditions for Ireland. On the night prior to the bailout in Ireland when many welcomed the rescue and the funding assured by the the bailout, I spoke in near desperation about the need for the Government of the day to resist being bounced into a bailout. I knew then, even if it was unavoidable in the long term, that once the bailout was negotiated and it was a *fait accompli*, our fate was sealed. The minute we accepted the deal all of our leverage and all possibility of negotiations were gone and we were immediately bounced into a position of mendicant which we still hold to this day. Whatever way we like to dress it up, we are dependent on others and subservient to their demands in respect of every penny we spend. By accepting the deal and the conditions of the bailout, we also accepted responsibility for all bank liabilities. This protected other countries' banks, prevented the spread of contagion and protected the euro which benefited all of Europe.

For us, it meant that overnight our debt-to-GDP ratio reached monstrous proportions and it is still climbing. This kind of bailout is the last thing Spain needs and it is the last thing Ireland needs for Spain. Europe is out of time and talking about vetoes and postponing decisions is no longer an option. We need to be honest with ourselves and accept that it may mean a move towards a more federal Europe and eurobonds. When I talk about honesty, I do not mean honesty among ourselves in Ireland. We must be honest with others also and move the debate on from a point where we simply talk about who among us is most opposed to austerity. This Bill is a necessary step towards restoring Ireland's and Europe's economic fortunes. As it is a perilous time for Europe, it is a step we must take. As I said, we are at the end game and will not get a second chance.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** I very much appreciate the opportunity to contribute to the debate on Second Stage of the European Communities (Amendment) Bill 2012. As the Tánaiste set out, the Bill provides for the incorporation into Irish law, once ratified, of two important provisions — the protocol on transitional arrangements for the European Parliament and the amendment to Article 136 of the Treaty on the Functioning of the European Union.

I am particularly delighted to support the Bill in the new context created by the positive outcome of last week's referendum. The Government published the Bill ahead of the referendum in order that the people would have the full picture available to them when they cast their votes. We are now moving forward with its enactment as we said we would. The referendum has sent a clear message to the world about how Ireland sees itself and how it is positioning itself to best secure its economic recovery. We have shown that we are a committed and disciplined member of the eurozone. We believe in fiscal responsibility in Ireland and every other country which has the euro as its currency. This clearly is in our interests. We have

[Deputy Lucinda Creighton.]

ensured this and future Governments will behave in a prudent way and have secured access for Ireland to the emergency funding available to those countries which are members of the European Stability Mechanism and have ratified the stability treaty.

In voting in favour of the treaty by such a significant margin, the people have strengthened the Government's hand when it comes to negotiating the new growth strategy for the European Union that will be the key item for discussion at the upcoming meeting of the European Council and to ensuring Ireland can benefit from any new step taken to stabilise the position in Europe's banks and sever the link between sovereign and banking debt. I welcome the opportunity we had earlier when a number of Deputies opposite were present to touch on many of these issues. No doubt we will come back to them again in the days and weeks ahead.

These are further important steps towards securing Ireland's economic recovery and are most welcome. The Government appreciates that the decision to vote "Yes" was not a straightforward one for many. The economic developments of recent years have placed a significant burden on the shoulders of many ordinary Irish people. The tough decisions we have had to take to get the economy back on track have had real consequences for people's lives, yet despite the very difficult circumstances, a very significant majority was prepared to endorse the treaty as a contribution to moving Ireland forward. It was a courageous decision and the right one. The Government recognises that it places a particular onus on us to redouble our efforts to secure growth, jobs and recovery. It is a duty we take very seriously. As the Taoiseach told the House, we will work diligently and creatively with partners to drive this agenda forward.

As I have noted, the European Communities (Amendment) Bill 2012 provides for the inclusion of two elements in the domestic law of the State. The first is a protocol to the EU treaties which provides for a temporary increase in the number of MEPs. This arrangement applies only for the life of the current European Parliament until 2014. This arose due to the fact that the 2009 elections to the European Parliament took place before the Lisbon treaty had entered into force. Under the Lisbon treaty, 12 member states were to be represented by an additional 18 MEPs. Given that the Lisbon treaty entered into force before the end of 2009, EU leaders agreed that these member states should have their full complement of MEPs for this session of the Parliament too, thus giving rise to the protocol. Given the temporary nature of its effect, this element of the Bill is essentially a matter of good housekeeping.

The second element the Bill seeks to include in the domestic law of the State — the European Council decision of 25 March 2011 amending Article 136 of the Treaty on the Functioning of the European Union — was introduced as a means to provide legal underpinning for the ESM.

6 o'clock      The change to Article 136 is separate and distinct from the ESM treaty, but clearly the two are related. The entry into force of the ESM treaty does not require the prior entry into force of the amendment to Article 136 — a fact highlighted by the target date for the entry into force of the ESM treaty, next month, while the amendment to Article 136 is expected to enter into force in January 2013. It is wholly in Ireland's national interests to have established an ESM which is strong and robust. The amendment to Article 136 contributes to that end and as such should be embraced by Ireland and the European Union.

Since the publication of this Bill on 8 May, the Protocol on the Concerns of the Irish People on the Treaty of Lisbon was signed in Brussels, on 16 May. Therefore, there are two further EU developments that need to be incorporated into the domestic law of the State. The first is the Irish legal guarantees protocol, which I just mentioned, and the second is the Croatian accession treaty. The Government will bring forward Dáil Committee Stage amendments to this Bill to provide for these additional elements.

In 2009, when EU leaders agreed to provide a series of legal guarantees on a range of issues — including the right to life; family and education; taxation; and security and defence — they did so by way of a legally binding decision. They also agreed that, at the time of the conclusion of the next accession treaty, the provisions of the decision would be set out in a protocol to be attached to the EU treaties at the time of the next accession treaty. With the signing of the Croatian accession treaty, work was progressed on our protocol, culminating in its signing last month. I very much welcome this development as it is yet another real confirmation that the European Union keeps its promises to the Irish people.

The second element to be introduced, as an amendment to this Bill next week, is the Croatian accession treaty. Ireland has been a strong and steadfast supporter of the enlargement policy of the EU. We were among the first beneficiaries of that policy when we joined almost four decades ago, and the enlargement of the Union continues to be relevant and appropriate and a process that Ireland supports. Already our Croatian colleagues have joined us around the Council table as observers. I look forward to welcoming Croatia as the 28th member state of the Union in the middle of next year. This amendment to the European Communities Act 1972 will pave the way for Ireland's ratification of the Croatian accession treaty, which has been already ratified by the parliaments of seven member states and, of course, Croatia itself, following its referendum in January last.

I reiterate the importance of the decision taken in last week's referendum. We again have confirmation from the Irish people that they are determined to remain at the heart of the European project and are ready, willing and able to take the necessary decisions to ensure this sentiment has real effect. I very much welcome the adoption, in due course, of this Bill by the Oireachtas and look forward to pursuing actively the interests of Ireland and Europe in the period ahead. I strongly commend the Bill to the House.

**Deputy Seán Kyne:** I thank the people for making the right decision last Thursday by supporting the amendment to the Constitution with regard to the stability treaty. I acknowledge the 57.9% who voted “Yes” within the Galway West constituency. One reason the Irish ratified the treaty — it was clear on the doorsteps — was that doing so would ensure access to the ESM. A “No” vote would have meant Ireland could not access ESM funds, if required. This Bill establishes the treaty in Ireland.

I concur with the comments of Deputy Olivia Mitchell on issues such as eurobonds. I hope eurobonds become more possible in light of our ratification of the stability treaty and its eventual ratification across the European Union. I refer also to the stimulus and project bonds, which clearly ought to be part of Europe-wide recovery, irrespective of whether they pertain to investments in capital projects or otherwise. There is no shortage of projects across the Union and certainly in Ireland.

The European Communities (Amendment) Bill facilitates in Irish law the amendment to the EU treaties to allow the member states to establish a stability mechanism to assist member states in difficulty. It also allows for the appointment of 18 more MEPs. This has arisen following the enlargement of the European Union. During the recent treaty campaign and other campaigns, it was clear that those who argue decision-making has been transferred to Europe, that Brussels is where the real power lies and that we have signed away more of our sovereignty with each treaty were not correct. Their claims are baseless. The falseness is exposed by the very fact that this national Parliament's representatives of the people are debating this Bill only following the successful acceptance of the stability treaty by the people in a democratic vote. We are, in effect, exercising our right as a sovereign, independent people to accept or reject the amendments being sought to European treaties. These amendments have been on the agenda for a number of years now. The idea of establishing a permanent crisis mechanism

[Deputy Seán Kyne.]

to safeguard the financial stability of the euro area arose in October 2010 before the last general election. This explains why Fianna Fáil campaigned alongside Fine Gael and the Labour Party for a “Yes” vote, on the stability treaty, which treaty is undeniably necessary to guarantee Irish access to the new stability fund.

It is worth noting that when the European treaties were consolidated into their present form some five years ago, it was stipulated that the Union would intervene financially to assist a member state only when that state found itself in serious difficulties caused by natural disasters, exceptional circumstances or circumstances beyond its control. It is through this *ad hoc* mechanism that the Union was able to support various countries, first Greece and then Ireland and Portugal. With the benefit of hindsight, it has been logical and appropriate over the past few economically turbulent years that the Union and its member states moved to create a structured and comprehensive assistance fund.

Opponents are continuing to insist that ratification will institutionalise and impose austerity for years to come. This is incorrect. Ireland agreed long before now to reduce its deficit and to tackle overspending, primarily out of necessity. Everyone should know and understand that the country cannot spend indefinitely when it does not earn.

Another inaccurate contention of opponents to the stability treaty and the creation of a stability mechanism was that we could veto the legislation setting up the ESM by failing to pass the required legislation. As the European Union has grown as a community of nation states, the use of qualified majority voting has replaced the national veto in most policy areas, chiefly because the veto has been used to the detriment of Europe and to stall the functioning of the Union on several occasions. A famous example was the empty-chair crisis of 1965, whereby President de Gaulle and other French representatives refused to attend Council meetings, paralysing the Community. The institutionalisation of the national veto led to decades of stagnation. Qualified majority voting promotes co-operation, negotiation and consensus building. The idea that Ireland should resort to using a veto by refusing to ratify the legislation before us is as ludicrous as it is unfeasible.

To be clear in this case, exercising the veto we have would exclude us from a stability mechanism and a bailout fund. Regrettably, Ireland is in a relatively weak position, despite the encouraging economic signs. Why on earth would we wish to block the establishment of a stability mechanism we may ultimately need? I hope that with further responsible decision-making plans and programmes and with a certain amount of fortune in the world economy, we will not require additional access to a stability mechanism. However, as a majority of the electorate realised last Thursday, it is vital we ensure this option is open to us.

**Acting Chairman (Deputy Thomas P. Broughan):** Deputies Dooley and Kelleher are sharing time.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this debate and I support the Bill. In particular, I support the establishment of the ESM. As the Tánaiste pointed out, this legislation will ensure it is enshrined in European law through the treaty on the functioning of Europe, unlike the EFSF, which tended to float somewhat outside the confines of the body of law that makes up the European Union. For this reason, it is important that the Irish Parliament seeks to address that issue at a very early stage and recognises it appropriately. It would have been difficult to get this measure through during the course of the most recent referendum campaign. The ESM will be in place very quickly when a number of countries have signed the instrument into law. It is hoped it will be functioning well before this measure is enshrined in EU law early next year, as the Minister of State said.



The new stability mechanism is a vital component of the European Union's response to the crisis. It is a measure for which we have been calling for some time. The forerunner to this fund, the EFSF, was an *ad hoc* measure effectively operating outside the body of law in place to address the crises that existed in Greece, Portugal and Ireland. It is worth noting that, at the time in question, Ireland moved rather quickly to seek to fall within the bailout programme and to seek funds from the EFSF in the hope of preventing the kind of contagion we have seen continue. Despite the fact that Ireland was well funded at the time in question and would have been such for some time, the then Government still felt it was necessary to take action, through accepting entry to a bailout programme, in an effort to stave off the speculators and show that the country was not going to cause further problems. Unfortunately, as I have said, that has not happened. We now find ourselves on the brink of a bailout for Spain and who knows how the situation in Italy will develop in the coming weeks. While the fund is in place, one wonders, if pressure is exerted from Spain for a larger bailout fund or if it involves one of the other countries such as Italy, if it will be big enough. I hope there is advance planning at European level to ensure there will be an adequate response and that we will not find ourselves again having to use the *ad hoc* approach that we had to use in the past in relation to the EFSF. I am sure Ireland will be contributing in that regard.

As other Members stated, it is clear that the people were cognisant of the necessity for the support of our EU partners in making funds available to this country through the ESM. We clearly hope we will be in a position to re-enter the markets place through the issuance of our own bonds as early as possible. Given the turmoil in international markets and the impact of the recession on many of the countries with which we trade and to which we export, it seems unlikely that we will be able to do this without an extension of the current programme, or perhaps a new one. It is right and fitting, therefore, that at an early stage this Parliament should show its support, having recognised that the people have given us that authority and overwhelming mandate.

When one considers the relatively low turnout, there was a high percentage in favour of the stability treaty which, in addition to the establishment of the ESM, sets in place the budgetary discipline measures required by other member states. For that reason, I, too, congratulate all those who campaigned on both the "Yes" and the "No" sides. The arguments were well and truly thrashed out. Much of the negative campaign was based on a tissue of untruths, particularly as it related to the establishment of the ESM and the notion that somehow it was possible for Ireland to veto its establishment. I always failed to understand why we would want to do that when it was something of which we would potentially have the benefit and for which we had called. Somehow there was an expectation that we would veto its establishment to hold somebody else to ransom, while at the same time there was the suggestion one would somehow weaken the efforts Ireland would have to make to provide for its own budgetary discipline. That was an argument the people did not accept and I am particularly pleased they did not.

As well as to the passage of the stability treaty, we should lend considerable weight to the establishment of the ESM which of itself, is a backstop. It is an insurance policy. It is not a solution to a particular problem, rather it is a backup in the event that the crisis escalates further or is not addressed as quickly as we would like from an Irish perspective. We must still make considerable progress. We had an opportunity earlier — I am sure we will have an opportunity tomorrow in the debate on the European Stability Mechanism — to discuss further the measures needed across Europe. There is a concentration this week on these measures and I hope we can continue the dialogue in the coming weeks. It is only through a continuance of that dialogue, both here and throughout Europe, that some changes will be brought to bear.

We must look at the potential for growth and associated policies. While the French are taking a lead role, it is important that we continue to set out our platform and ideas. While I

[Deputy Timmy Dooley.]

do not want to be critical of the Minister, I am certainly critical of the Government as a whole in being relatively lethargic in addressing that component of the recovery stream. Without an appropriate growth strategy, we have little chance of addressing the stock of debt the State has accrued.

We must also look at significant reform of the ECB and in so doing so we must talk about its capacity to purchase sovereign bonds in the primary market. I was taken to some extent by what the Governor of the ECB, Mr. Dragi, said, not today but one week ago, that it was time for political leaders across Europe to decide what role they wanted the ECB to play and what character and format it needed to take. He said that was not a decision for him or the board of governors, rather that it rested within the remit of the political leaders. That was a refreshing statement which clearly showed a mindset within the ECB that there was a recognition that it could do more, that it could do things differently but not without a political mandate. The political leaders need to look to the ECB to be able to guarantee deposits across Europe in order that we will not have fluctuations or the movement of capital, as has been seen in Spain and by us. Probably the reason Ireland was bounced so quickly into a bailout was the reserves within the banking system here needed to be protected. We have seen the flight of in the region of €100 billion from the Spanish financial system. That makes it impossible for the banking system to survive in the coming weeks or months without some changes being made in that regard.

We need to look at the issue of eurobonds and project bonds, an issue I addressed with the Minister of State, Deputy Lucinda Creighton. We need a direct approach by the Government on how it will be dealt with.

We must be careful in what we say, both inside and outside the House, about the approach we will take in an effort to ensure pressure is brought to bear on Chancellor Merkel. There has been a suggestion made by some, as I understand it, within the Labour Party that we should challenge the Chancellor to the point where we would put it to her that we would be prepared to leave the euro, print money and go back to using the pound. Anyone who has studied anything in this regard will know that that would have a hugely negative impact. It would lead to a run on our banks and put our membership of the European Union in jeopardy. It would also impact on the rate of inflation significantly. We are a major importer of fossil fuels and a range of other goods and we would see their prices sky-rocket. We need, therefore, to put that suggestion to bed. We will leave it to a certain fringe element which is not taken very seriously on these issues. Certainly, we do not need to hear it from any of the main parties in this House which claim to be pro-European.

**Deputy Luke ‘Ming’ Flanagan:** Your economic policies have worked really well, have they not?

**Acting Chairman (Deputy Thomas P. Broughan):** Through the Chair, please.

**Deputy Timmy Dooley:** I thank Deputy Luke ‘Ming’ Flanagan. I would like to hear what his economic policies are. He might give us an insight into how he thinks the country might be run, as opposed to knocking everybody else’s policies.

**Deputy Billy Kelleher:** I welcome the opportunity to speak to the Bill which obviously my party will be supporting. More importantly, my party welcomes the decision of the people in the recent referendum. The Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, says a great deal. I suppose when he says a great deal, one is inclined to agree with parts of it and disagree with others. One part I found quite amusing early on was that referendums were

a little awkward because often many of the issues discussed were not ones related to a particular referendum. When the treaty campaign started, it was evident that most of the issues not covered in the treaty were being introduced by those who were opposed to it in the referendum. There is a referendum commission to adjudicate on what is in and what is not included, but after this referendum we almost should establish a truth commission because there was nothing but lies and deception propagated throughout the country by various groupings which claimed to be political parties with responsibilities, yet at the same time they were instilling fear and causing confusion everywhere they went. It should be stated clearly in the House that this, to say the least, is dishonest campaigning. The holding of a referendum is very important in Ireland. It can change the Constitution which the people hold dear as their last protection. Nevertheless, certain political parties in the House and groupings which claim to be loose affiliates of socialists have wandered throughout the countryside telling bare-faced untruths to the people. They have tried to sow confusion and fear. In fairness, this time the people stood back and analysed the position. They voted not necessarily in their best interests but in the interests of the country. I could never understand the argument put forward by those opposing the referendum. They claimed it would legalise austerity for many years. The European Stability Mechanism establishes a fund to ensure countries which many be unable to access financial markets will have the ability to source funding elsewhere to pay for the delivery of services and the running of the state. If we did not have the ESM we would be at the mercy of the people who, according to those opposed to the treaty, got us into this difficulty in the first place. We would be dependent on the capital markets. We are told continually that those in the capital markets caused the difficulties because capitalism is blatantly a flawed philosophy. If that were the case all the people who voted “No” or who supported that campaign should have supported the establishment of the ESM to ensure we were not at the mercy of the vulture capitalists, as they are eloquently called from time to time by Deputies opposed to the treaty.

I wish to return to what this is all about. Fundamentally, this is about ensuring we have a facility to access funds in the event of our not being able to go back to the markets when we exit the current programme in 2013. Had we voted “No” it would have made it more difficult for the Government and the State to access markets in the years ahead. There would have been a dramatic dislocation in society because we would have had vast cuts to social welfare, health and education. That is not fear mongering or scare-mongering. It is a fact. We would not have had the capacity to fund the State on a daily basis. The establishment of the ESM is a positive step taken by the European Union. Some may suggest it is a belated step and I have been critical of the European Union and the ECB as well.

The role of the ECB should be changed to make it more proactive in terms of investment and acting as the lender of last resort. Clearly, the riding instructions and the establishment of the ECB relate primarily to controlling inflation at the cost of everything else. The Government should be to the fore in examining the ECB, its role and whether it should be expanded to ensure it can see beyond inflation control as its single remit. This should be put at the heart of the agenda. We are well aware there are inherent flaws in the euro mechanism. This is because there are many banks with many regulatory systems but, at the same time, only one central bank which keeps control of the purse strings *per se*. However, if a bank in a given country runs into trouble and is important to the stability of the economy of that country, the sovereign is forced to bail it out. I accept the view of the “No” camp that this is inherently unfair but one cannot avoid something at all costs because it is unfair. The fact is we need a functioning banking system in a modern economy. If we let all the banks fail then we would have a basket case economy. It is inherently unfair that the Irish person is asked to shoulder the complete burden of private debt. It is inherently wrong as well.

[Deputy Billy Kelleher.]

The Government has a mandate in this regard. Those now in government did not have to wait for a treaty to secure a mandate. They were given a mandate last year by the people to go forth and re-negotiate. They promised they would do so. Prior to the election they stated that they would burn bondholders and diminish private debt and the burden on citizens. The Tánaiste said he would take his battle to Frankfurt. The only man who has taken the battle to Frankfurt so far is the *Irish Examiner* reporter, Diarmuid O'Flynn, who is there with 15 people from Ballyhea protesting outside the ECB at present. The Tánaiste has not gone there yet. Those in government need not have waited for this referendum to pass to strengthen their belief that they were doing the right thing by seeking a reduction of private debt. They promised the people last year that they would reduce it if they were elected. They got elected but the promises have diminished.

**Deputy Lucinda Creighton:** As the Deputy is aware, there has been a change in the interest rate.

**Deputy Billy Kelleher:** That was by accident.

**Deputy Lucinda Creighton:** It was not by accident. I will not take any lectures from the people who destroyed the economy.

**Acting Chairman (Deputy Thomas P. Broughan):** Through the Chair, please.

**Deputy Timmy Dooley:** We were not in power in Spain or Italy.

**Deputy Billy Kelleher:** Let us be clear. We are trying to be helpful and to jog the memories of those in government.

**Acting Chairman (Deputy Thomas P. Broughan):** Please, Deputies.

**Deputy Billy Kelleher:** We are trying to highlight what was said. With regard to the reduction of interest we know——

**Deputy Alex White:** Fianna Fáil brought us to where we are.

**Acting Chairman (Deputy Thomas P. Broughan):** Through the Chair, please.

**Deputy Billy Kelleher:** We know why the interest rate reduction came about. It was because other economies were struggling and they were given a reduced rate of interest as well. The *quid pro quo* was given to Ireland subsequently. In the interests of ensuring this country can access markets and stand on its own two feet as quickly as possible, the Government must negotiate with the mandate it was given last year on this issue. However, there are conflicting views coming from the Government continually. The Minister of State can dismiss me as much as she wishes but some Ministers have stated the matter is inherently linked to a “Yes” vote and that if we received a “Yes” vote it would strengthen our hand in any re-negotiation of the debt burden in Europe. Some weeks ago the Taoiseach stated he would not have “defaulter” written on his forehead. I am unsure who is right or wrong but these statements are not compatible. We need a strong Government to do this work and, rather than have a quick chat with Chancellor Merkel on the telephone, we need solid diplomacy at its best. We need the Government to plead the case in the context of the promissory notes and the private debt saddled on the people.

The European Union has an obligation to stand with smaller countries. Reference has been made to a partnership approach. No one country runs the European Union. It is a partnership

approach and the European Commission has failed dismally. It is the most castrated organisation I have seen in a long time. Effectively, it is non-existent. First, there was the Merkel Sarkozy axis and now we have the Merkel Hollande axis. Under the various European treaties the European Union has an obligation to uphold and vindicate the rights of smaller countries. This is written in the treaties but the Commission has failed abysmally.

We need a resolution to this issue and the quicker it happens, the better for Ireland and Europe. I put it to the Minister of State that her Government is saying opposite things at the same time and this is having a negative impact on the view the people have of Europe. More important, it gives the Europeans and those opposed to addressing the issues underlying our difficulties an opportunity to opt out and not give us what we believe to be fair and just, that is, a re-negotiation to lighten the burden on the people and the country in order that it can return to prosperity and start contributing again.

**Deputy Pat Breen:** I welcome the opportunity to contribute to the debate. The Bill amends Article 136 of the Treaty on the Functioning of the European Union to allow for the setting up of the ESM. It also facilitates the protocol on the temporary adjustment of the number of MEPs, which will apply to the current European Parliament the additional seats provided under the Lisbon treaty.

The Bill is an important step in moving forward and building on last week's referendum result. I commend the Minister of State with responsibility for European affairs on her work during the campaign. She sent out a positive message. It was not negative. She has done excellent work for us in her role and I expect she will continue to do so in future.

I welcome the result overall and especially the result in my constituency of Clare, where there was a 65.73% "Yes" vote, above the national average of 60.2%. This is the sixth highest "Yes" vote in the country. From speaking to people during the campaign, it is clear they were aware of the importance of passing the fiscal treaty in terms of Ireland's future role in the European Union. The strong message they delivered last week was that they want to remain at the very heart of Europe and to see stability restored to the eurozone. I reject the argument made by a sizeable number of campaigners against the treaty that people made their decision on the basis of fear. Such nonsense does our intelligence and informed electorate a disservice. Voters weighed up the pros and cons of the treaty before casting their votes and set aside their financial suffering and pain for the greater good of the country. Their decision is to be commended. While they recognised that the treaty is not a quick fix for our economic ills, they wanted the Government to have a strong hand and they recognised that economic recovery hinges on events internationally, particularly the outcome of the general election in Greece on 17 June, elections in France later this month and the banking crisis in Spain, which is dominating news coverage this week and may dominate the headlines next week. The situation is highly volatile. People were also conscious of the important role of foreign direct investment in creating jobs. In voting for the treaty they sought to ensure that no damage was inflicted on Ireland's international credibility now that international confidence in the country is at an all time high.

The resounding "Yes" vote has been greeted positively throughout the world. I have received a number of calls from people in Europe and in the United States congratulating us on the result. Deputy Kelleher's statement that we do not have a strong voice in Europe is incorrect. Our voice is heard in Europe and we have a strong team of diplomats working abroad.

When people went to the polls last week they considered how the international markets would react to a "No" vote and where we would obtain finance in the event that the country is unable to return to the markets at the end of the bailout programme. International commentary on the referendum outcome reveals the extent to which the markets and European leaders



[Deputy Pat Breen.]

were holding their breath as they awaited the result. According to the French newspaper, *Le Monde*, the vote meant the fiscal treaty overcame a “perilous obstacle”. The German magazine, *Der Spiegel*, described the result as “a rare piece of good news for European Leaders”, while *The Wall Street Journal* argued that the outcome strengthened the country’s European credentials. *The Washington Post* stated the treaty “won a decisive and much-needed victory in Ireland in a closely watched referendum”. It was important, therefore, that Ireland sent out the right signals to Europe and to the world, especially given our strong dependence on foreign direct investment.

The President of the European Council, Mr. Herman van Rompuy, described the outcome of the referendum as an “important step towards recovery and stability”. In light of the international response to the result, there is no doubt rejection of the treaty in the referendum would have sent shockwaves through the financial markets and we would have been denied access to funding on the markets. The question as to whether we will be able to return to the markets at the conclusion of the bailout programme, as hoped, will be determined by the financial markets. For this reason, stability and a resolution to the euro crisis will be critical.

The economy is performing well and Ireland is on track to meet all the requirements of the European Union and International Monetary Fund bailout programme. Our exports are performing well, with the latest figures from the Central Statistics Office showing that industrial production increased by 1.3% in April, a clear signal that the economy is recovering. Yesterday’s Exchequer returns were also highly encouraging. If they continue on their current trajectory, the country will be in a strong position next year.

The main problem facing the economy is the slump in the eurozone. It is important to expand our markets, particularly in countries outside the European Union, including emerging economies. I was recently asked to open a conference organised by the Shannon Chamber of Commerce to discuss opportunities for enhancing our economic and tourism ties with China. The event, which was held at Shannon Airport, built on last February’s highly successful visit of the Vice President of China, Mr. Xi Jinping, during which he visited Lynch’s farm in Sixmile-bridge where a new born calf was named in his honour. The Vice President’s visit has placed Irish agricultural exports on the map in China. For the past two years, food exports have expanded by 25%, with food and drink exports to China worth nearly €200 million in 2011.

The potential for export growth to emerging markets is significant and we must have a presence in these countries. I pay tribute to the IDA and Enterprise Ireland whose representatives continue to work closely with high profile trade delegations and missions. Trade missions, of which there have been a number recently led by the Taoiseach and the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, and the Minister for Agriculture, Food and the Marine, Deputy Coveney, are very important. I understand the Minister of State, Deputy Costello, will lead a mission to Russia in the near future. A direct air link between China and Ireland would advance ties between our two countries and I hope the new board of Shannon Airport will examine this possibility.

G7 finance ministers met yesterday to discuss the ongoing crisis, particularly developments in Spain, and vowed to continue to monitor financial developments ahead of the G20 summit in Mexico on 18 and 19 June. A move to address the banking crisis in the European Union is on everybody’s lips amid intense speculation that the Spanish banks will need a bailout. At its meeting in Frankfurt today, the board of the European Central Bank announced it would maintain interest rates at their current record low of 1%. While this is a welcome decision, all eyes are focused on how the European Union and European Central Bank will address developments in Spain.

While the vote of confidence in the fiscal treaty has strengthened the Government's hand in negotiations at EU level, as the Taoiseach noted this morning, there are no simple or quick fix solutions. Buoyed up by the outcome of the referendum, the Taoiseach and Minister for Finance are now in a stronger position to make the case that the issue of banking debt must be addressed and there must be a *quid pro quo* for Ireland in any resolution.

It is also important that Europe brings clarity to the issue of banking because failure to do so would dampen prospects for the introduction of a growth package. A reduction in our debt ratio and the introduction of further growth measures will be critical if we are to make a significant dent in our unemployment figures. This is a major challenge.

By voting "Yes" last week, the electorate demonstrated it is well aware of the challenges that lie ahead for the economy. Voters knew they were voting to have an insurance policy which would ensure the country has access to the European Stability Mechanism. It still may be possible to return to the markets by 2013, as planned. The enactment of the European Stability Mechanism Bill will mark an important step in ensuring Irish people's wishes are adhered to and the bailout fund is put in place.

**Deputy Alex White:** We are debating this legislation in the aftermath of the referendum on the fiscal treaty last week, the outcome of which I welcome. As some of my colleagues have referred parochially to their constituencies, I can have the indulgence of a few seconds to say how pleased I am that my constituency of Dublin South returned the highest "Yes" vote in the country at 76%, notwithstanding the rather late intervention of an independent Deputy in the constituency, whose intervention in the last few days of the campaign was described in some quarters of the press as constituting a game changer. Perhaps it did change the game, but not in the direction intended by the Deputy.

This debate is a relatively net issue in the Bill, although the Government is also taking the opportunity to include another couple of important aspects. Principally we are debating the amendment to article 136 of the treaty. I would have a lot more sympathy for colleagues who were complaining earlier about the guillotine in this debate if there were arguments of substance being put forward as to why we should not support this Bill and not agree to what is being proposed. Having listened reasonably carefully for most of the afternoon, I cannot identify any argument of substance other than the general argument to the effect that we do not want anything to do with all that, and that we know we are against it before we even read it. That is to what these arguments amount.

I take a slightly different view from some of my Government colleagues on the "Yes" side. While I agree there were strong reasons inherent in the referendum proposal which justified a "Yes" vote, it still constituted a relatively modest proposal to the people. This is because many of the measures which the change in the Constitution will allow the Government to endorse are already in place. Amidst all of the noise of the past three or four weeks, that point was missed. Those on the "No" side now have a difficulty facing up to the consequences of the arguments they made at the time, and this was evident earlier in Deputy Daly's speech. The Deputy pressed the Tánaiste on what the Government would now do, given that the people had agreed to amend the Constitution. She correctly pointed out that the amendment to the Constitution is a permissive, enabling amendment that will allow the State to ratify the treaty. It was claimed that many rules would be put into the Constitution if the referendum were passed, but of course none of those rules was put into the Constitution. Do those on the "No" side still hold to the view that what the people did last week was to enshrine austerity permanently in our Constitution? Are they seriously saying the Irish people gave a mandate to permanent austerity last week? If that is what they think happened last week, they will have problems with their politics in future, because that is not what happened, and that was not what the

[Deputy Alex White.]

people were asked to do, in spite of the claims on some of the “No” posters. The people agreed to permit the State to ratify this treaty.

Deputy Daly stated today that it was pointless setting up a fund like this because if Spain goes down, it will use up all of it, or at least the lion’s share of it. Even if she is right — I do not think she is — how is that an argument for not having a fund? She stated that Ireland would have to contribute to it. The countries have to contribute to the fund because they are setting it up. We cannot conjure money out of the air, although perhaps Deputy Daly and her colleagues think we can. The most extraordinary argument of all was Deputy Daly’s point that the setting up of the fund would itself push us towards a second bailout. From where do these people get these arguments? Surely they must be embarrassed when making such points. What possible argument is being advanced to the Irish people?

Deputy Daly’s comments were reflective of the nature, tone and content of the arguments made in the past four weeks. I said the proposal put to the Irish people was modest, but the decisive reason for the victory of the “Yes” side was what the “No” side were saying. Perhaps I am alone in thinking that, but I believe the “No” side won it for the “Yes” side. When people read the proposal initially they probably thought it was modest and not much about which to be enthusiastic. However, they had to listen to arguments from the “No” side, with all the untruths and the misrepresentations in the teeth of what the treaty said. For example, the argument was made that there would be no conditionality on funding in the future. We were urged by Deputy Boyd Barrett and others to forget that part of it. Reference was made to selective quotations on the treaty. People are not stupid. They were able to see they were being told “porkies” by the “No” side. The truth was being misrepresented to them by many on that side.

Sinn Féin has come around to supporting the Bill, which is to be welcomed. There would be no logic to its position if it were not to do so. However, some colleagues remain here who think we ought not go ahead with this proposal, but have offered few arguments to support that position. Deputy Daly complained that people are always asking where will the money come from. She does not want that question to be asked. It is a hard question for her and for her colleagues, and it is useless saying that people are asking the wrong question. Deputy Daly and her colleagues have not answered the question because they cannot answer it.

Deputy Finian McGrath made the point earlier that there is a certain amount of sleep walking going on across Europe on where the Union and the eurozone are headed. He is right on that. There has been a lamentable incrementalist approach to change in recent months. There has been a paralysis of decision making, which is regrettable. It may now mean that change will have to happen very quickly. People have said we are at a fork in the road and that the European project, and certainly the eurozone, will go one way or the other — either towards closer integration or towards break up. We have managed to arrive at this binary dilemma and it is one way or the other. If I am right that it is a choice between one route or the other, those who advocate that we should not take the more integrationist approach have also got a responsibility to propose to the Irish people what they think ought to happen to our country in the future. They cannot keep saying this is the wrong question. Deputy Daly talks about the Government being naïve, but the perspective she has been advocating in this House is devoid of credibility as an alternative analysis for the Irish people.

Let us join in the politics of what needs to happen. I am pleased Francois Hollande was elected in France. I do not agree with some of my colleagues who say it does not change very much and that growth was already on the agenda. I know growth was already on the agenda, but the Sarkozy-Merkel political approach to what constitutes growth has been ruptured by that election, and that is a good thing. It changes the conversation about what needs to be done

for growth, and I wish colleagues would get involved in that debate rather than turning their backs on it.

**Deputy Richard Boyd Barrett:** I had planned to say certain things but I must respond to Deputy White.

**Acting Chairman (Deputy Thomas P. Broughan):** I remind you, Deputy Boyd Barrett, to respond through the Chair.

**Deputy Richard Boyd Barrett:** The idea that it was the arguments of the “No” side that led to the passing of the referendum is an interesting analysis. It gives little credit to the arguments of the “Yes” side and is not borne out by the facts. The polls showed that the percentages on the “Yes” and “No” sides did not shift from the beginning of the campaign to the end. It looks as though the arguments pretty much cancelled each other out, from the beginning to the end. Deputy White made an interesting political jibe but it does not stand up to scrutiny or to the evidence of polls taken consistently from the beginning to the end of the campaign.

The issue was always the fear of the consequences of voting “No”. The Government and the “Yes” side traded on fear of the unknown, of the dire consequences of funds not being available to the State, of money not coming out of ATM machines and of pensions and social welfare not being paid. That is the message the Government gave and that ordinary people got. It is the message canvassers heard on the doorsteps from people who were intending to vote “Yes”. They were afraid. Fear was whipped up relentlessly by the “Yes” side throughout the campaign. A significant proportion of those who voted “Yes” did so with a heavy heart because they were angry at being asked to carry the can for the crimes of others in the Irish financial and political systems and for the greed of developers, speculators and others. They voted “Yes” with a heavy heart because they were afraid of the consequences of a “No” vote.

There were mixed opinions on the “No” side, but the United Left Alliance has a clear alternative. Unlike the Government and the “Yes” side, we do not promise ridiculous fairytales such as investment, stability and certainty. No one can promise those. We did not promise them. The “Yes” side did.

**Deputy Bernard J. Durkan:** Deputy Boyd Barrett did not promise anything, except oblivion.

**Deputy Lucinda Creighton:** Armageddon is what they promised.

**Deputy Richard Boyd Barrett:** I will get to that.

**Deputy Bernard J. Durkan:** Some of the methods of canvassing were not very nice either.

**Acting Chairman (Deputy Thomas P. Broughan):** Please address your remarks through the Chair, Deputy Durkan.

**Deputy Richard Boyd Barrett:** The “Yes” posters emblazoned investment and recovery and stability. Certainty was a slogan. That was a fairytale. There is no stability.

**Deputy Bernard J. Durkan:** Where were those slogans?

**Deputy Richard Boyd Barrett:** We do not promise stability, at least not in the short run. The Government should not have promised it, but having promised stability, it should deliver it. One would have to be living in a parallel universe to imagine that a decision taken last Thursday or the rushing through of the ESM would lead to stability. Can Deputy Durkan stand over that?

[Deputy Richard Boyd Barrett.]

There is rampant and well-founded speculation that if the people of Greece are not willing to take even more poisonous doses of austerity, which has already decimated Greek society and its economy, Greece will be forced out of the eurozone. No one knows whether that will happen. There is no certainty.

**Deputy Bernard J. Durkan:** Where would Deputy Boyd Barrett get the money from?

**Deputy Richard Boyd Barrett:** There is a widespread belief that if Greece exits, as a result of being bullied out of the eurozone because it is not willing to accept more of the poisonous austerity that has done such damage, the result will be catastrophic for the wider eurozone and could spell the beginning of the end of the eurozone. That is very likely. It is also likely that a Greek exit would tip the eurozone further into recession and, possibly, into a depression. No one really knows. To suggest that stability and certainty lie on the other side of the vote is nonsense.

**Deputy Bernard J. Durkan:** A “Yes” vote was the better option by a long shot.

**Deputy Richard Boyd Barrett:** Certainty was repeated again and again. We do not have certainty of funding. There is no security.

**Deputy Bernard J. Durkan:** We need certainty, security, stability and reliability. These are all the things Deputy Boyd Barrett rants against.

**Acting Chairman (Deputy Thomas P. Broughan):** Deputy Durkan, you will have an opportunity to speak in a few moments. Please allow Deputy Boyd Barrett to speak.

**Deputy Bernard J. Durkan:** I apologise, a Chathaoirligh. I am upset.

**Deputy Richard Boyd Barrett:** Of course Deputy Durkan is upset.

**Deputy Bernard J. Durkan:** I am upset by that rubbish which I have been hearing for the past three months.

**Deputy Richard Boyd Barrett:** He does not like being disagreed with. I understand that. He will have his chance.

**Deputy Lucinda Creighton:** Deputy Boyd Barrett also had his chance, and the people gave him their answer.

**Deputy Richard Boyd Barrett:** I remind Deputy White that the United Left Alliance clearly set out an alternative. Sooner or later that alternative will be debated, when the austerity agenda crashes further into crisis, as it is destined to do and as the foundations of the eurozone are shaken further by the disastrous strategy being pursued by Angela Merkel.

**Deputy Alex White:** Default was what Deputy Boyd Barrett proposed.

**Deputy Richard Boyd Barrett:** Absolutely, and I will say it again: default, default, default.

**Deputy Bernard J. Durkan:** That is sound economics.

**Deputy Richard Boyd Barrett:** Deputy Durkan’s sound economics——

**Deputy Bernard J. Durkan:** Deputy Boyd Barrett’s sound economics are total nonsense.



**Acting Chairman (Deputy Thomas P. Broughan):** Deputy Durkan, you may have a private conversation later. Please speak through the Chair. Deputy Boyd Barrett has the floor.

**Deputy Bernard J. Durkan:** I apologise again, a Chathaoirligh, but it is very hard to listen to that.

**Deputy Richard Boyd Barrett:** They do not like hearing alternative proposals.

**Deputy Bernard J. Durkan:** We do not like nonsense.

**Acting Chairman (Deputy Thomas P. Broughan):** Deputy Boyd Barrett, please speak to the Bill.

**Deputy Richard Boyd Barrett:** Some of us believe the alternative is to refuse to pay the gambling debts of bankers, financiers and bondholders and that alternative would substantially reduce the debt burden on the country and our deficit.

**Deputy Alex White:** It would bury us.

**Deputy Richard Boyd Barrett:** It would not. In addition, we need to nationalise our banking system.

**Deputy Alex White:** We have done.

**Deputy Richard Boyd Barrett:** By nationalising, the United Left Alliance means that as well as recapitalising banks, we would actually control their policies. It is amazing that Deputy White and others on the Joint Committee on Finance, Public Expenditure and Reform bemoan the fact the banks we have recapitalised will not provide adequate finance to small and medium enterprise or give an adequate break to distressed mortgage holders who cannot make their repayments and are threatened with the loss of their homes but continue to insist we have nationalised the banks. It was my understanding that if we nationalised the banks, we would control them.

**Deputy Alex White:** Should politicians decide who gets a loan?

**Deputy Richard Boyd Barrett:** People who are democratically elected by the people, yes.

**Deputy Bernard J. Durkan:** The politburo.

**Deputy Lucinda Creighton:** My God.

**Deputy Richard Boyd Barrett:** Does Deputy Durkan think it better to have in charge of our banks the same bankers who led us into the crisis and who are paid half a million euro a year?

**Deputy Bernard J. Durkan:** I have never heard economic theory like that in my life.

**Deputy Richard Boyd Barrett:** We understand.

**Deputy Bernard J. Durkan:** The Deputy should understand, after the referendum vote.

**Deputy Richard Boyd Barrett:** We believe the people, through democratically elected representatives, should control the financial system, so that we dictate the lending and investment policies of the banks and so that those policies are directed towards the social good, investment in small and medium enterprise and infrastructural projects, the development of strategic industry and enterprise and all the things that are not happening now. The banks are not putting

[Deputy Richard Boyd Barrett.]

the money back into the economy. No matter how much we shovel money into the banks, it does not go back into the economy. We throw up our hands and ask why the banks do not do this, that and the other, but we refuse to exercise control over them.

It is not a question of exercising control over every nut and bolt. It is about setting the strategic priorities for the banking system and telling banks that our priorities are distressed mortgage holders and keeping roofs over people's heads, employment and putting people back to work, and developing strategic enterprise and industry in order to put people back to work and generate real wealth, real growth and real revenue. Is Deputy White saying we cannot do that?

**Deputy Alex White:** We can do it.

**Deputy Richard Boyd Barrett:** We are not doing it.

**Deputy Alex White:** We cannot do it with la-la economics.

**Deputy Richard Boyd Barrett:** It is not la-la economics. It is about setting the strategic priorities and enforcing them on the banking system.

**Deputy Alex White:** That is what we are doing.

**Deputy Richard Boyd Barrett:** We are not doing it.

**Deputy Alex White:** Of course we are doing it.

**Deputy Richard Boyd Barrett:** Where is the money going in? Why are small and medium enterprises screaming week in, week out about how they are being starved of credit by the banks that we have recapitalised? Why are they screaming if it is all working swimmingly?

**Deputy Bernard J. Durkan:** I do not think Deputy Boyd Barrett is living in the real world.

**Deputy Richard Boyd Barrett:** Why have trillions been put into the European banking system and still the money is not going back into the European economy, which is being suffocated? The European economy is contracting and there is a major strike of private sector investment which has collapsed across Europe. Those are the facts. When are we going to wake up and assert control over the banking system which we have re-financed? Do we not have the right to do that? Is it not an absolutely urgent priority that we do it? It seems obvious to me that it is.

**Deputy Alex White:** It is a serious problem.

**Deputy Richard Boyd Barrett:** In response to what Deputy White said, when people ask where is the money, has he not noticed what we have been doing——

**Deputy Alex White:** Is this the Deputy's €10 billion Bill?

**Deputy Richard Boyd Barrett:** ——for the past two or three years? The money is in the banks because we put it into them.

**Deputy Bernard J. Durkan:** What world has Deputy Boyd Barrett been living in?

**Deputy Richard Boyd Barrett:** The money is in the banks.

**Acting Chairman (Deputy Peter Mathews):** Deputies should be aware Deputy Boyd Barrett has the floor.

**Deputy Bernard J. Durkan:** I apologise, a Chathaoirligh. After three months we have to do it all over again.

**Acting Chairman (Deputy Peter Mathews):** Deputy Durkan will have a chance to contribute in a few minutes. Deputy Boyd Barrett should proceed. He should speak through the Chair.

**Deputy Richard Boyd Barrett:** Yes. The money is in the banks and it is about time we used it for the social good and the development of the economy and society. Furthermore, we have argued there must be a more general redistribution of wealth in society because it is concentrated in the hands of a small minority who are either not spending the money or not investing it in the economy. Figures emerged in recent weeks showing multinationals in Europe sitting on between €2 trillion and €3 trillion worth of uninvested profits. Why are they not investing? It is because they do not think they can make a profit. Why do not think they can make a profit? It is because the demand in the economy has collapsed and they do not think they can sell their goods.

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**Deputy Bernard J. Durkan:** It is because they are worried about Deputy Boyd Barrett.

**Deputy Richard Boyd Barrett:** We must short circuit that situation and get control of those resources. That means tackling the wealth through corporation tax, taxes on financial transactions and taxing the obscene wealth of a tiny minority who control disproportionate amounts of wealth and reinvesting it in society and in the economy. In contrast to that — a genuinely alternative approach to organising our economy — our Government, along with Mrs. Angela Merkel, cling on the dogma and doctrine of austerity which has failed miserably for the past four years.

**Deputy Bernard J. Durkan:** Deputy Boyd Barrett thinks we should spend more and that we should forget about prudent economics.

**Deputy Richard Boyd Barrett:** At least the Government was honest when it said there was nothing new in the treaty. That is exactly the point. That is precisely why we opposed it, because there is nothing new and it is carrying on along the same train tracks of austerity that have led us into this mess in the first place.

**Deputy Alex White:** Does Deputy Boyd Barrett have a mandate for parking austerity?

**Deputy Richard Boyd Barrett:** I say to Deputy White that we want something new. We want an alternative strategy because the one that is being pursued is not working.

**Deputy Bernard J. Durkan:** Why is Deputy Boyd Barrett talking about unwise spending and unwise investment?

**Acting Chairman (Deputy Peter Mathews):** Deputy Boyd Barrett should be allowed to speak.

**Deputy Richard Boyd Barrett:** If the catastrophes that have been inflicted on this country and on the Greek people as a result of austerity have not woken the Government up to the fact that austerity is not working and that this approach to the crisis is not working, perhaps the Spanish crisis will now wake the Government up to that fact. The hole in the Spanish banks is likely to be anywhere between €100 billion and €250 billion, probably closer to the latter figure. We will have to contribute to that fund, after contributing billions to bail out our own insolvent banks whose reckless gambling and speculation caused the crisis in the first place. We will now have to bail out the Spanish banks, the French banks and German banks.

**Deputy Bernard J. Durkan:** Should we pay nothing?

**Deputy Richard Boyd Barrett:** When will we stop bailing out the banks and start to adopt a different approach where we prioritise people, jobs, economic growth and employment? The Government defends its position by saying that at least there is talk in Europe now of there being assistance to the banks that will not be channelled through the sovereign and will not be unloaded onto the backs of ordinary citizens and the books of member states. That is the Government's big play after the referendum, that it is hoping that the ground is shifting in Europe and that we will be able possibly to ride on the back of whatever Spain gets in the hope that we can get a retrospective deal on bank debt. However, Mrs. Angela Merkel responded to the Government's appeals only days after it had done what she demanded it do in passing the fiscal treaty and said: "Nein, nein, nein." While that is German for "No, no, no.", it could equally be the 999 emergency number we will need to ring for the European economy if we keep going down the road of this disastrous austerity.

**Deputy Bernard J. Durkan:** I thought about ringing it a few minutes ago.

**Deputy Richard Boyd Barrett:** At what point will the Government get it? It has taken the best boy in the class routine to the most extreme lengths in pushing through this treaty when other forces in Europe are at least delaying it or beginning to question Mrs. Merkel's strategy. The Government continues with the best boy in the class routine and only a few days after this country passed the fiscal treaty, Mrs. Merkel slaps the Government in the face again. There has been no reward, no deal on bank debt, no change to the terms of the austerity arrangements and she has made it clear that Germany insists that ordinary citizens, working people — the vulnerable — will continue to pay the price of the crisis in the system. All of the assistance will be strictly conditional — that is the key term: "strictly conditional" — on continuing with the poison of austerity inflicted on ordinary people. When will the Government learn that trying to suck up to Mrs. Angela Merkel and the austerity boot boys of the troika is not working? The more one encourages her to think there is no end to the punishment we are willing to take, the more she dishes out the punishment. Despite saying the Government is supporting the forces in Europe that are now calling for a growth and jobs agenda in Europe, the reality is that by ramming the fiscal treaty through with such speed and now the ESM, in particular in the case of the latter which is not being discussed, it is undermining and sabotaging the forces in Europe that are beginning to challenge Frau Merkel.

**Deputy Bernard J. Durkan:** The referendum was last week.

**Deputy Richard Boyd Barrett:** Yes, and now it is the ESM, which is not being discussed properly. The Government wants to ram it through to prove again to Mrs. Angela Merkel what good boys and girls we are. There will be no discussion on it despite the fact the ESM has profound implications. Throughout the referendum debate the Government presented the ESM as if it was some sort of benevolent fund which was there to assist the people when there was so much more involved in it. Whether one agrees or disagrees, it is utterly dishonest to suggest that is all there is to it, that it is just an insurance policy or a benevolent fund. Serious issues arise from the ESM that must be debated properly. It would be utterly dishonest of the Government to say the people of this country are acquainted in any serious way with the contents of the ESM treaty because they are not. It has not been discussed.

**Deputy Bernard J. Durkan:** It was also discussed last week.

**Deputy Richard Boyd Barrett:** I accept the fiscal treaty was discussed at length. The Government won the debate. There is no question about that — through fear in my opinion — but

the Government did win the debate. However, it is dishonest to suggest there has been a full public discussion of the serious issues that arise out of the ESM because it is not just a benevolent fund. It raises serious questions about the potential cost to the State of establishing the ESM in the event of a further bank meltdown across the eurozone, which is now looking seriously likely given what is happening in Spain and the knock-on effects we are likely to see in France and elsewhere. To be honest, there could be a call on the State of €11 billion or more. This is what the treaty allows.

**Acting Chairman (Deputy Joanna Tuffy):** The Deputy's time has concluded.

**Deputy Richard Boyd Barrett:** I apologise. I did not know. It is wrong to railroad this legislation through the House in just a few hours. The Government should allow for a proper debate. Instead, this is a continuation of the sucking up to Angela Merkel despite the fact that no matter how much the Government does so, she slaps it down and humiliates it. She is giving it nothing. When will the Government realise that sacrificing the interests of our society and of ordinary people in Ireland to please Frau Merkel is not working and we need to take a different tack?

**Deputy Peter Fitzpatrick:** May I share time with a number of my colleagues?

**Acting Chairman (Deputy Joanna Tuffy):** Is that agreed? Agreed.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to discuss the European Communities (Amendment) Bill 2012. It is particularly apt to be discussing a European Bill following the recent adoption of the fiscal treaty by the Irish people. The relief among my constituents is palpable. I was in Drogheda on constituency work this morning and it is fair to say people were delighted the referendum was passed. An air of confidence is starting to creep back into society. People believe the Government has taken some hard decisions for the good of the country.

Honesty of endeavour and hard work is what the country needs. Tough decisions have been taken, but the Government was not elected to take the easy options or to avoid issues and pander to the masses in a popularity contest. The Government was elected to put Ireland firmly back on the road to economic recovery. That is what we are doing. People recognised that passing the fiscal treaty was part of that process and voted strongly for it. The Irish electorate are intelligent and sophisticated voters. They do not stand for mediocrity and demand the best from their elected leaders. By passing the treaty, they have endorsed the Government's actions.

Last weekend in Collon, I was reminded there had been a fall in the yield on Irish two-year bonds in reaction to the "Yes" vote. This is the type of reaction that is required. That the markets reacted positively is a clear sign the "Yes" vote has been welcomed. I do not mean welcomed for the sake of it, as markets are anything but sentimental. Rather, the vote put Ireland on a sound footing and removed a great deal of uncertainty. As we all know, markets do not like uncertainty. They have also voted, in that they have reduced Government bond yields, which is a strong endorsement of the Irish Government and people for backing the fiscal treaty.

Last week while canvassing in Dundalk, there was a constant and simple message from my constituents. While they did not like on a personal level many of the decisions that had been taken, they realised those decisions had been taken for the good of the country. As a result, they understood and respected the decisions. They realised taking a tough decision now would ensure a better future.



[Deputy Peter Fitzpatrick.]

Dundalk and the greater Louth area have seen an upsurge of international companies locating there since the formation of this Government. It is not a coincidence. Those companies can now plan more confidently for the future and new companies looking to locate in Ireland will be greatly encouraged by the decision of the Irish people. The veil of uncertainty has been lifted and Ireland is firmly on the road to recovery.

The purpose of this Bill is to amend the European Communities Act 1972 to provide for a number of measures to form part of the domestic law of the State. One is the amendment to Article 136 of the Treaty on the Functioning of the European Union, which provides a legal underpinning to the European Stability Mechanism, ESM. The other is a protocol on the temporary adjustment of the number of MEPs. I have no hesitation in commending this Bill to the House.

**Deputy Eoghan Murphy:** I wanted to make these comments in the context of our statements on the European Council but, due to Standing Orders and the equal allocation of time to groupings rather than individuals, doing so was not possible. That needs to change.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Eoghan Murphy:** If the Chief Whip is listening, I urge him to move to change the situation.

I have not been able to follow the Council statements or this debate because I have been attending a committee meeting. If we are to be more efficient and to participate properly in the workings of this House, we could make another improvement to our work in this regard.

When the second Lisbon referendum was passed, the consensus was there had been a change from the inward examination of what Europe was trying to achieve, whether integration was improving or whether European functionality needed to change. The idea became one of whether the EU was performing outwardly, that is, in its foreign relations and other aspects of its work. As we now know, that analysis was wrong. Our relationship with Europe and the European project is continuing to change, particularly in terms of its internal functionality. It is a fact of our relationship with Europe that we proceed via referendum, in that we consult the people on the main issues of the day before we continue. We will consult them again in the near future, as it is certain there is more to come in our quest to save the euro. There must be. However, we do not need to march blindly on, wondering what changes may come and when, and only discussing them at the last minute in the pressure of a referendum campaign in which other interests and political motivations come into play. A significant shift in the functioning of the EU is under way through these efforts to make the currency union viable.

It is time we started discussing the end game, what the currency union should be for us and for Europe and what we are willing to do to achieve it. We need to discuss our vision for Europe and our place in it. We now have the room to have that discussion. We passed the stability treaty and our funding post 2013 is secure. As elected Members, it is important we begin the discussion on what the euro will look like in the coming years. We have a fiscal stability plan, but currency unions, euro bonds and the ESM directly intervening in Europe's banking system require more than that. They require more than just coherence of planning. They at least require coherence in fiscal instruments, if not some sort of central control of the fiscal levers of the State. This was mentioned at the outset of the euro project, but it is only being understood now.

It is time we figure out where we stand on some of the key taxation issues if we are to understand and chart the right direction for the future of Europe with us at its core in the euro.

We have stated we will not move on the financial transaction tax without our UK partners, as we would not want to put the IFSC at a competitive disadvantage. The UK is not inside the euro and will face different questions than the ones we face. We have stated our corporation tax rate of 12.5% is sacrosanct, which is true. However, would we agree to changing it if we were offered a forgiveness of our banking debt in return? This question deserves consideration, even if control was only given up in principle. If we do not give up any control of our taxation measures, it will have implications for the path we will chart in Europe and for the euro.

These are key questions, given the direction Europe is taking, led by Chancellor Merkel. It is better and more prudent to prepare ourselves and Europe for that future now. A larger referendum is sure to be held in the next few years. We need the euro to survive and it is time to start asking ourselves honest questions about what we are willing to do to ensure its survival and our own with it. I raise this issue now because the constitutional convention is to begin its work shortly. This is an important question for the convention to consider. As a priority, the convention should deliberate on Europe and where we want to be in it. Putting this question at the top of the convention's agenda would make sense. It would also make sense were the Dáil to establish a committee to examine the same issues in tandem. If Europe is moving towards a fiscal union of one form or another, be it a single taxation system or a commonality of taxation policies, we must know what it might look like in order that we can start preparing and decide what we want from it.

**Deputy Seán Conlan:** This Bill is an essential instrument of legislation, as it facilitates the establishment of the ESM. Economic and monetary union was always going to call for some element of budgetary discipline among participating states. Originally, this area was regulated by the Stability and Growth Pact. However, that mechanism lost its influence largely by 2005 and collapsed when the Schröder and Chirac Administrations in Germany and France, respectively, proved unwilling to allow the sanctions ordained by the pact to apply to their countries.

A state of inactivity reigned until the EU was faced with the catastrophic events that led to the necessity for the 2010 Greek bailout and the subsequent need for temporary rescue measures to address emerging problems in Ireland and Portugal. These measures relied on Article 122(2) of the Treaty on the Functioning of the EU which in actual fact had only ever been intended as a balance or escape clause to counter the principles as established in Article 125(1) of the same treaty which is known as the no bailout clause.

Events in Germany, where a case challenging the financing of the Greek bailout highlighted deep public opposition to the transfer of funds to less fiscally responsible states, presented a case where such transfers may have become impossible. This, coupled with the possibility of mayhem breaking out in the markets when the current bailout agreements terminated in 2013, led the German Chancellor to address the situation which was beginning to have the capacity to wreck the whole euro project. The current legislation, while having its genesis in the Deauville declaration of October 2010 where the Sarkozy-Merkel team first attempted to confront the worsening situation by regaining control of budgetary disciplines within the euro area, is a more refined instrument. It is aimed at identifying the problems and addressing them in a more pragmatic and less knee-jerk fashion with the endorsement of each participating member required before the amendments take effect.

This legislation before the House is the result of much negotiation and is essential to the economic well-being of the euro area and, indeed, beyond. It is an instrument whereby all participating members can achieve stability in their economies and avoid the excessive fluctuations of both interest and currency rates which adversely affect business, both domestic and international, and, as a result, cause widespread unemployment resulting in large-scale mortgage defaults and misery. It offers to us further affordable funding and protection from excess-

[Deputy Seán Conlan.]

ive interest rates, should they prevail. This is essential to our recovery and to the protection of the very fabric of our society. We must embrace this legislation and identify it for what it is, namely, an instrument of stability, of support in terrible times and of delivery to ensure this catastrophe can never again manifest itself in our national economies.

Regarding the amendments to Protocol No. 36 of the Lisbon treaty, it is clear, as in all matters, that a state of flux cannot prevail. A thing either grows and develops to compensate for changing circumstances or it fades and dies. This amendment is a temporary measure seeking to deliver the provision of extra seats, temporarily allocated to properly selected representatives, to make their representation possible. In doing so, it will cure a temporary glitch which has occurred as a result of the timing of the Lisbon treaty and the European elections. It is correct that we display the flexibility to address such matters and present a vibrant and growing EU.

**Deputy Bernard J. Durkan:** I was going to respond to Deputy Boyd Barrett but, as he is no longer present in the House, I will refrain from so doing. I do not know whether he, or those with similar views to his, have ever run a business and had to borrow money from a lending institution. If one goes back to that lending institution to say one is defaulting, the immediate aftermath would be economic anarchy with crisis after crisis unfolding. For those who have not read their history, that happened in Europe previously and many people remember it.

**Deputy Catherine Murphy:** What about Iceland?

**Deputy Bernard J. Durkan:** Irish voters, with no difficulty, said they are in a difficult spot, recognised the writing on the wall and made a difficult decision to support the treaty. There is nothing easy about this as these are tough times. The voting public came to a decision not reluctantly but because they felt it was in their and the country's best interests.

The allegations tossed around like a battering ram by Deputy Boyd Barrett and others that austerity was invented by the Government to punish the people are far from the reality. We are in a difficult situation which we inherited. I am not blaming anyone for it but that is the reality. The Government and the people have been called upon to deliver in the most difficult circumstances ever experienced in the history of the State. We should all take pride in the fact the Irish people rose up in the majority last week and made a clear decision they wanted stability, reality and to move forward. They did not enjoy it. They are suffering and they know we know they are suffering but they made that decision to accept the treaty for a very good reason.

There is one matter in which the country can give a lead. The recognition for political convergence that existed across Europe over the decades has waned in the face of these difficult times. Individual member states have sought refuge in their own revisited nationalism. That is not a good way to go. There is a great responsibility to give the lead in Europe. The Minister of State, Deputy Creighton, has done tremendous work in this area, as well as all Ministers and the majority of Members. There is a job to be done in giving the lead in Europe and taking responsibility for our part in European issues and affairs. That is what the people bestowed on us last week. Each member state must also make its contribution.

Someone referred earlier to sucking up to the German Chancellor. The German people have made many sacrifices over recent years which seem to go unnoticed. The people of this country are also making significant sacrifices. There is simply no manna from heaven or some mechanism that can allow us live in the lap of luxury. We ended up where we are through bad management, bad housekeeping and overspending. Those who profess to know an easier and softer option are not living with reality. The reality is that confidence is generated in the markets when they recognise those in charge mean business. I believe the Irish people were

clear in their views last week and made a clear and conscious decision in their own interests and for the whole European project, a decision on which they should be commended. It was a courageous decision in difficult circumstances.

Economic turbulence has a difficult history across Europe. Even a cursory examination of history will show that when economic instability occurs, along with it comes suspicion, aggression, blame and worse. We must be careful and mindful of the circumstances in which this has happened. In the course thereof, we should all now realise that we all have a contribution to make to modern Europe. We know we can make a difference and we have shown others the way. Next year's Irish term of the EU Presidency will be its most important since joining the Union. It will fall to us to show other Europeans who may have second thoughts and think the European project is not working that it actually is. Each member state must make its own contribution in whatever way it can. Together, we the people across Europe will make the contribution that will see us out of our current economic difficulties.

Debate adjourned.

### **Message from Select Sub-Committee**

**Acting Chairman (Deputy Joanna Tuffy):** The Select Sub-Committee on Communications, Energy and Natural Resources has completed its consideration of the following Revised Estimate for public services for the year ending 31 December 2012: Vote 29 — Department of Communications, Energy and Natural Resources.

### **Private Members' Business**

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### **Building Control Regulations: Motion**

**Deputy Joe Higgins:** I move:

That Dáil Éireann:

notes that the inordinate political influence which major developers and big builders exercised in this State over many decades resulting in a wholly inadequate regime of regulation, supervision and inspection in the construction industry, has left a disastrous legacy of defective buildings and major fire hazards, only recently coming to light;

further notes in particular:

- that the Building Control Act 1990, subsequent building regulations and building control regulations, reliant as they are on self-certification by building contractors, architects and engineers constrained only by legally ambiguous concepts such as 'substantial compliance' with building regulations, are not and have not been fit for purpose; and
- that low inspection rates of buildings subject to commencement notices have been facilitated by successive governments since 1990, and that this has been further

compounded by the discarding of the clerk of works function under a Fianna Fáil-Progressive Democrats Government;

acknowledges that the above has resulted in:

[Deputy Joe Higgins.]

- prioritisation of the interests of land speculators, developers, the construction industry and building professionals above the interests of families and individuals who purchased homes in good faith believing that the building regulations provided protection against bad builders;
- the run-down of the already inadequate building control inspectorate by failing to recruit competent building inspectors;
- housing developments throughout the State having been built with essentially no check on compliance with building regulations;
- tens of thousands of families and individuals who purchased homes during the period since the introduction of building regulations in 1997 being left with no recourse against contractors and developers who sold houses which are now presenting with major structural damage due to pyrite induced heave, which could have been prevented by mandatory basic testing of quarry fill for heave potential and that such testing is still not mandatory in 2012;
- fire safety being seriously compromised in many housing developments by faulty installation of fire stopping materials at party walls, roofs and in cavity walls;
- the issuance of fire safety certificates prior to commencement of building without further inspection by building control being required during the construction to confirm that fire retarding materials and construction complied with the design drawings and fire safety building regulations;
- permission to build timber frame housing and apartments up to four storeys high being granted without the necessary rigorous independent inspection of construction for fire safety compliance;
- signatures confirming ‘substantial compliance’ with fire safety building regulations by contractors, timber frame subcontractors, architects and engineers employed by the developer being accepted as sufficient guarantee of fire safety compliance by the Dublin City Council fire officer in the case of the Belmayne development despite the fact that breaches of fire regulations identified were so serious that fire insurance was withdrawn;
- certificates being signed by architects who may not have visited the site confirming ‘substantial compliance’ with the building regulations to enable sale of housing units, leading to such disasters as that at the Priory Hall development;
- foul sewer pipe lines having been backfilled without any check on line, level or pressure test or post-construction camera survey of the sewer lines; and
- sound insulation being so inadequate in semi-detached, terraced houses and apartments that people can hear conversations through separating walls;

condemns the proposed Building Control (Amendment) Regulations 2012 for:

- failing to provide any proposal for public inspection and remedial work to put right serious estate-wide defects including compromised fire safety caused due to failure of governments since 1990 to implement public building control on all buildings at all key stages of construction;



- providing such an inadequate mandatory certification of compliance with building regulations, including lodgement of design drawings and calculations prior to commencement of construction, that it would not have prevented the pyrite disaster; and
- placing the burden of inspection and certification of compliance and legal responsibility on individual professionals who could not possibly inspect adequately without a continual presence on site of a resident engineer or clerk of works, while placing no responsibility on the developer to fund such a necessary presence on site;

concludes that:

- the chosen inspection option demonstrates that this Government, like its predecessors, favours inadequate private sector checks rather than full inspection and approval of all buildings by local authority building control; and
- the penalties for serious non-compliance, which can lead to fatalities, are proposed to remain at the level of section 17(2) of the Building Control Act 1990, again reflecting the unwillingness of the Government to implement adequate sanction for offences at the behest of the construction industry's powerful lobby; and

resolves that:

- building control shall be a wholly public function, adequately staffed by competent building inspectors, involving inspections of all buildings requiring commencement notices and approval at all key stages of construction and with costs to be incorporated in planning contributions;
- there should be a systematic and thorough inspection regime across the State to detect fire hazards as a result of inadequate regulation or non-compliance with such regulation as exists; and
- Government, having failed to implement building control and thereby allowing sub-standard and defective building practices throughout the State, must accept responsibility for necessary remedial works to make buildings safe and fit for purpose as part of an emergency programme of necessary public works and where possible to subsequently pursue the responsible developers and builders to recoup the cost for the State.

Ba mhaith liom mo chuid ama a roinnt leis na Teachtaí Catherine Murphy, Richard Boyd Barrett, Seamus Healy agus Mick Wallace.

**Acting Chairman (Deputy Joanna Tuffy):** Is that agreed? Agreed.

**Deputy Joe Higgins:** This comprehensive motion is in the name of the five United Left Alliance Deputies and is supported by ten other Deputies in the Technical Group. It deals with the plight of tens of thousands of home owners who purchased homes in good faith and then, agonisingly, over a period saw these homes disintegrating around them as they were affected by pyrite or the revelation of major non-compliance with fire prevention regulations, meaning they had to live with the constant fire hazard. Meanwhile, the people in Priory Hall and some in Belmayne have been forced to move from their homes.

[Deputy Joe Higgins.]

We move this motion in solidarity with those residents who are suffering the consequences of the problems which have emerged in the construction industry and home building in particular. We especially insist on immediate action from this Government as this State has a serious responsibility for the matter which developed. This nightmare has come about because of blatant non-compliance with mandatory building regulation, an utterly inadequate inspection regime to ensure compliance and inspection authorities which I see as blatantly negligent in some cases. In the pyrite case, there is no regulation demanding the testing of the relevant building materials. The Building Control Act 1990 and subsequent regulations relying on self-certification by builders, architects and engineers, bound only by an ambiguous concept of “substantial compliance”, have proved utterly inadequate. When combined with low inspection rates, this has given rise to a disastrous legacy for many home owners.

Incredibly, in the early 1990s, the Department of the Environment, as it was known then, issued guidelines to building control authorities for an inspection level of only 12% to 15% of new developments. As the National Consumer Agency declares in a report produced in 2008 on building regulations and their enforcement, this means “in effect, up to 85% of newly constructed homes are not required to be inspected under the issued guidelines”. In Britain, Northern Ireland, the United States and many other jurisdictions, a 100% inspection rate is demanded. Unfortunately, this is not accidental, as major developers and big builders wielded significant political influence in this State for many decades. To put it bluntly, land speculators and developers had the Fianna Fáil Party in their pockets, with a substantial influence over Fine Gael as well. These are the two major parties which have dominated the governance of this State since its foundation.

This was before the outright corruption in the planning process during the 1980s and early 1990s was unmasked in the Mahon tribunal. Just as the planning and rezoning process was distorted, so was the insistence on strict building regulations and adherence to those regulations. It was fatally compromised by the significant political clout wielded over governments by the construction industry, with innocent home owners the victims of the corrupting nexus between big capitalists in the building industry and some major political parties.

The scandal of the Priory Hall fire hazard has been well publicised but the suffering of those home owners continues. The position of another north-side residential development, Belmayne, is not as well known but it is also a major scandal. Last year, residents engaged acoustic engineers to deal with intolerable noise travel in the Belmayne residences, and they discovered serious non-compliance with fire regulations. The development in question is a four storey timber frame building, and the cavity walls and treatment of the areas between the ceilings of one apartment and those above is so inadequate that smoke and deadly carbon monoxide gas could spread rapidly through many adjoining apartments in the event of a fire.

What is so shocking about Belmayne is the attitude taken by the fire authority in Dublin City Council. Despite clear evidence of flagrant fire code violations, the authority gave the development the all-clear, even after having carried out an inspection on foot of a demand of some residents. It was not until this year, because of the pressure from residents and independent fire hazard expert Mr. Noel Manning, that it was admitted there are problems in Belmayne. Unfortunately, however, the remediation proposed is totally inadequate and the attitude of the local authority is scandalous.

I am alarmed and disappointed by the Minister’s amendment to our motion. The attitude he is adopting is utterly deplorable. It is contemptuous of the huge suffering and problems of thousands of ordinary decent people. It lacks any semblance of compassion or human feeling for those who are suffering and those who are fearful of the condition in which they live. There

is no solace whatsoever here for those people. The Minister more or less says to carry on, it is business as usual. There is no recognition of the moral responsibility of the State to play a key role in finding the solution. Just as in other scandals and tragedies such as child abuse of children in care, the State has an ongoing responsibility and a moral duty because it did not insist on the necessary compliance. It is incredible that the Minister intends to continue with the regime of only 10% to 15% of buildings being inspected.

**Deputy Phil Hogan:** Where did I say that?

**Deputy Joe Higgins:** That is the implication.

**Deputy Phil Hogan:** Never mind implications, where do I say that?

**Deputy Joe Higgins:** I will wait until the Minister speaks——

**Deputy Phil Hogan:** That is a good idea. The Deputy should not come to conclusions about which he knows nothing.

**Deputy Joe Higgins:** ——and I will see what level of inspection he will seek and I will ask if, like in Britain, in the North, in the USA and elsewhere, the figure will be 100% inspection because that is the only way we can be sure of compliance.

We demand the State should undertake responsibility for remedial work to make the homes safe for residents and then pursue the developers and recoup the costs. That would be simple justice in this situation. We demand a thorough regime of inspection right around the State, particularly to find fire hazards. It is crucial this is done before there is an appalling tragedy and a fire claims the lives of innocent men, women and children. It is critical we put in place a building control regime that operates as a public function present in every development and that every house and apartment is inspected in every stage of the building process so that the people who invest so much of their lives and savings in them can have some security and certainty for their lives and those of their families.

**Deputy Catherine Murphy:** I will concentrate on two aspects of the Private Members' motion tonight. I thank the United Left Alliance for putting it together, particularly Deputy Clare Daly. It is a motion on which I could speak for a long time but my time is limited and that is why I will concentrate on two areas.

The appalling thing about the pyrite issue is that it was avoidable. If there had been proper regulation, the crisis could have been largely avoided. If a house were built today, however, it could present with the same problems because we have not addressed the problem in the interim. Major suppliers are still unsure whether their products meet the required standards. At best guidance is vague. There is no excuse for not doing anything, even in the interim, about putting in place standards so no one else must suffer the same consequences as those who have bought homes with pyrite in them. Many builders used low grade aggregates in the foundations to save money but there was good quality rock available. There is evidence that the low quality of the rock has contributed significantly to the problem.

Unfortunately those who are worst affected by this are mostly young people who bought their first homes for multiples of the current value and in many cases they have young families. This is very stressful for them. Home owners with pyrite have been let down in a number of ways. There were no standards for the materials used, there are professional experts who now deny pyrite ever existed anywhere else and there was a failure of self-regulation instead of rigorous oversight carried out by independent bodies. HomeBond gave people an expectation that if everything else was wrong, its insurance would take responsibility but we now know

[Deputy Catherine Murphy.]

HomeBond is washing its hands and pointing to failure at quarry level. All of this has happened while the innocent parties in this are watching their homes falling apart around them with no plan of action. I accept the pyrite panel has been put in place and acknowledge the role played by the Minister of State, Deputy McEntee, in that.

A constituent of mine sent me a report on pyrite in his house. It stated that pyrite in the infill undergoes a chemical reaction to heat, moisture and the presence of calcium and oxygen. These conditions, the report continues, are likely to occur under the floor slab and the resulting chemical reaction causes the stone infill to expand, which creates an increased volume leading to upward pressure that causes solid concrete floor slabs to heave upwards, applying pressure directly on to load bearing and partition walls. The distorted doorways and cracking of internal partition walls are caused by timber stud walls being distorted by the upward pressure from the heaving floor.

People are sitting in the full knowledge this is happening to the biggest investment they will ever make in their lives. While pyrite does not have a direct impact on people's health, it certainly has a direct impact on their well-being, leading to extremely stressful living conditions. The stress caused to them while they watch their homes disintegrate around them is obvious to anyone who has visited them. They can show cracks and holes in the walls and warped floors. It is unacceptable that the situation is continuing. These people have unsustainable mortgages on homes that are now worthless. Myself and others have met the pyrite panel on a couple of occasions and I know it is due to report in the next few weeks. It would be useful if the Minister could indicate when that report will be published.

The people at fault in this must pay — the construction sector. A management component must be put in place for the remediation of affected properties but the remediation must start in 2012 with a fixed timetable. The work must be done to such a standard that lending institutions will not refuse lending and insurance companies will not refuse to insure the properties. This problem cannot wait any longer because the longer it takes, the worse the damage. We must learn from our mistakes and stop picking up the pieces left by rogue elements of the construction sector.

**Deputy Richard Boyd Barrett:** The situation faced by those in Priory Hall and Belmayne and those whose houses were constructed with material containing pyrite is appalling. This is not just about the tragic effects that has had on the residents, although the motion asks the Government to declare it will take the lead in providing the resources necessary to undertake the remedial works or transfers necessary to house these people in buildings of a proper standard and quality that are safe and to do whatever else is necessary to compensate them for the appalling position in which they find themselves through no fault of their own.

The residents of Belmayne and Priory Hall and of houses containing pyrite are the tip of the iceberg and the United Left Alliance and the Technical Group are not the only people saying that. There is considerable evidence that this is the case. For example, the SEAI found that 93% of housing built between 1997 and 2002, which it examined, did not comply with regulations to reduce the risk of fire spread. The director general of Engineers Ireland, John Power, described the findings as “truly appalling” and said that, “Priory Hall is symptomatic of what is likely to be a long line of disasters as a result of the lack of building control in this country”. That is the serious issue we are asking the Minister to address. It potentially affects tens of thousands of people and results from a lack of compliance with building regulations by builders who were driven by nothing other than a profit frenzy to slap up substandard housing and apartments to make a fast buck regardless of the consequences for the people who bought them.

The failure of builders and developers resulting from their greed was compounded by the disgraceful failure of the building regulations themselves and the authorities that were supposed to enforce them. It is incredible that houses built without complying with the regulations were inspected and, in many cases, passed. How could that happen? Clearly, the regulations failed and successive Governments failed to resource a proper building inspection regime. All of this was facilitated by politicians who were beholden to developers and builders and who were addicted to a political and economic doctrine of deregulation. The same doctrine and dogma deregulated the financial sector and crashed the financial system. When the same doctrine was applied to housing, it resulted in a disaster for the people of Priory Hall and Belmayne, those with pyrite in their homes and tens of thousands of other homeowners who may not even know the full extent of the problems in their homes and the potential fire hazard they may face because we do not know the full extent of this problem.

This is the legacy of the Galway tent. Fianna Fail Members should hang their heads in shame about what went on in that tent and what it led to by allowing cowboy builders and developers to run amok. However, as the Mahon Tribunal report informed us, the political establishment generally was involved, particularly Fianna Fáil and Fine Gael, and they had a rotten relationship with builders and developers.

All we are asking is that the Minister says he will do something for the residents of Priory Hall and Belmayne and those affected by pyrite and do more than what he proposes in his amendment to deal with the inadequate building regulations and inspection and enforcement regime. When my colleagues and I spoke to builders on sites during the boom, they told us we were building the tenements of the future and there was no proper inspection regime on site. They used to point to the old days — I do not know that much about building — when clerks of works were on site from the beginning to the end of a project monitoring every single stage of construction. The State then moved to self-certification and deregulation and we have witnessed the dire consequences of that. We need proper building regulations and a return to the regime where clerks of works are on site from the beginning of a project in order that it is not left up to profit-driven developers and builders to inspect themselves because that just does not work.

**Deputy Seamus Healy:** On behalf of those who tabled the motion and those who support the motion, I welcome residents from Pyrite Action who are present in the Visitors Gallery. They are living with this nightmare daily and they are entitled to know that the Government

8 o'clock will take remedial action in this area. Light touch regulation in the financial sector was a disaster while light touch regulation of employment has led to widespread non-compliance. However, light touch building regulation has led to a nightmare for thousands of young families who purchased homes that are not fit to be lived in. Developers and speculators have been prioritised for years over individuals and families. There is no doubt there has been huge interplay between builders, speculators and developers and the main political parties for many a long year. It probably started in the old days of TACA, which is not today or yesterday. However, the many tribunals that have been held in recent years have shown publicly the huge influence and abuse of the interface between builders and speculators and politicians and the political system. That has led to us discussing the plight of young families living in nightmare scenarios. They not only have large mortgage repayments but many of them have mortgages for 30 and 40 years, which is a lifetime. They are in negative equity, but many thousands of them live in homes that are falling apart at the seams or that are firetraps, which is the case in Priory Hall and Belmayne.

Dealing with such a situation on a daily basis gives rise to great stress and serious health risks for the families concerned. The Government must take the initiative in providing for remedial



[Deputy Seamus Healy.]

works in these areas. The developers and builders responsible for these various developments must be made to pay, but the Minister must take the initiative immediately. The situation has gone on far too long and it is time the Government took effective action by ensuring remedial works commence promptly and are completed in an efficient fashion. Above all, the Department must ensure it will recover the costs involved from those who are responsible for what happened during what can only be described as the disgraceful orgy by developers in recent years. These are the same people who prevented implementation of the Kenny report recommendations on the price of building land many years ago. Had they been implemented, the major difficulties we have encountered in recent years would at least have been alleviated, if not entirely prevented. Even at that stage, in the early 1970s, the people concerned were using their political influence to ensure the Kenny report was left to gather dust. I commend the motion to the House.

**Deputy Mick Wallace:** I thank my colleagues in the United Left Alliance for bringing forward this motion. Having spent my whole life in the building industry, it is my view that the building regulations are very good. The problem is that their enforcement has been extremely poor. If the rules in place had been properly adhered to, the problems at Priory Hall and in developments like it would never have been allowed to occur. While there is undoubtedly significant scope for regulatory change, proper implementation of the existing system would have prevented such failures. Having looked over the apartments at Priory Hall, I can only say the place is a joke and a disaster. That regulatory failures were allowed to happen across the board in this way is deeply unfair to the people who purchased the properties in question.

While the whole business of construction encompasses a broad range of areas of responsibility, there is no doubt that the builder has by far the greatest responsibility. The system of self-certification under which people sign off on their work is good, but the State, through the agency of the local authority, must have a role in terms of enforcement. The engineer, for example, is responsible for the construction design, that is, deciding how the proposed structure will stay in place. The mechanical and electrical consultant stands over what the electricians, plumbers and ventilation installers do. Subcontractors then come on board, including specialist contractors who, for example, install windows. The question then arises as to how those windows have been installed, whether the damp-proof course has been fitted properly and so on. There is also the fire safety issue. Every subcontractor on a building site should have to sign off on his or her work in the same way that the architect, engineer and mechanical and electrical consultant should have to. Needless to say, the builder must also sign off on his or her work.

All of the people mentioned require professional indemnity insurance. A major difficulty is that we are seeing a large black hole because builders are going out of business and their insurance is dying with them. The regulatory requirement is that public indemnity insurance must apply for six years following the completion of a project. Where a builder is going out of business, there is an arrangement whereby the insurance will live on for six years at lower cost to the builder than if he or she were continuing in business. The problem is that some builders who are broke do not bother doing this. There should be a legal requirement on the liquidator in such instances, where a builder has ceased trading, to ensure the insurance is left in place once the bank moves in. The latter, in turn, should have a legal obligation to ensure the insurance is in place in order that the six year period is covered in the event that serious problems with the building are subsequently discovered. Professional indemnity insurance takes care of the matter once a project has been finished, but one must set up the run-off for the next six years if one is ceasing trading. We must have a legal process in place to cover this.

The local authority must oversee all of the parties to whom I referred in order to ensure everybody is doing his or her work honestly and everything is covered. All of the people concerned must sign off on their work and have the insurance to back it up, but without State involvement there is a serious deficiency. To clarify, we will not put a stop to the activities of the rogue builder unless there are ongoing and comprehensive inspections. There was never a situation in Ireland where all jobs were inspected. We had the by-laws which were confined to the cities, while clerks of works dealt exclusively with State work. If the Government is serious about dealing with the problems that have developed in recent years, there must be 100% supervision of what is happening on sites. By my reckoning, this would add some €5,000 to the cost of every unit built in the country. I would consider this a price worth paying, as I am sure would the people present in the Visitors Gallery. The Minister will surely ask who should bear this cost. I contend the State will have its work cut out in seeking to claim it would not be covered by the current levies. If it is not, the Government should introduce a levy, payable when planning permission is granted, to cover the cost of 100% supervision. The person supervising must have on-site experience of construction and an engineering background, although he or she does not necessarily have to be a chartered engineer. The architects, surveyors, engineers and so on going onto a site all understand the principles involved in the work being done but do not necessarily know how it is all put together. Most of them will say as much if they are prepared to tell the truth. Their expertise is of a distinct type.

I will not second-guess the Government because I am not sure what it is planning to do, but given what it brought forward last summer, it is looking to introduce paperwork. I agree with this, but it will have to be paid for. We do not need more bureaucracy and unnecessary paperwork because we are getting carried away with ourselves as it is. We need something which is realistic and applicable.

In regard to asking the architect to submit working plan drawings, an architect designs a building and a number of areas are important to him or her when looking for planning permission, including external appearance, impact on the environment, use of the building and space. If we are going to ask people to submit working plan drawings in advance, which is a good idea, we should not do so unless somebody is to check them. If we do this, we must follow through to ensure the work is done that way. If the drawings are done at the end to deal with adjustments made, we must check them also. The local authority must check this work. The State must take responsibility. Expecting one person to sign off on it is nonsense. We cannot ask an architect to sign off on anything other than his or her work. We must let the others do their work which must be divided up. Not only would architects not be able to take out insurance but we would also be throwing all our eggs into one basket. There are at least six areas, of which the architect's is only one. He or she can only sign off on his or her own work. If he or she is forced to get involved in other areas not in his or her domain, there will be no small architectural firms in Ireland because only the large ones will be able to take out insurance.

To sort out the insurance problem, if we cannot put in place proper legislation to cover the six year period after someone goes out of business, we must introduce a bond system. It would not be an ideal scenario because it would drive many out of business as they would not be able to obtain a bond. It should be possible, however, to put a proper structure in place to cover the person signing off on work. The State must take responsibility for what has happened in places such as Priory Hall because of the lack of oversight which allowed the deterioration of work standards.

On the pyrite issue, HomeBond has walked. I agree that the fault lies with the quarries, but do we expect people to chase them or Roadstone, one of the wealthiest companies on the planet and which has deep pockets? HomeBond should have looked after the people affected,

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carried out the repairs and chased the quarries involved. That is what would have happened in a proper and a fair system.

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I move amendment No. 1:

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

“notes that:

- the Building Control Acts 1990 to 2007 provide a clear statutory framework for construction activity based on legal standards set out in the building regulations and associated detailed technical guidance documents which set out how to achieve the standards in practice;
- building regulations set out the legally enforceable minimum requirements that a building must achieve;
- the Acts place responsibility for compliance with the building regulations first and foremost on the builder-developer;
- professionals who are engaged by builders-developers have also a statutory responsibility to ensure that construction meets the standard;
- certificates of “substantial compliance” are not part of building regulations but were developed by the legal profession and the Royal Institute of Architects of Ireland to facilitate conveyancing;
- responsibility for enforcement rests with the 37 building control authorities which have extensive powers under the Building Control Acts 1990 to 2007 to enforce compliance with the regulations, including the scrutiny of plans and to carry out inspections; serve enforcement notices for non-compliance; initiate enforcement proceedings for breaches of regulatory requirements; and seek High Court injunctions if non-compliance poses considerable and serious danger to the public;
- the Building Control Acts 1990 to 2007 provide for considerable penalties for failure to comply with the requirements of the building regulations;
- the agreed national inspection target is that each building control authority should inspect a minimum of 12% to 15% of buildings covered by a valid commencement notice submitted to the authority and that statistical returns for 2010 show that the average inspection rate across all building control authorities is 23%;
- responsibility for “making good” construction defects must rest with those responsible;
- the role of the Minister for the Environment, Community and Local Government is to ensure that appropriate statutory requirements, technical standards and administrative provisions are in place to give practical effect to the Act;
- in July 2011, the Minister for the Environment, Community and Local Government announced that he had instructed his Department to advance the following measures to strengthen the building control system:

- the commencement of section 6(2)(a)(i) of the Building Control Act 1990 requiring the submission to building control authorities of certificates of compliance with the building regulations in respect of particular buildings or works;
- the preparation of an amendment to the building control regulations that will:
  - set out the form of the proposed certificates of compliance and the administrative procedures that will govern their use; and
  - require the lodgement of drawings and documentation prior to the commencement of works and, again, on completion of works, demonstrating compliance with the requirements of the building regulations; and
- engagement with the City and County Managers Association to make arrangements for:
  - the move to a regionalised-shared services model for the administration of building control functions;
  - the agreement of standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions and the meaningful oversight of building activity; and
  - agreement on common measures for the support and further development of the building control function nationwide; and
  - proposed Building Control (Amendment) Regulations have recently been released for public consultation and will provide for mandatory certification and the lodgement of drawings.”

I wish to share time with the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Shane McEntee, and Deputy Peter Mathews.

Recent high profile failures in the housing and construction sector have called into question the role of the State in this area, understandably so. Self-regulation introduced by my predecessors has failed and I intend to change the regulations. The proposed regulations are on public display. The trust we placed in the professions to do this job was badly misplaced.

My Department and I have a responsibility to guide and regulate development, but there is a point at which it is up to the professions and the industry to take over and ensure, as Deputy Mick Wallace said, that the planning, design and construction of the built environment is of the highest quality. There is a robust system of building control and local authorities are successfully using their powers against non-compliant operators. Of course, from a regulatory perspective, there is much that can be done to improve the system and that is what we are doing.

In order to understand the arrangements in place for the control of building activity, it is first necessary to understand the provisions of the Building Control Act 1990 and how they may apply in practice. The Act provided for the establishment of building control authorities and the making of building regulations and building control regulations for the construction of buildings. The building regulations were introduced and came into operation in the years immediately following the Act and gradually enforcement arrangements were developed across the local government sector leading to the nationwide system of local building control authorities we have today. A clear statutory framework for construction activity, underpinned by the Building Control Act 1990, is, therefore, in place and based on the following: clear legal standards as set out in the building regulations; detailed technical guidance documents to out-

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line how these standards can be achieved in practice; the burden and responsibility for compliance resting first and foremost with developers-builders, designers and building owners; a statutory responsibility for professionals to design in accordance with the building regulations; and the responsibility for enforcing compliance with the building regulations resting with the local building control authorities.

The Act sets out clear roles and responsibilities for a number of parties, namely, the Minister, the owner-developer, building professionals, including designers in particular, and local building control authorities. My role as Minister is to ensure appropriate statutory requirements, technical standards and administrative provisions are in place to give practical effect to the Act. In particular, this involves the making of building regulations and building control regulations. This aspect of the matter has generally worked well and is not in dispute.

The building regulations set out the legally enforceable minimum requirements that a building must achieve. The requirements are set out in 12 Parts, classified as Parts A to M, each of which addresses a key aspect of ensuring the safety and well-being of persons in and around the building. A technical guidance document, TGD, is published to accompany each part indicating how the requirements of that part can be achieved in practice. Adherence to the approach outlined in a TGD is regarded as evidence of compliance with the requirements of the relevant part of the building regulations.

The building control regulations deal with the administrative and procedural arrangements in place for the purpose of securing the implementation of, and compliance with, the requirements of the building regulations. Contrary to common perception, I have no role in regard to enforcement activity which the Act of 1990 delegates to local building control authorities which are independent in the exercise of their statutory powers.

In regard to the owner-developer, the Act of 1990 places responsibility for compliance with the requirements of the building regulations first and foremost on the owner and the builder-developer of a building. Where, for instance, an issue arises concerning non-compliance of a particular building with the building regulations, the Act enables the local building control authority to issue an enforcement notice on the owner and-or the builder. The onus is on the builder and the owner to demonstrate compliance with the building regulations when required to do so by the relevant local building control authority. Failure to do so is an offence under the Act which may, if successfully prosecuted in court, lead to a fine and-or a term of imprisonment.

Remediation of defects is a matter between the parties concerned, that is, the owner and the builder-developer and their insurers. This applies even where the owner is a local authority. If a satisfactory resolution cannot be achieved through dialogue and negotiation, the option of seeking a civil legal remedy may be considered. In such situations the statutory requirements provide a yardstick by which the owners or builders, their technical consultants and the courts can determine whether a building is fit for purpose. The requirements of the building regulations apply to the design as well as the construction of a building and there is a responsibility on designers to ensure their designs are in compliance with the minimum legal requirements.

More generally, construction professionals play a key role in the planning, design and construction of the built environment. Notwithstanding the responsibility of the Minister and the Department to guide and regulate development, the quality of the built environment depends to a large extent on the quality of the contribution of construction professionals.

Construction professionals play a key role in designing, developing, and certifying buildings. Where these buildings prove to be less than fit for purpose, construction professionals must be held to account for the consequences of their actions. Such individuals should not be immune from criticism and should be held accountable for the consequences of their actions by society



and their profession. The lack of attention being paid to this objective reality by the professional bodies in their public statements, by media commentators and by members of both Houses in their contributions to proceedings is disappointing.

Under the Act of 1990, local authorities, as building control authorities, have strong powers to scrutinise proposals and inspect works in progress, serve enforcement notices for non-compliance, institute proceedings for breaches of regulatory requirements and seek High Court injunctions if non-compliance poses considerable and serious danger to the public.

Failure to comply with the requirements of the building regulations where a successful prosecution takes place may result, on summary prosecution, in a maximum fine of €5,000 or imprisonment for a period of up to six months, or both. A further fine of €500 in respect of each day on which the offence is committed after summary conviction can also be applied. A successful conviction on indictment may result in a maximum fine of €50,000 or imprisonment for a period of up to two years, or both. Similar powers are additionally vested in local authorities under the legislative codes governing fire safety and planning and development.

The Department has set a target inspection rate of 12% to 15% of all buildings covered by valid commencement notices. Statistical returns for 2010 show that all but five building control authorities met or exceeded this target, and a general average inspection rate of 24% of all buildings was recorded. However, I agree with Deputy Higgins that this is not acceptable. The new code of practice will indicate the level of inspection by the relevant authorities later this year. I assure the Deputy that staged inspections will be part of the new code.

Statutory processes such as those under the Building Control Acts 1990 to 2007 and the relevant building control regulations in regard to applications for fire safety certificates and disability access certificates also enable local authorities to influence positively the quality of a building.

Problems at a number of developments, referred to by the Deputies, are already well known, and the Department is aware that local authorities across the country are using the powers currently available to them to address issues of building standards compliance, including in regard to fire safety. While local authorities use the courts to effect compliance where it is reasonable and appropriate to do so, desired results can be, and often are, achieved through discussion and persuasion with the threat of legal action.

While the aforesaid sets out a brief overview of the existing arrangements in regard to building control, it is clear that, from a regulatory perspective, there is much that can be done to improve the system. Unfortunately, many homeowners and tenants today understand this to their detriment as they have been left, through no fault of their own, to struggle with the consequences of unfinished estates, pyrite problems and defective buildings and developments. The only appropriate response to such legacy issues in the longer term is to strengthen the system to ensure such problems do not visit us again. In the short term, we must do everything possible to help those affected.

I recently announced a number of measures that will improve compliance with the requirements of the building regulations and oversight of construction activity. Following extensive consideration of a number of reports and recommendations for change put forward by the Building Regulations Advisory Body and various industry stakeholders, which reports and recommendations were discussed in detail at various stakeholder consultation events, I announced in July 2011 my intention to proceed with the following measures: the commencement of section 6(2)(a)(i) of the Building Control Act 1990 requiring the submission to building control authorities of certificates of compliance with the building regulations in respect of particular buildings or works; the preparation of an amendment to the building control regulations that will set out the form of the proposed certificates of compliance and the administra-

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tive procedures that will govern their use, and require the lodgement of drawings and documentation prior to the commencement of works and again on completion of works, demonstrating compliance with the requirements of the building regulations; and engagement with the County and City Managers' Association with a view to making arrangements for the move to a regionalised or shared services model for the administration of building control functions, the agreement of standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions and the meaningful oversight of building activity, and agreement on common measures for the support and further development of the building control function nationwide.

The measures, when implemented, will represent a credible set of proposals that will lead to an enhanced system of building control that can be achieved in the short term and that will serve the interests of the consumer, the Government, industry and the built environment in a better manner.

The key step will be the early introduction of mandatory certificates of compliance confirming, with appropriate documentary evidence, that the statutory requirements of the building regulations have been met for the building in question.

Unlike the worth of the opinions of compliance currently provided for conveyance purposes, which are not of course a part of the statutory building control process but are often misrepresented as being such, the worth of the mandatory certificate will be more in keeping with the asset concerned than the paper it is written on. Mandatory certificates will mean what they say and will be signed by professionals who understand and accept their responsibilities and the liability that goes with the consequences of failing to meet those responsibilities.

Mandatory certification of itself depends on the integrity of those concerned and must therefore be coupled with more rigorous oversight of construction activity, as advocated by Deputy Wallace. I have, therefore, approved proposals devised by my Department and County and City Managers' Association representatives that will involve more efficient pooling of building control staff and resources across the local authority sector to ensure more effective and meaningful oversight of building activity, standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions and better support and further development of the building control function.

Proposed building control (amendment) regulations were released for public consultation earlier this year which make provision for mandatory certification and the lodgement of drawings, as outlined earlier. The closing date for submissions was 24 May 2012 and some 500 submissions have been received. They are currently being assessed by my Department with a view to having a final set of regulations providing for mandatory certification and lodgement of drawings ready to be signed into law as soon as possible. I am determined, after public consultation, to follow through with the planned reforms, which I believe will be capable of delivering the level of compliance with building regulations and the standard of quality buildings that members of the public so rightly expect and deserve. In keeping with the standard procedures in regard to these matters, I have instructed my officials to continue to engage closely with key stakeholders to ensure the new regulations, when finalised, will be clearly understood and will work well for all concerned, with appropriate enforcement.

I have outlined the statutory framework for building control which is in place and under which local authorities have strong powers to act against non-compliant operators. Problems can and do arise, and in such cases I urge local authorities to continue to use all of the powers currently available to them with a view to ensuring defective homes or buildings can be made fit for purpose and that the costs of so doing fall where they should.

There is an urgent need for the professions in the industry and for builders and contractors and their representative groups to step up to the plate in delivering on their aspirations and their obligation to provide a reliable standard of professionalism and quality for consumers.

I am taking the necessary steps to strengthen the system. The set of measures outlined, including, in particular, mandatory certification, lodgement of drawing and more meaningful oversight of construction activity by local authorities, will be capable of ensuring stronger compliance with the requirements of the building regulations and homes and buildings of better quality for all.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Shane McEntee):** I thank the Minister for allowing me time to speak. For at least five or six of the seven years in which I have been talking in this House about our good friends who have had trouble with their houses, nobody here wanted to listen. I welcome this debate and welcome the motion and counter-motion. The debate is bringing the matter to a head. There are two issues being discussed, namely, moving forward in the building industry and sorting out the mess that exists. Deputy Wallace correctly stated that there are enough regulations and that we would not be having this debate if they were implemented. I have every confidence that my Minister's and the Department's work, with the support of a strong Opposition, will result in implementation.

The mess that exists represents a disaster, yet having been involved over recent years I realise it can be sorted out. We have seen circumstances in which people accepted responsibility. It sometimes took three or four years, at a cost of €22 million or €23 million. Two companies fought tooth and nail in a court case, yet they ultimately had to fix the houses in question. One has seen through the years where persons have hidden behind this court case, as it were, whereas some have gone about their business and sorted out the problems, in particular those with pyrite. In the case of many, however, which is what we are dealing with now, there are builders who have gone into liquidation and where the onus is now on the banks. There are builders who continue to work, profit and do well and who have ignored the problems and the plight of these people.

Mr. Brendan Tuohy is heading up this report which will be issued and we will all receive the up-to-date information. I look forward to what will happen when it issues in the next couple of weeks. The Government has made it quite clear that it will not let people walk away from their responsibilities, as they are doing at the moment. There are the banks which have black-listed estates in my county and in other counties. It is scandalous. It is not acceptable for them to say they will deal with persons individually. It is not acceptable for insurance companies to engage in delaying tactics by not paying out. It is not acceptable for builders who are in business and want to continue in business to ignore the plight of these people.

A minimum of 77 estates are suffering with pyrite. If each estate is broken down into its own divisions, regardless of whether a bank, a builder or whoever is in control, each estate can be sorted out. We, as a Government, know we have a responsibility.

It was not the intention of some of these persons that this would happen. Mention was made of those in houses that have been badly built. Those were cowboy builders. In some cases, however, there were very good builders who got caught in a situation, in particular, in the case of pyrite, which could have been dealt with in 2004, 2005 and 2006 when the issue arose. While some have been caught, much could have been done in those years.

As I stated previously in this House, the situation was ignored by the previous Government, including by the Green Party. Its members did not want to discuss it. I and other Deputies,

[Deputy Shane McEntee.]

perhaps one or two of whom are present and some of whom are seated behind me, were ignored, the building was allowed to continue and there was no regulation.

There are two issues, one of which is moving forward. We are at a lull in the building sector. We have time to regulate and, as Deputy Wallace stated, to put in place a situation where enforcement is strict and, as Deputy Boyd Barrett stated, is applied from start to finish. It can work. We have a job to do that. The building sector will come again. One already sees the steadiness in my area and in the house market in the Dublin area. We will need more houses.

On the plight of those affected, I have gone beyond the emotion of it because I have been in the houses concerned and we have sorted them out, including bigger estates. I would warn the banks, the builders, the insurance companies and the building federation that they will not be allowed hide on this one and they have a moral responsibility. They know the Government will not foot the bill for everybody. That cannot and will not be done, but those who are still in business can do it. We have seen in Ashwood estate, where a liquidator was appointed, how the banks could act within two hours. They stated they had no money to act. They were able to act within two hours when the pressure was applied. It is my intention, with the support of all in Government, to force these people to remedy the houses that have been damaged by pyrite, and not to do it in four or five years' time. As I stated earlier, it can be done, estate by estate. There are enough people and there is enough money within the sector still to fix these houses.

**Deputy Peter Mathews:** I thank the Minister of State for sharing time. It is helpful to step back from the legislative structuring and debate and merely think of the facts again. These are persons who have been literally diddled. Anybody who buys a car, a television or something as simple as a jumper that is not fit for purpose is legally entitled to a refund, and yet the residents of Priory Hall who spent €250,000 on their homes are being dumped with the bill because of a cowboy developer. It is as simple as that.

The Irish Home Builders Association calculations suggest that €100,000 of the purchase price of each Priory Hall apartment went straight to the Government in taxation. After paying such a staggering bill, the least the owners of Priory Hall apartments should be entitled to expect is that the State or the local authority would ensure these are safe to live in as the first port of call, and then the State or the local authority can go after the professions, the builders, the suppliers or whoever. However, those who have had to empty their apartments of furniture and family need to be restituted immediately. It is as simple as that. Anybody who spends €250,000 on a home should feel assured that it is fit for purpose.

In October last, the owners of 187 apartments were forced to empty their homes and move out. Eight months later their plight is not over and their future remains unclear. The developer, the banks and the local authority added insult to injury during this period, and the suggestion the local authority would pay owners €50,000 for apartments that cost €250,000 was a bizarre insult.

The local authority then attempted to wash its hands of the problem in the Supreme Court. This was not right. The banks are less than enthusiastic at finding a resolution. They are now attempting to deal with each apartment owner individually in a divide and conquer strategy.

As I stated, a first port of call is to deal with the problem and then start sorting the bill. I agree with the Minister there are professional responsibilities, building and contracting companies and local authority responsibilities, but these people are entitled to be able to get back into a home. That is to solve the problem and let us — the Government or the local authority — chase the responsible persons in due course, which will take two or three years, for the restitution of the cost of dealing with the problem immediately. That is my suggestion. The

Motor Insurers' Bureau of Ireland deals with motor accidents for uninsured drivers on that sort of basis.

**Deputy Niall Collins:** I welcome the opportunity to partake in this debate which is exceptionally important to so many. I share the real and legitimate concerns which have been expressed during the debate to date because for any citizen of this country to purchase a home is one of the most significant events in that person's life or, indeed, the life of his or her family. Many young people and new couples have found themselves in impossible situations as a result of the failure of the system and, ultimately, of the State.

I acknowledge at the start that we were over an hour into this debate until a little balance was brought into it by the Minister of State, Deputy McEntee. It must be pointed out — I do not hold any mandate for any vested interest and I come here like everybody else to represent the public — that there are many hard-working decent builders who have done honest jobs in building one-off houses and housing estates. To listen to some of the contributions so far, it is a plague on every house that was ever built in this country. That is wrong because there are many hard-working, honest builders, architects, plumbers, sub-contractors etc. Unfortunately, there were many who were not honest and hard working and they engaged in a race to the bottom, primarily fuelled by greed. It must be said there were many fine housing estates built. Unfortunately, plenty did not meet the standard and that is the crux of the debate tonight. I empathise and sympathise with the residents of Priory Hall and Belmayne and with those affected by the pyrite issue. These people have been left in an impossible situation by the failure of the system. As in the case of the hundreds of thousands of families, couples and people who find themselves in mortgage arrears and financial difficulties, there is now a complete and urgent onus on the Government to address the issues of mortgage arrears and personal debt arising from home ownership and the issues highlighted as a result of the Priory Hall, Belmayne and pyrite cases. We need to have the information put in the public domain. This is something I have called for previously but the information has not yet been furnished. How many more Priory Hall situations have been brought to the attention of the Department of the Environment, Community and Local Government? It would be useful and informative to know that.

The points made on self-certification and self-regulation are valid and they speak volumes. A point not made to date is that a conflict of interest is at the centre of these self-certification and self-regulation systems that have operated in recent years. Let us consider the situation with the banks. The watchdogs of the banks were reliant and dependent on the client for fees and other ancillary businesses and, as a result, there was a conflict of interest. Unfortunately, this extended to the construction industry and the building trade. When architects and those who must sign off on certification are reliant on the person they must certify, when they must declare that their work is up to standard and when they rely on these people for their livelihoods and for the payment of fees, it is as plain as the noses on our faces that, ultimately, the system will come crashing down.

I refer to some of the political issues raised here tonight. What I have to say will not come as news to anyone in the House. I become blue in the face every time we have a discussion about construction and people lump in Fianna Fáil with the bad builders, practices and fundraising and everything that goes on. The Mahon report identified the Fianna Fáil party, the Fine Gael Party and one member of the Labour Party. That was discussed and dealt with conclusively in the House. However, what we are discussing tonight has been referred to by all speakers and it is ultimately the responsibility of the local authorities. I do not state this for the benefit of anyone here but for the commentators outside who, every now and then, dip into what we discuss in the Chamber. Between city and county councils there are 34 planning



[Deputy Niall Collins.]

authorities in the country. Some 22 of these 34 are controlled by a combination of Fine Gael and the Labour Party and in the majority of these cases this has been the position since the mid-1990s. That is a fact and I am not making a political point about it. The Mahon report dealt with certain matters up to 1992.

Ultimately, the local authorities have had responsibility for the oversight and implementation of the building regulations and planning policy in their areas as well as responsibility for zoning, local area plans, county and city development plans and all the various strategies. Who was in charge of the majority of the local authorities? Fine Gael and the Labour Party were in control in 22 of 34 authorities. I will offer some examples. Cavan County Council is controlled outright by Fine Gael. Limerick Council is controlled outright by Fine Gael. Mayo County Council is controlled outright by Fine Gael. A combination of Fine Gael and the Labour Party controls Carlow County Council, Cork County Council and Dún Laoghaire County Council.

**Deputy Alan Farrell:** Deputy Collins is pointing the finger.

**Deputy Niall Collins:** I am not pointing the finger.

*(Interruptions).*

**Deputy Alan Farrell:** Does Deputy Collins have any solutions?

**Deputy Niall Collins:** I am simply putting it on the record, if the Leas-Cheann Comhairle will beg my indulgence. Kerry County Council is controlled outright. Kildare County Council is controlled outright. Kilkenny County Council is controlled outright. The same applies to the councils in Laois, Meath, Sligo, South Dublin, South Tipperary, Waterford, Westmeath, Wexford and Wicklow. Should I go on?

**Deputy Shane McEntee:** Deputy Collins is wrong about Meath County Council.

**Deputy Arthur Spring:** Deputy Collins is wrong about Kerry County Council also. He should check his facts.

**Deputy Niall Collins:** I am referring to where Fine Gael and the Labour Party have the majority.

**Deputy Shane McEntee:** Deputy Collins is wrong.

**Deputy Niall Collins:** I am referring to the majorities. By the way, all of this is documented by the Oireachtas Library and research service. The point is that the Government parties can point the fingers in any direction they wish. Everyone has been responsible for it but it is now mainly Fine Gael and the Labour Party at local government level. I simply wish to make that point. I am not making it to the Deputies opposite because they know it and understand it is a fact. However, many other people do not seem to understand that Fine Gael and the Labour Party have had significant control, input and influence at local authority level in recent years.

Another issue compounds the responsibility of Fine Gael and the Labour Party. There have been calls for several planning inquiries in several local authority areas throughout the country, including one in Waterford recently. Where are they? What is the problem with these? Why can we not hold these planning inquiries? Some of the complaints made to the Department of the Environment, Community and Local Government come from the Local Government Audit Service and the Ombudsman. These are not coming from cranks on the street who want to waste public funds. They come from credible State agencies and legitimate organisations which

have a problem. Why can we not have these planning inquiries? Many low cost models could be adapted for this purpose.

The proof of the pudding with the failure of self-certification and regulation has been the issue of taking estates in charge. We all know that throughout the country there is a serious problem with the taking of estates in charge. This is where the chickens are coming home to roost with the local authorities. A Bill has been published in the name of a Deputy from the Labour Party and he is on the right track. I had intended to publish such a Bill myself and, fair play to him, I believe we will support the recommendation he is getting to. We must have a legislative timeframe for the taking of estates in charge throughout the local authority sector.

I am keen to see a new regulatory and inspection regime and for a national building inspectorate to be established which would inspect the majority of properties under construction in the country. We need to have a system of licensing and the registration of builders. We need to have full prosecutions for any of the designers or contractors who are negligent in their duties. We are all aware that there has been a deficiency in this regard. We should have an open register of inspections, prosecutions and reports of inspections made from the public. A robust inspection regime should be implemented to ensure the people of Priory Hall and Belmayne never experience this again. Information on builders, including rogue builders and those letting down the system, must be shared among local authorities. This is not the case at present.

We need to go further. Where a builder has been granted permission for a major housing development we need to provide for a system whereby another permission will not be granted until the existing permission has been built out and completed to a satisfactory standard. There was a rush to get on to the next development and to bag the profit that would come with it. Article 10 of the proposed changes states that local authorities will be required to enter details of the certificates into a register but there is no reference to the local authority being required to carry out due diligence on the certificates. At a minimum they should certify that the person carrying out the inspection is suitably qualified and properly indemnified. All of us have had experience of such cases during the years of the building boom in the country. A great many of those who were involved in lodging planning applications and acted as agents were not qualified. This created a problem because many of those who were not qualified, albeit not all of them, were not up to the job. This matter must be addressed.

The provision under which a bond is lodged by the developer with the local authority must be regularised and made mandatory. Discretion must be removed from local authorities in this regard and in pursuing enforcement they must act swiftly and call in bonds. In the past they were not prepared to do so and take estates in charge.

I welcome this debate as it allows me to record, for those who are less informed than Members of the Oireachtas, a fact relating to the involvement of the Fianna Fáil Party in planning since the period covered by the Mahon tribunal. I commissioned research on this matter from the Oireachtas Library and Research Service. The findings show that my party has not controlled the majority of local authorities since the mid-1990s. One hears glib remarks about builders in the Fianna Fáil Party and the Galway tent. Since my election to Limerick County Council in 2004, I have not once visited the Galway tent. One would swear that some of the Deputies in the Technical Group have never been involved in a fund-raising event. According to them, everything runs on fresh air, yet they receive unvouched leaders' allowances, which is worse.

**Deputy Mick Wallace:** It should be remembered that some of the worst work was done by the largest builders.

**Deputy Dessie Ellis:** I thank my colleagues in the Technical Group for raising this important issue through a well constructed motion which my party is pleased to support. The motion contains a particularly succinct description of the manner in which the State has operated in prioritising wealth over the interests of the general public. It clearly shows that those who had great fortune and influence were those on whom the State looked kindly, namely, those who oiled the Fianna Fáil TACA machine and greased the tills of the corrupt and negligent class of politicians which ran the country into the ground.

Actions speak louder than words. These problems which resulted from the *laissez-faire* approach to regulating both the building industry and the most basic of safety regulations continued to plague those who unfortunately bought a home from a developer who knew everything about squeezing through loopholes and nothing about providing quality housing or social responsibility. The reason the motion is before us is that we cannot allow these issues to remain unresolved and justice not to be served for such persons and all those who were placed in danger by the recklessness and negligence of legislators, regulators, developers and those who allowed the system to continue, went along with it or profited from it. This problem, like many others related to the mismanagement of the State, comes as powers over issues such as planning and inspections are removed from locally based people charged with protecting the public good and vested in unaccountable bodies.

As the motion states, one particularly grave example of the failings of this light touch — to the point of being non-existent — approach to regulation is the disaster of Priory Hall. I reiterate the solidarity greetings sent recently at Sinn Féin's annual Ard-Fheis in Killarney to the evacuated residents of Priority Hall. A motion passed at the Ard-Fheis deplored the disgraceful conduct of the Priory Hall developer, Thomas McFeely, and his Coalport development company, which bear primary responsibility for the plight of the residents. It also deplored the totally inadequate planning and fire safety regulations and lack of enforcement by the Government and local authorities which allowed such developers to act with impunity. Sinn Féin called on all relevant banks and lending institutions to fully participate in the resolution process at Priory Hall chaired by Mr. Justice Joseph Finnegan aimed at finding a solution for residents. This solution must vindicate their rights to a home and not to be financially penalised as a result of gross negligence for which they do not bear responsibility. In line with the motion, the Sinn Féin Ard-Fheis called on the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, to empower and resource local authorities to carry out rigorous inspections of all housing developments and enforcement of all relevant planning, construction and fire safety laws and regulations to ensure we would not have a repetition of the Priory Hall scandal. We must never again have a scenario in which, one year on from their evacuation, the Priory Hall residents remain in limbo, facing bankruptcy and without secure homes.

Another example of the failure to properly support families who have been failed by the construction sector is found in my constituency of Dublin North-West and the surrounding areas where many people were sold homes contaminated with pyrite. The properties of this substance render buildings unsound and the material has caused major problems for families who have wedded themselves to large debts to provide a home. They have been left with a substandard construction which, in the interests of their safety, would be better demolished and replaced. The homes in question were planned and approved, materials were purchased from quarries that were allowed to operate and the developer behind the scheme was allowed to bring the buildings to market despite their flawed construction. This is a case of an obvious and glaring failure to ensure a product on the market, in this case a house, was safe and fit for purpose. If any other product was involved, the body which allowed it to go to market would

be held responsible and the victims of the failure to regulate properly and protect the public compensated and afforded justice. I support the motion which I commend to the House.

Debate adjourned.

### European Communities (Amendment) Bill 2012: Second Stage (Resumed)

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

**Deputy Catherine Murphy:** This week the House is dealing with two Bills on European issues and the forthcoming European Council meeting, all of which are related to the current crisis. I have lost count of the number of times the European Council has met to discuss solutions to the crisis without getting to the heart of the problem. Tonight the House is discussing the European Communities (Amendment) Bill, the purpose of which is to amend the founding treaty. A major debate on the European Stability Mechanism Bill has been ordered for tomorrow. All of these debates roll into one and it is difficult to contribute to one of them without straying into the issues addressed in the other business because the issues are interrelated. At the same time, we are failing to address the issue at the heart of the problem, namely, the private debt incurred by the State as a consequence of transforming bank debts into sovereign debts.

9 o'clock  
I understand the reason people outside the House are bewildered by all of this. Many of those who voted “Yes” in the referendum, including a large number who did so through gritted teeth, had great expectations that some positive signs would emerge from the European Union. We were informed that telephone calls had been made to European leaders, yet news programmes are reporting that, when asked about debt relief in respect of the banking bailout in response to the “Yes” vote, the President of the European Central Bank, Mr. Draghi, stated: “I do not think there was any ground or any statement of a *quid pro quo*.” In other words, the outcome of the referendum is not linked with the bank debt issue.

He went on to say that the spread on government bonds had fallen further in Ireland than in other countries, which showed that “a return to market access is not a far distant perspective”. He said that Ireland had made substantial progress on fiscal restructuring and bank consolidation. Mr. Draghi stated that the board of the IMF would be presented with a report on Spain this Friday. The difference between us and Spain is that Spain is a big country. Spain is a problem and we are not a problem, so there will be no rush to solve something that is not seen as a problem. I think that was the point some of us were trying to make.

I do not understand this Government’s negotiating strategy, and we are signing up to things and making amendments to European treaties in the absence of any understanding of what that strategy might be. I want to know what kind of European Union we are designing, because we are re-designing it at the moment. I thought we belonged to a European Union that had values such as democracy, solidarity and cohesion, but these have been absent. The German Chancellor proposed that countries in programmes would lose their entitlements to a veto and other things. Obviously that proposal did not happen, but it shows a mindset. In the absence of having something clearly spelled out about what exactly we are trying to create, how can we continue to plough ahead with amending treaties?

This will be brought to a head when it begins to affect Germany. I was reading an article in *Der Spiegel* from 6 May, called “The End of Germany’s Illusions”. This is the kind of thing that will bring people to their senses, because essentially there are creditor countries and there are debtor countries, and everything is being designed with the creditor countries in mind. We are in a weak position and I do not understand why we are not trying to build solidarity among

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other debtor countries, but that is not happening. The article in *Der Spiegel* opened with the following statement. It states:

Germany's booming economy and plummeting unemployment has long insulated the country from the euro crisis on Europe's periphery. Those times, however, are coming to an end. The German economy is now showing it is vulnerable after all, and Chancellor Merkel will now be forced to make sacrifices.

I do not wish any country in Europe to make sacrifices, but there has to be an element of reality. I have quoted a number of German people who are opposed to Chancellor Merkel. The article goes on to state:

For Germans, it was always a crisis that belonged to others — the Greeks, Portuguese, Spanish and Italians. That is, those who didn't have their finances in control and were expected to kindly atone for it by adopting the German model. Back home in Germany, by contrast, the economy was booming and people had work. In a sea of misery, Germany was an island of bliss.

It is interesting to read that, even if it is not a Christian Democrat Union viewpoint, as this newspaper would not tend to be. However, due to the two thirds majority required in the German Parliament, the CDU requires the Social Democratic Party to vote with them. The article goes on to recommend letting go of power. It states:

Thus it is in Germany's interest to solve the life-threatening problems within the currency union both swiftly and sustainably. But steps more radical than Germany has been willing to take will be necessary to achieve this — and that goes for both Chancellor Angela Merkel's government and the German people at large, who have vehemently rejected the prospect of their country having to give up any power or money to save the euro.

We can sit in here and talk in a vacuum, but things are moving very fast and attitudes are changing because they are being forced to change. We were told we saved these banks on foot of an ECB instruction. We saved them because we had to save the euro, and we were told that no European bank was going to fail. We have been compliant for the troika and we have been compliant with our fiscal adjustments, which I think will be soon unsustainable, but we also acted in the interests of keeping a sustainable euro, and we have not had any serious return on that.

The principle of the ESM is not a bad one. The idea of having a major amount of money that can be drawn down in a time of crisis and where each country contributes is a good idea in principle. However, the problem is that there is no democratic oversight and many of the rules and regulations for the ESM are unacceptable as far as I am concerned. This is obviously a fund for which there is a requirement to pay the money back. It is difficult to understand what fund will be used to save the Spanish banks if it is not the ESM. To be perfectly honest, people are making this up as they go along without any values that would give many of us a sense of inclusiveness. I would like to go back to a stage where we did share some of those values, which were very noble, in the full knowledge that there will be pain. I understand that we cannot avoid that pain, but in the debates this morning, this evening and tomorrow, which are all interrelated, we are not talking about the issues about which we should be talking. We are not solving the problems we should be solving, and we are discussing them in the absence of knowing what will be created. That is dangerous.



**Deputy Paschal Donohoe:** I would like to pick up on some of the points made by Deputy Murphy. She made a fair point when she asked what is the vision, or the end point, of the current crisis. If there is not clarity, two things result. First, people's confidence is undermined, here and now. Second, it becomes difficult to evaluate any proposal because we do not know where it will end. I agree with some of the points made by Deputy Murphy in this regard, although I disagree strongly with her in other areas. As I listened to her and other contributors, I was struck by how well they summed up the tensions faced by the European project. Those tensions are clear and emotional and, taken together, they pose a clear threat to the survival of the euro and of the political institutions beyond it.

I will point to two of those tensions. First, people who are in bailout programmes do not want to be in them but countries that are paying for them do not want to pay for them either. This clear conflict throws up a stark contrast when one meets people and politicians from many of the countries that are funding the programmes in which countries like ourselves are residing. People in those countries do not want to pay for programmes. They do not want to hand over money to other countries. At the same time, we do not want to be in a programme. We would rather get out of it. Second, there is a clear tension in the euro and the eurozone itself. Everyone who is inside the eurozone wants to stay in it, but not every country in the eurozone has the same idea of what it means to be a member of the eurozone and not all are willing to live up to the expectations of membership. Because those two tensions are in play, the euro is facing a real crisis of legitimacy. If those tensions are not resolved, the euro will not survive. That is one of the reasons I campaigned for the treaty. I see it as a prerequisite for the kind of change that needs to take place if the euro, as we know it, is to survive and prosper.

At the heart of what we are discussing is the fact that the euro, as it is constituted at present, is an unfinished currency. For so long, the European economy was awash with cheap, global credit and experienced the benefits of a booming global economy. Because of that, the fault lines in the euro were invisible, ignored or not acted upon. Of the two fault lines, which are still there and whose consequences we are grappling with, one is political and one is economic.

The political fault line is in the fact that some members of the eurozone were happy to accept the benefits of membership but did not accept that any costs or responsibilities would be associated with it. We saw this clearly in what happened to the Stability and Growth Pact. More seriously, the chimera of economic growth, fuelled by cheap credit, allowed companies, governments and unions to take their eye off the ball when it came to the things that really mattered. Productivity, competitiveness, good living standards and managing people well were all ignored, due to that.

The economic fault line with which we are now grappling is that we had a currency union without a banking union. The fateful mismatch between those two elements was the cause of much of the banking difficulty we are now experiencing. We still do not have a Europe-wide banking deposit guarantee scheme that is credible and clearly understood by everyone. We still do not have a Europe-wide banking regulator and we still do not have a Europe-wide banking resolution scheme that enables countries to deal with and manage what happens when a bank fails. The absence of those elements of a banking union, alongside the existence of a currency union, created a horrific mismatch within which all the difficulties we are now dealing with bloomed.

A common thread in both those failures was the fact that national Governments did not want to give up power in these areas. They did not want banking regulation to leave their jurisdictions. The same was true of fiscal policy. Governments set up rules that they themselves

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would obey. When those rules were breached, national political decisions outweighed the existing rules. All of those decisions were made for reasons of national economic sovereignty.

We now find that the danger to our own economic sovereignty is far worse than we could have imagined when those decisions were made. We must now be completely honest as to what the solution to these difficulties should be.

One of the core reasons for our current difficulty is that we did not have an architecture that completed the single currency zone. We did not have a banking union or the right rules and institutions for national budgets. We are kidding ourselves, potentially to great historic cost, if we imagine that anything less than fixing those deficiencies will substitute for dealing with this crisis. It would be a delusion, with consequences that we would rue for decades to come, not to face up to how we should deal with the two mismatches that occurred when the single currency zone was set up.

Now, unfortunately, is the time when we must face up to the consequences of that mismatch. Greece faces the prospect of a disorderly default on its budget, and I hope that country can avoid it. It would be a catastrophe for Greece, and for us. Some European political leaders who should know better are talking about the prospect of a country leaving the eurozone. We see what is happening in Spain, where the banking system is too big to fail but too expensive for Spain to save on its own. Because those mismatches were not dealt with when the eurozone was established, we are now dealing with those terrible consequences.

The Governor of the ECB, Mario Draghi, referred to this last week when he said the ECB on its own cannot fill a political vacuum. That vacuum must be filled. The two building blocks that need to be put in place are a banking union and a fiscal union. Each will be very difficult and will pose huge challenges to countries like ourselves. The lack of either, however, will prevent the putting in place of a comprehensive response and solution to a crisis that could wreck our Continent, politically and economically, for decades.

The banking union would have four components, which many people are now beginning to talk about openly. They are a banking recapitalisation fund, a fund for deposit insurance, a central regulator and a clear and established process for handling bank failure. This may sound bland to us in Ireland, where we have seen how national regulators were unable to do their job of regulating our banking sector. Many people in Ireland would welcome such a vista and those kinds of ideas. In other countries, however, they will be powerfully and strongly resisted by governments and by elements of the banking sectors.

There were sound reasons these things were not wanted in the past, but there is a compelling reason now as to why they are vital, namely, that such a system gives us the best possible chance of surviving a bank run. If one thing is capable of deepening the crisis we are in to levels that are unimaginable, it is the acceleration of a banking run where capital moves out of peripheral economies — I dislike using this terminology — to core economies, and credit and capital continue to flow out of weaker banks to stronger banks. This country experienced elements of that in 2008 and 2009. I struggle to see how any government or European-wide plan would get out of such a cycle once it was unleashed across the entire European economy. I am encouraged by the fact the European Commission and the European Parliament are now talking about these ideas. They were talking about a likely implementation date of 2015. We might not have a euro as we know it now to defend by 2015.

The second element which must accompany the process is a fiscal union. That is essential for the development of some form of European-wide mutual debt plan or eurobonds. I must

be careful in what I am talking about because fiscal union and all the issues that could be involved in such could be used as shorthand for people deciding how schools are built in some countries and how much money is spent in hospitals. I do not speak about any of those matters. I speak about a bare but clear form of fiscal union that would generate and allow some sovereign debt from participating countries to be backed up by all countries. A plan has already been developed for that. I refer to the “red debt-blue debt” model which was developed by the Bruegel institute. It has been endorsed by the German Council of Economic Experts and last week was endorsed by *The Economist* as a clear way of moving forward on a challenge such as we face. It involves participating countries deciding to jointly guarantee new sovereign debt issues of up to 60% of the national income of a country, after which the country would borrow on its own. It is not at all the kind of system that some advocate where a group of countries would be responsible for the entire national debt of all countries. What I speak about is a bare but solid plan where some countries would underpin the ability of other countries to issue debt in return for all of us being able to move out of the terrible crisis we are in.

All of that would be uncomfortable, even the bare plan I have sketched, as it would involve the further dilution of the economic sovereignty we enjoy. In this country’s case that could well mean future referenda. Any of the points I have made, such as a new role for the European Central Bank, the creation of eurobonds and a new single banking regulator, would probably require treaty change which in our case would, thankfully, require a referendum. As we contemplate the closure of one referendum campaign, the idea of future ones would make many, not least me, shiver at the prospect. Deputy Catherine Murphy referred to a lack of vision for the future but I have outlined an alternative strategy that I believe would work. It is a feasible future that has difficult consequences for the present and would entail us facing up to difficult choices. If we do not have such discussions now, we will not have the kind of shared prosperous future that for so long we assumed would be the case.

I wish to spell out equally what the proposal is not about. This is not federalism. I do not accept the economic crisis we are in requires a leap to some kind of political federalism where others get to determine Irish neutrality or our policy on non-economic matters. This is not even a proposal for economic federalism. What I do not propose is that any participating country would underwrite the full debt of another country. I speak about a clear model in which sovereignty in some areas would continue to be shared. To borrow a phrase from another part of our heritage and of our present, this is economic unionism, not economic federalism. It is a case of looking at two challenges we must confront and saying the burden and the benefits are so big in each of those areas that we must share them in a way we have not done to date.

I must also be clear in the proposal I make that this is not going to close our budget deficit. It will not mean that the difficulties we have in the gap between our spending and taxation will shrink. It will not mean that the other equal national crisis — the jobs crisis — will be improved by what I propose. I simply suggest that if we do not complete the building blocks of the euro and we do not have a political discussion now on how that will be done, the point will come at which it will be either too late to do them or the vision of other people on how they should be done will be forced upon us. We should avoid either scenario at nearly any cost. The unionism to which I refer is now articulated and debated by many. I hope this kind of thinking is the genesis of some of the things people are now talking about in public, for example, the European Commission last week. I believe this country should play a crucial role in the Presidency and prior to it in talking about such matters with people within the Continent of Europe. If there is one thing small states such as this country have been good at in the past and can be good at again in the future, it is thinking strategically, coming up with new ideas and building consensus

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on them. We must do that, not just for the sake of people outside of Europe but for our own people, because there must be an end point involving a fair resolution.

I wish to sum up by referring to what an American economics professor, Mr. Andrew Moravcsik, has written in a recent article in *Foreign Affairs*. He said:

The burden must be shifted from Europe's public sectors and deficit countries to its private sectors and surplus countries. If this does not occur the survival of the euro will be called into question and Europe will face a long-term economic catastrophe that could drain its wealth and power for the rest of this decade and beyond.

I am not sure whether as he advocates that shifting is either possible or even merited but sharing is essential. We are now at the truly dreadful crisis point that some predicted but which I hoped would not come, whereby if we do not fill in the gaps in the designs we put in place decades ago, it will result in their ruin, not just of national economies but of the political vision and values of solidarity and coming together that have been at the heart of the extraordinary progress the Continent has made in the past 60 years.

**An Leas-Cheann Comhairle:** I now call Deputy Joe Higgins. I advise him that I will call on the Minister of State to reply at 9.45 p.m.

**Deputy Joe Higgins:** Okay. I wish first to denounce the handling of these crucial European Union issues in Dáil Éireann. The way the Government has approached the debate is scandalously inadequate. The European Communities (Amendment) Bill 2012 has had approximately four hours of discussion today and, incredibly, the European Stability Mechanism Bill has been allocated approximately four and a half hours tomorrow. This is incredible, given the serious import of these issues. The establishment of the European Stability Mechanism, ESM, and what it means for the citizens of member states are questions that should be addressed in significant detail. It is incredible, reckless and negligent of the Government to railroad the ESM through Dáil Éireann in the form of these two Bills in seven or eight hours. Had we had a debate on these issues during the course of the recent referendum campaign on the fiscal austerity treaty, it would have been a preparation ahead of finalising the debate in Dáil Éireann. Unfortunately, that was denied us as well because the Government refused to engage on the substance of the fiscal austerity treaty. Instead, it browbeat us with the threat of no funding being available to the State in the event of emergency funding being required unless we passed the austerity treaty. Although the gun to the head was couched in terms of access to the ESM, we did not get a chance to discuss the whys and wherefores of the workings of the ESM itself. Instead of the type of elucidation that could have occurred in the recent debate, the majority of ordinary people in this State have been let down badly by the Government.

The European Communities (Amendment) Bill 2012 provides for the implementation in domestic law of protocols relating to extra MEPs, but the provision with which we are most concerned is the European Council decision amending Article 136 of the Treaty on the Functioning of the European Union, including the creation of the ESM for the eurozone. The United Left Alliance, ULA, opposes the current way in which the ESM is structured and will be used. Since the Bill facilitates the establishment of the ESM, we oppose the Bill as well. We do not oppose the idea of a solidarity fund were it for the benefit of the ordinary people of Europe, but the ESM is not that fund. Rather, it is a fund to bail out and underpin the financial market system so that the latter can continue to exploit the majority of people and be an

economic dictatorship over society, wielding inordinate power through unelected and faceless institutions and forces that are unaccountable to most ordinary people within the EU.

Be it in the US or Europe, everything that has been done by the political establishment since the financial crisis struck four or five years ago has been in the interests of the sharks who dominate the financial market system — the banks, hedge funds and various speculators. The European political and economic establishment has reinforced the situation, with the troika arriving on our shores to ensure that the significant burden of bad gambling debts that were incurred by European speculators was placed on the shoulders of the Irish people. Therefore, the establishment of the ESM as an emergency fund, potentially with a budget of €700 billion, is simply what happened to our people writ large across the participating states.

This Bill proposes the facilitation of the inclusion in domestic law of the amendment to Article 136 to allow the ESM to be established. The amendment is being made to square the mechanism's establishment with Article 125 of the same treaty, which strictly forbids bailouts and member states financing one another. Article 125 was no barrier to the European establishment when it wished to move rapidly to salvage its system through the creation of the European Financial Stability Facility, EFSF, which will continue in existence until the middle of next year.

It is clear that the amendment of Article 136 to allow for the ESM is an amendment of a fundamental treaty of the EU and requires unanimity among member states. Therefore, the ABC of it means that each state has a veto on the matter. Unfortunately, this point was not allowed to be clarified during the referendum debate because doing so would not have suited the Government's purpose. Clarification would have emphasised the truth that the Government had a veto over the changing of Article 136, but the Government wanted to use the blackmail clause, that is, the requirement that the austerity treaty be ratified and passed to allow access to the ESM. It was gravely dishonest to the Irish people to deny the fact that, in the event of a "No" vote, what was supposedly their Government could have told the EU that the latter would need to remove the blackmail clause if it wanted to proceed without its ESM plans being halted. The Government denied that this was possible and, in so doing, did a considerable democratic disservice to our people. The conduct of the austerity treaty campaign was scandalous in general, with the Government feeding fear at every turn. Hence, this rushed two-day discussion in Dáil Éireann minus a proper airing of the issue.

The Government is rushing the legislation through and, as usual, is being dragged along in the slipstream of the political and economic establishment of the EU and the largest political group in the European Parliament, namely, the European People's Party, EPP, to which Fine Gael is affiliated. Its economic policy is very right wing and neo-liberal and, accordingly, has a malign influence in the European Union, particularly through the agency of the German Chancellor, Angela Merkel, as the main policy dictating the economic measures in this State and across Europe. The European Stability Mechanism, ESM, is a fund not to benefit the ordinary people of Europe or to assist small enterprises which could employ millions across Europe. It is about salvaging the markets and banking system as we know them. This is a continuation of the process of the previous 20 years of what is called the financialisation of world capitalism where finance capital has come to have an inordinate predominance over manufacturing capital and other aspects to create the type of casino capitalism that has brought us the disaster into which the world is still plunged.

This has meant a savage austerity is now inflicted on working class people and the poor in many European countries. The Greek working class is being crucified in the name of bailing out the financial system, as indeed are our people. I heard a Member speaking earlier, along with much comment in the media, of the need to move to fiscal union to save the euro and the



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present system. Fiscal union on the basis of capitalism in the European Union is a pipe dream. It will never happen because the national interest of the big businesses and financial institutions in each member state will come between that. Europe is 150 or 200 years too late to establish some sort of a federal system as in the United States of America.

There is the socialist alternative. Several striking articles in *The Wall Street Journal* and the *Financial Times* in March referred to the incredible amounts of uninvested profits that are being hoarded by European corporations. The ratio of investment to gross domestic product in Europe is at a 60 year low. Why? It is because companies sit on €2 trillion in uninvested profits across the eurozone and £750 billion in the United Kingdom. This is an incredible failure of the system. Massive funds sitting in banks, speculating etc. while 25 million people are unemployed in the European Union. The alternative to that is not the bailout of the financial market system as envisaged in the ESM. The socialist alternative is that this wealth should be taxed massively or taken into public ownership, like the major financial institutions, and run democratically in the interests of the greater good. This alternative is the only system that will get us out of this appalling vista of austerity which brings about more crisis and suffering. A socialist planned economy under a workers' democracy could bring a genuine international perspective and a genuine sharing based on solidarity with the peoples of Europe. On the basis of the present system, that is absolutely ruled out. In no way does this Bill reflect the interests of ordinary people in this country or in Europe. Accordingly, we are opposing it.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):**

I warmly welcome today's extensive Second Stage reading of the European Communities (Amendment) Bill 2012. Throughout this afternoon and evening, the House has heard from a range of voices from all sides which is very welcome. The debate will serve us well as the Bill goes forward next week to Committee Stage.

Before we draw the debate to a close, I want to recall the essence of this legislation. At its core the European Communities (Amendment) Bill 2012 provides a means of incorporating several developments at European Union level into the domestic law of the State. As well as being legally necessary in each instance, I welcome also the opportunity afforded by the consideration of EU-related legislation in the Houses of the Oireachtas. Such legislation affords the Oireachtas an important opportunity to further engagement with and debate on EU-related issues of importance to Ireland. In a sense, this legislation is bringing home key EU developments to our national Parliament and our law. This necessary process serves as a concrete link between what goes on in Europe and what happens here at home, as well as how those developments are translated into the State's domestic law.

The timing of today's debate is most welcome. Over the past month, we have had a vigorous and energetic debate in this House and across the country leading up to last Thursday's referendum vote. While the specifics of the stability treaty were under scrutiny during the referendum campaign, and rightly so, our engagement with our neighbours and partners in Europe, particularly with those with whom we share a common currency, formed an important context for that debate. I am greatly heartened that the citizens of Ireland responded in such a resounding manner last week. I am gratified the people saw the stability treaty for what it is, namely, an important element of the solution to addressing the economic and financial crisis which has gripped Europe and beyond for several years now.

The stability treaty and its provisions are not the whole story but it is an important element of the solution. The stability agenda must now be complemented by a growth agenda, which delivers sustainable growth and jobs for the European economy and for the people of Europe,

especially our younger people. From dealing with small and medium-sized enterprises, I know that 200,000 small companies employ 1.8 million people. It is about jobs and confidence. Deputy Higgins would be well-served if he engaged with some of these companies. All the key employers were enthusiastic about supporting last week's referendum. Small businesses are the backbone of the economy.

**Deputy Joe Higgins:** We are still waiting for the Lisbon treaty jobs.

**Deputy John Perry:** The growth agenda has been pressed by the Government since coming to office last year. I welcome this critical issue which has now gathered considerable traction among EU leaders and we will be working hard to ensure that these efforts show dividends in Ireland and across Europe.

The people's vote last week strengthens the Government's hand as we now pursue the growth agenda, including at the European Council summit meeting towards the end of this month. A key element in restoring stability to our common currency area has been the steps to put in place robust and convincing financial firewalls, firstly in the form of a temporary mechanism, the European financial stability facility, EFSF, and now with a permanent mechanism, the ESM. Of course, the Bill before the House has a direct link with the stability treaty through the provision concerning the amendment of Article 136 of the Treaty on the Functioning of the European Union which will provide a legal underpinning for the ESM which is to enter into force next month. It is for that reason that the Bill was published on 8 May in tandem with the European Stability Mechanism Bill 2012 which I understand will be considered by the House tomorrow. The Government wanted to ensure the people had the full picture available to them when they came to vote.

I will recap on the contents of the Bill. It provides for the amendment of the European Communities Act 1972 to provide that the protocol amending the protocol on transitional provisions annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community and that the European Council decision amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for member states the currency of which is the euro shall form part of the domestic law of the State. I will briefly recall what is involved in both instruments before concluding by recapping on the amendments the Government will bring forward on Committee Stage next week.

The protocol on transitional measures on the composition of the European Parliament puts in place temporary arrangements for the level of representation in the European Parliament during the current Parliament's term running from 2009 to 2014. The measure ensures 12 member states are fully and appropriately represented in the European Parliament. Since it was elected in 2009, before the Lisbon treaty had entered into force, EU leaders agreed that it would be only fair that those countries that would benefit from 18 additional seats in the Parliament under the provisions of the Lisbon treaty should have access to that representation during the current term. Ireland's allocation of MEPs was not impacted on by this protocol which entered into force on 1 December 2011, following ratification by all 27 member states. It should be noted that the effect of the protocol is entirely temporary and that the size of the next European Parliament to be elected in 2014 will be as provided for in the Lisbon treaty.

As I mentioned, the purpose of the European Council decision to amend Article 136 of the Treaty on the Functioning of the European Union was to provide a legal underpinning for the ESM, which is to enter into force next month. The Government firmly believes membership of and access to the ESM are fundamentally in the interests of the country. As was clearly set

[Deputy John Perry.]

out during the referendum campaign, the ESM will serve as a kind of insurance policy; we hope we do not have to use it, but in agreeing to ratify the stability treaty we have secured access to it. It, therefore, makes a great deal of sense that we should provide an appropriate legal underpinning for the ESM treaty through this amendment to Article 136 of the Treaty on the Functioning of the European Union.

I will recall for the benefit of the House the Government's intention to introduce two amendments to the European Communities (Amendment) Bill. These amendments which will be introduced next week on Committee Stage will provide for the Croatian accession treaty and the Irish legal guarantees protocol to form part of the domestic law of the State through amendments to the European Communities Act 1972. The amendment to provide for the accession of Croatia will, if adopted, allow us to proceed to ratify the Croatian accession treaty. It was encouraging to hear such strong support for the accession of Croatia expressed during today's debate across the House. Croatia's accession process is not yet complete. Monitoring by the European Commission of a number of outstanding commitments which Croatia must fulfil before it accedes will continue. Before July 2013, the proposed date of accession, reforms must continue, new laws will need to be adopted and others implemented. The Commission will closely monitor Croatia's fulfilment of all its commitments across many aspects of the *acquis* but under particular scrutiny are Croatia's commitments in the areas of the judiciary and fundamental rights and competition policy. Monitoring reports will be submitted to the Council working groups on a regular basis, with the last of these due during Ireland's Presidency of the European Union. On 29 May the General Affairs Council considered the first of the Commission's reports. The Council noted that Croatia's preparations for EU membership were on track and that Croatia had reached a considerable degree of alignment with the *acquis*. At that Council meeting the Commission indicated it would continue to work with Croatia to address the limited number of outstanding issues. I am confident that Croatia will continue to show the perseverance, hard work and determination that have got it this far in the process. As it holds the Presidency of the Council of the European Union during the first half of next year, I expect to see Ireland preside over the final discussions on Croatia's fulfilment of its commitments and pave the way for its accession. I also look forward to welcoming Croatia as a full partner in the European Union and believe its presence among us will be to our mutual benefit.

The second amendment which the Government will move to the Bill next week concerns the protocol on the concerns of the people on the Lisbon treaty. Whereas the substance of the protocol dates to June 2009 when the European Council took a decision to address Irish concerns about the treaty, the protocol was only signed in Brussels on 16 May. EU leaders agreed in 2009 that the provisions of their decision would be set out in a protocol to be attached to the EU treaties at the time of the conclusion of the next accession treaty. Thus, with progress on the Croatian accession treaty came progress on our protocol. The target date for entry into force of our protocol is the middle of 2013, at which time it is hoped Croatia will become a full member state. The promise made to the people will be fully honoured.

I appreciate the engagement of Members throughout the debate and look forward to consideration of the Bill on Committee Stage next week. I commend the Bill to the House.

Question put.

## The Dáil divided: Tá, 99; Níl, 12.

## Tá

Adams, Gerry.  
 Bannon, James.  
 Barry, Tom.  
 Breen, Pat.  
 Browne, John.  
 Bruton, Richard.  
 Butler, Ray.  
 Buttimer, Jerry.  
 Byrne, Catherine.  
 Byrne, Eric.  
 Calleary, Dara.  
 Carey, Joe.  
 Colreavy, Michael.  
 Conaghan, Michael.  
 Conlan, Seán.  
 Connaughton, Paul J..  
 Coonan, Noel.  
 Coveney, Simon.  
 Crowe, Seán.  
 Daly, Jim.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Deering, Pat.  
 Doherty, Pearse.  
 Doherty, Regina.  
 Donnelly, Stephen S..  
 Donohoe, Paschal.  
 Dowds, Robert.  
 Durkan, Bernard J..  
 English, Damien.  
 Farrell, Alan.  
 Feighan, Frank.  
 Ferris, Martin.  
 Fitzpatrick, Peter.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Fleming, Sean.  
 Griffin, Brendan.  
 Harrington, Noel.  
 Harris, Simon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Healy-Rae, Michael.  
 Heydon, Martin.  
 Hogan, Phil.  
 Humphreys, Kevin.  
 Keating, Derek.  
 Keaveney, Colm.  
 Kehoe, Paul.  
 Kenny, Seán.

Kyne, Seán.  
 Lawlor, Anthony.  
 Lowry, Michael.  
 Lynch, Ciarán.  
 Lyons, John.  
 Mac Lochlainn, Pádraig.  
 Maloney, Eamonn.  
 Mathews, Peter.  
 McCarthy, Michael.  
 McDonald, Mary Lou.  
 McEntee, Shane.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McHugh, Joe.  
 McLellan, Sandra.  
 McLoughlin, Tony.  
 McNamara, Michael.  
 Mitchell, Olivia.  
 Mitchell O'Connor, Mary.  
 Mulherin, Michelle.  
 Murphy, Dara.  
 Murphy, Eoghan.  
 Nash, Gerald.  
 Naughten, Denis.  
 Neville, Dan.  
 Nolan, Derek.  
 Noonan, Michael.  
 Nulty, Patrick.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Jonathan.  
 O'Donnell, Kieran.  
 O'Donovan, Patrick.  
 O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Reilly, Joe.  
 O'Sullivan, Jan.  
 Perry, John.  
 Phelan, Ann.  
 Ryan, Brendan.  
 Spring, Arthur.  
 Stagg, Emmet.  
 Stanley, Brian.  
 Stanton, David.  
 Tuffy, Joanna.  
 Twomey, Liam.  
 Wall, Jack.  
 Walsh, Brian.  
 White, Alex.

## Níl

Boyd Barrett, Richard.  
 Collins, Joan.  
 Daly, Clare.  
 Flanagan, Luke 'Ming'.  
 Healy, Seamus.  
 Higgins, Joe.

McGrath, Finian.  
 Murphy, Catherine.  
 O'Sullivan, Maureen.  
 Pringle, Thomas.  
 Ross, Shane.  
 Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Catherine Murphy and Joe Higgins.

Question declared carried.

**European Communities (Amendment) Bill 2012: Referral to Select Committee**

**Minister for Finance (Deputy Michael Noonan):** I move:

That the Bill be referred to the Select Committee on European Affairs pursuant to Standing Order 82A(3)(a).

Question put and agreed to.

The Dáil adjourned at 10.10 p.m. until 10.30 a.m. on Thursday, 7 June 2012.



## Written Answers

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

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

### Arts Promotion

11. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the full extent to which he expects and or intends to involve or utilise the arts, culture and heritage sectors in economic recovery with special emphasis on the marketing of a positive natural image; the degree to which he can quantify the effect in financial terms in the case of the current year. [27109/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The arts, culture and heritage sectors continue to offer vital opportunities for the provision of important cultural, social and employment benefits to communities throughout the country. The nature of employment within the arts sector encompasses a very wide range of activities. It can include those engaged in the arts practice within specific artistic genres and can also encompass areas which flow from such artistic pursuits. It may also embody the whole industrial creative sectors, including the audiovisual production sector.

The Government appreciates and values the contribution the arts sector makes to the internationally renowned artistic reputation of this country. Within the current economic constraints, investment in the arts, culture and creative sectors is more important than ever, having regard to the employment intensity of the sector. The Deputy will be aware that a report (*An Assessment of the Economic Impact of the Arts in Ireland*) published by the Arts Council in 2011 indicated that the arts sector provides significant direct and indirect employment, supporting some 21,300 jobs and contributing €306.8 million in taxes. The arts also impact on the wider creative industries, contributing €4.7 billion to the economy and supporting 79,000 jobs.

The heritage area is also increasingly identified as a primary stimulus in the tourism sector and my Department is committed to promoting greater appreciation and understanding of Ireland's rich heritage as a valuable amenity for business, farming and tourism and as a means of presenting Ireland as an attractive destination for sustainable inward investment. A report published by the Heritage Council last month indicates that Ireland's historic environment supports over 35,000 jobs and contributes in the order of €1.5 billion to the national economy.

[Deputy Jimmy Deenihan.]

It also indicates that one fifth of total visitor expenditure in Ireland is attributable to our historic environment.

While the Department of Transport, Tourism and Sport, and the agencies under its remit, have primary responsibility for the promotion of Ireland generally as an attractive visitor location, heritage sites, including national parks and national monuments, feature strongly in much of this promotion. In addition, my Department through, for example, the provision of important heritage inventories, the funding for the conservation and presentation of the built heritage, and through support for the Heritage Council, assists in promoting greater appreciation and understanding of Ireland's heritage as a valuable amenity for residents and visitors alike. My Department is also directly involved in developing heritage initiatives with Fáilte Ireland, the Heritage Council and other organisations. I am confident that these and other initiatives will contribute to the quality of the national heritage tourism product, economic recovery and job creation.

As the Deputy will be aware, in the Government's *Action Plan for Jobs*, there are 11 specific actions in the areas of arts, culture and creative enterprise which are to be undertaken by the Department of Arts, Heritage and the Gaeltacht and the agencies under its remit. The relevant actions are set out in section 7 of the Plan and I look forward to continuing progress in relation to these actions in the period ahead.

### Scéim Feirmeoireachta Éisc

12. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Oidhreacht agus Gaeltachta an raibh aon phlé idir Údarás na Gaeltachta agus BIM maidir le cúrsaí oiliúna a chur ar fáil i bhfeirmeoireacht éisc má leantar ar aghaidh leis an scéim feirmeoireachta éisc in Inis Oírr. [27091/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tuigtear dom go bhfuil Meabhrán Comhthuisceana i bhfeidhm idir Údarás na Gaeltachta agus BIM agus go bhfuil comhoibriú maith, dá bharr, idir an dá eagraíocht.

Tuigtear dom fosta go bhfuil Údarás na Gaeltachta agus BIM ag obair as lámha a chéile maidir le forbairt an togra atá beartaithe in Inis Oírr. Ag cruinniú a tionóladh idir BIM agus Údarás na Gaeltachta le déanaí, aontaíodh go bhfuil sé riachtanach cúrsaí oiliúna i bhfeirmeoireacht éisc a chur ar fáil do mhuintir na háite chun cabhrú leo an tairbhe is fearr a fháil ón tionscnamh seo. Tuigtear dom go bhfuil sé i gceist ag an dá eagraíocht tabhairt faoin bpróiseas oiliúna nuair a bheidh na ceadúnais chuí faighte agus cúrsaí pleanála socraithe don tionscnamh.

### Arts Funding

13. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he is satisfied regarding the adequacy of direct and or indirect funding for the arts at local level; if sufficient emphasis is placed on incentivising local performing groups; if such groups are directly supported in their efforts to secure or upgrade premises; and if he will make a statement on the matter. [27108/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Government's policy on the arts is to promote and strengthen the arts in all its forms, to increase access to and participation in the arts, and to make the arts an integral and valued part of our national life. I am continuing to work towards this goal with my Department and the agencies within its remit, and I remain committed to securing the best possible level of funding for the arts sector.

The State appreciates and values the contribution the arts sector makes to the internationally renowned artistic reputation of this country. Within the current economic constraints, such investment in the arts, culture and creative sectors is more important than ever, having regard to the employment intensity of the sector and their potential for assisting with cultural tourism initiatives.

I was pleased to recently launch The Philanthropy Leverage Initiative. This initiative, established with funding of €230,000 for 2012, is designed to encourage philanthropic sponsorship and endowment funding of the arts from private sources. The scheme aims to promote support for the arts from private sources and to unlock 2 to 5 times the funding put up by the taxpayer. The Philanthropy Leverage Initiative will provide an incentive to arts organisations to proactively seek new and multi-annual relationships with sponsors which deliver private sector financial support, thereby increasing overall funding available to the arts. The initiative will be available across projects of varying scale, geography and art forms. The Leverage Initiative will run in parallel with a second initiative — the Philanthropy Capacity Building Initiative — which is operated by the Arts Council.

Capital investment in cultural infrastructure has greatly improved access to and participation in the arts for large numbers of people nationwide. Facilities funded include integrated arts centres, theatres, galleries, studios and creative and performance spaces. In this manner, my Department provided the bulk of capital funding for buildings and refurbishing arts facilities around the country, mainly in the not for profit sector, while the Arts Council provides the ongoing revenue support for many of the facilities.

In terms of indirect funding, my Department, in conjunction with the Arts Council, has developed an initiative called *Culturefox*, which is a free promotional medium for arts and culture events. *Culturefox* is both a website and an “app”, and is available to all arts and culture practitioners at national, regional and at local levels. It is free to use for promoters and consumers alike.

As the Deputy is aware, I also forwarded details to him on 25 April last of financial assistance provided to bodies/groups over the period since the establishment of my Department on 2 June 2011.

### **Calafóirt agus Céanna**

14. D’fhiafraigh **Jonathan O’Brien** den Aire Ealaíon, Oidhreacht agus Gaeltachta an ndéanfaidh sé ráiteas faoin tacaíocht a bhfuil a Roinn in ainm a bheith á tabhairt d’fhorbairt na Cé in Inis Oírr, an dtabharfaidh sé soiléiriú maidir leis na híocaíochtaí a tháinig ón Roinn chun an Ché a fhorbairt, agus an bhfuil sé i gceist ag an Roinn forbairt na Cé a chríochnú. [27098/12]

473. D’fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreacht agus Gaeltachta Ealaíon, an ndéanfaidh sé ráiteas faoin tacaíocht a bhfuil a Roinn in ainm a bheith á tabhairt d’fhorbairt na Cé in Inis Oírr, an dtabharfaidh sé soiléiriú maidir leis na híocaíochtaí a tháinig ón Roinn chun an Ché a fhorbairt; agus an bhfuil sé i gceist ag an Roinn forbairt na Cé a chríochnú. [27134/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tógfaidh mé Ceisteanna Uimh 14 agus 473 le chéile.

Mar is eol don Teachta, is cé de chuid Comhairle Contae na Gaillimhe an ché seo. Ach an oiread le céanna Árann agus Inis Meáin, ar cheadaigh mo Roinnse deontais de luach €58m ina n-iomláine dóibh le blianta beaga anuas, aithníonn mo Roinnse an tábhacht a bhaineann leis an gcé seo do phobal Inis Oírr.

[Deputy Dinny McGinley.]

Idir na blianta 2004 agus 2007, cheadaigh mo Roinnse deontais de luach €784,000 ina n-iomláine chun cur ar chumas Chomhairle Contae na Gaillimhe tabhairt faoin obair seo a leanas i ndáil leis an gcé in Inis Oírr: réamhstaidéar, múnlóireacht fhisiceach agus measúnacht tionch-air timpeallachta, chomh maith le ceadúnais a fháil, dearadh a dhéanamh, doiciméid conartha a ullmhú, tairiscintí a lorg agus bainistiú cuí a dhéanamh ar an gconradh.

Tuigtear dom go bhfuil cead pleanála agus ceadúnas forchladaigh faighte ag an gComhairle Contae d'fhorbairt na cé in Inis Oírr. Meastar go mbeidh costas de €8.5m ar an obair atá beartaithe agus, ós rud é nach bhfuil acmhainní airgeadais den chineál sin ag mo Roinnse — ná ag an gComhairle Contae, tuigim — i láthair na huaire, níl sé beartaithe dul i mbun tairisceana don togra sa ghearrthéarma.

### Architectural Heritage

15. **Deputy Dessie Ellis** asked the Minister for Arts, Heritage and the Gaeltacht the financial funding initiatives being put in place to protect and promote the walled towns here. [27101/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Heritage Council, a body under the aegis of my Department, operates a specific initiative to support walled towns across the island of Ireland — the Irish Walled Towns Network.

I understand that the Council provided over €1.8m to walled towns in the past 3 years. The funding provided for this initiative is a matter for the Heritage Council.

My Department is providing a total of €4,811,000 of Exchequer Funding for the Heritage Council in 2012, together with €1,500,000 from my Department's share of the Environment Fund.

### Oifig an Choimisinéara Teanga

16. D'fhiafraigh **Mary Lou McDonald** den Aire Ealaíon, Oidhreacht agus Gaeltachta an raibh aon phlé idir é agus an Roinn Caiteachais Phoiblí agus Athchóirithe faoi athbhreithniú a dhéanamh ar an gcinneadh Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman agus léiriú a dhéanamh ar cé mhéid airgid atá shábháil de bharr an chinnidh agus ar an mbonn a bhí leis an gcinneadh. [27089/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Mar is eol don Teachta, d'fhógair an Rialtas ar 17 Samhain 2011 go raibh cinneadh tógtha feidhmeanna Oifig an Choimisinéara Teanga a chónascadh le hOifig an Ombudsman agus go raibh an cinneadh sin le cur i gcrích i gcomhthéacs an athbhreithnithe ar Acht na dTeangacha Oifigiúla 2003, atá ar siúl ag mo Roinnse faoi láthair. Tógadh an cinneadh sin mar chuid de *Phlean Athchóirithe an Rialtais don tSeirbhís Phoiblí*. Faoin bPlean sin, tá sé beartaithe ag an Rialtas go ndéanfar cuíchóiriú ar 48 comhlacht poiblí faoi dheireadh na bliana 2012 agus go ndéanfar athbhreithniú criticiúil ar 46 comhlacht poiblí eile faoi mhí an Mheithimh 2012.

Tá sé ráite go soiléir ag an Rialtas nach sábháil airgid amháin atá lorg sna cúrsaí seo. Mar atá ráite i *bPlean Athchóirithe an Rialtais don tSeirbhís Phoiblí*, tiocfaidh na buntáistí is suntasaí as timpeallacht riaracháin níos simplí agus níos éifeachtaí a bheith ann, rud a thabharfaidh cuntasacht dhaonlathach níos fearr, níos lú dúblála agus línte freagrachta níos soiléire don saoránach.

Glactar leis, ar ndóigh, go dtagann saincheisteanna chun cinn do na heagraíochtaíagsúla atá i gceist de thoradh na gcinntí seo agus go bhféadfadh leasuithe reachtaíochta a bheith san áireamh chomh maith. Tá Coiste Athchóirithe bunaithe ag mo Roinnse chun scrúdú a dhéanamh ar na saincheisteanna ábhartha a bhaineann leis na heagraíochtaí ar leith a thagann faoi

scáth mo Roinne. Tá an coiste seo ag plé leis na heagraíochtaí éagsúla atá i gceist, lena n-áirítear Oifig an Choimisinéara Teanga, le gur féidir cinntí an Rialtais a chur i bhfeidhm ar bhealach éifeachtach agus éifeachtúil. Ar ndóigh, bíonn plé rialta idir mo Roinnse agus an Roinn Caiteachais Phoiblí agus Athchóirithe i dtaca leis an ábhar seo fosta.

### **Turbary Rights**

17. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage and the Gaeltacht in view of the fact that 11 of 53 protected bogs are being cut by turf cutters, if he has had any success in securing a 12 month extension in the derogation from the EC on these bogs; if he will provide an update regarding the talks with the EC on this matter; and if he will make a statement on the matter. [27242/12]

489. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht if he and/or his Department have engaged in outgoing discussions with the EU Commission on the issue of efforts to resolve difficulties arising from the displacement of traditional turf cutting at various bogs throughout the country; the success of any such deliberations; if the various compromise positions put forward over the past year have been accepted; and if he will make a statement on the matter. [27502/12]

491. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the various attempts made to resolve issues arising from displacement of traditional cutters from various bogs throughout the country in the past two years; the extent to which any such proposals have been accepted by each of the parties involved including the EU Commission; and if he will make a statement on the matter. [27504/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 17, 489 and 491 together.

Earlier this year, at the request of the Government, Mr. Conor Skehan, Chairman of the Peatlands Council, convened a Peatlands Forum, under the Chairmanship of Mr. Justice John Quirke, and involving my Department, the IFA, the Turf Cutters and Contractors Association, Bord na Móna, and representatives of turf-cutting and environmental groups. This Forum allowed each community affected by the cessation of turf-cutting to put forward their views on the issues and follow-up steps were identified for each bog.

The report on the Forum from Justice Quirke also recommended that a national plan should be prepared to examine how the 53 raised bog special areas of conservation are to be protected. This recommendation was agreed to by Government. Dáil Éireann also gave unanimous support to a Private Members' Motion, which called for such a national plan to be put in place. On the 3rd of April, I, together with the Minister for the Environment, Community and Local Government, Mr. Phil Hogan, T.D., met with EU Environment Commissioner Potoènik in Brussels, where we secured the support of the European Commission for developing a National Raised Bog SAC Management Plan. This plan will be developed over the coming 12 months.

The plan will be wide-ranging, looking at the practical aspects of conserving and managing the affected bogs and will allow solutions for turf-cutters to be explored in detail. In the context of such a plan, it may be possible to bring some flexibility, within the terms of the EU Habitats Directive, that could allow limited cutting within a small number of sites. The plan will be progressed both at local level for each site and through the Peatlands Council.

An extension to the "derogation" is not legally possible. While the Plan is being prepared, no unauthorised turf cutting can take place on the protected bogs. Any unauthorised cutting



[Deputy Jimmy Deenihan.]

will be dealt with through prosecution and cross-reporting. The State may also pursue contractors and turf-cutters involved in illegal damage to meet remediation costs.

The Government has put in place a flexible package of compensation for affected turf cutters. Those affected who want to cease cutting turf completely can apply for compensation of €1,500 per annum for the next 15 years. Eligible cutters are also entitled to a one-off payment of €500 for this year. This means the total compensation package is worth €23,000, index linked and tax-free.

For those who wish to continue cutting, my Department is working to relocate turf cutters to alternative bogs. Turf has now been cut on the first of these relocation bogs and others are being prepared or are being identified in consultation with affected cutters. Where relocation bogs are not yet available, turf-cutters can choose between a €1,500 payment or the delivery of 15 tonnes of turf, each year while the relocation bog is being identified, acquired and prepared for cutting. They will also be entitled to the one-off €500 payment. To date, more than 2,100 applications for compensation have been received by my Department with payments issued to some 550 applicants already. The first deliveries of turf have also been made in recent days.

My Department is maintaining ongoing contact with the European Commission both in terms of the development of the national plan and in regard to updating the Commission on the unauthorised cutting to date and the steps being pursued on enforcement.

### Scéimeanna Teanga

18. D'fhiafraigh **Michael Colreavy** den Aire Ealaíon, Oidhreacht agus Gaeltachta cé mhéid scéimeanna teanga a cuireadh i ngníomh ó thosach na bliana, cé mhéid acu a bheartaíonn sé a chur i ngníomh, agus an ndéanfaidh sé ráiteas maidir leis na scéimeanna sin nach bhfuil curtha i ngníomh fós. [27094/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá dhá scéim teanga daingnithe agam faoi fhorálacha Acht na dTeangacha Oifigiúla go dtí seo i mbliana. Ciallaíonn sé seo go bhfuil 107 scéim teanga san iomlán, a chlúdaíonn 192 comhlacht poiblí, daingnithe ón uair gur tháinig an tAcht i bhfeidhm. Tá sonraí maidir leis na scéimeanna uilig atá daingnithe go dáta, mar aon leis na scéimeanna atáá n-ullmhú faoi latháir, ar fáil ar shuíomh idirlín Oifig an Choimisinéara Teanga, [www.coimisineir.ie](http://www.coimisineir.ie).

Tá plé leanúnach ar siúl ag oifigigh mo Roinne le comhlachtaí poiblí maidir le scéimeanna teanga a ullmhú agus a aontú. Sa chomhthéacs sin, tá suas le 20 dréachtscéim á bplé go gníomhach ag mo Roinn faoi láthair agus tá mé dóchasach, mar sin, go ndéanfar dul chun cinn sásúil chun tuilleadh scéimeanna a dhaingniú agus a fhoilsiú faoi dheireadh na bliana seo.

### Tax Reliefs

19. **Deputy Michael McGrath** asked the Minister for Arts, Heritage and the Gaeltacht if he has held any discussions with the Department of Finance on the extension of tax relief to apps, games and other digital content as part of the review of section 481 tax relief; and if he will make a statement on the matter. [27236/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The whole area of development of the Irish audiovisual industry (including the gaming sector and other digital content) was examined during the preparation of the Creative Capital Report — Building Ireland's Audiovisual Creative Economy. The Report was published in July 2011 and an implementation Committee to pursue the execution of its recommendations has been established.

One of the recommendations in the Report is the extension of Section 481 until the end of 2020. It is currently approved until the end of 2015. A public consultation process to assist the Department of Finance in examining the operation of the Section 481 Scheme beyond 2015 was announced on 24 May 2012. This consultation process invites interested parties to make submissions on the economic impact assessment of the operation, status and future development of the Section 481 Scheme. My Department is involved in this consultation process.

The Deputy will appreciate that primary responsibility for the support and promotion of film-making in Ireland, in respect of both the indigenous sector and inward productions, is a matter for the Irish Film Board (IFB). This agency is funded through my Department and is independent in its day-to-day operations.

### **Soláthar Pinsean.**

20. D'fhiafraigh **Martin Ferris** den Aire Ealaíon, Oidhreacht agus Gaeltachta cén sciar de bhuiséad Údarás na Gaeltachta a chaitear ar phinsin daoine atá fós fostaithe, agus ar phinsin daoine atá tar éis éirí as an Údarás. [27097/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Caitheann Údarás na Gaeltachta thart ar €4.4 milliún sa bhliain ar phinsin 135 duine atá ag fáil pinsean faoi Scéim Aoisliúntas an Údaráis.

I láthair na huaire, tá duine amháin athfhostaithe ag an Údarás ar conradh sé mhí go 31 Lúnasa 2012 ar chostas breise de €23,663 anuas ar an €28,017 a bheadh iníoctha leis an duine mar phinsean.

### **Departmental Bodies**

21. **Deputy Sean Fleming** asked the Minister for Arts, Heritage and the Gaeltacht if he will confirm the future of the Heritage Council in view of the report that heritage is worth €1.5 billion to the economy; if he will ensure that the 35,000 jobs it supports are safeguarded; and if he will make a statement on the matter. [27227/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Under the Public Service Reform programme announced by Government on 17th November last the Heritage Council is included in Appendix IIb: Candidate Bodies for Critical Review by end of June 2012. The focus of the review is to examine the potential merger of functions of the Council into my Department. Any decision in relation to the future of the Council will await the finalisation of that review.

I welcome publication of the report cited by the Deputy which was commissioned by the Heritage Council, a body funded by my Department. The Steering Committee responsible for commissioning and overseeing completion of the report was chaired by an official in my Department. The report *Economic Value of Ireland's Historic Environment* and its findings will help to inform the development of heritage policy and related initiatives by my Department.

### **Departmental Properties**

22. **Deputy Charlie McConalogue** asked the Minister for Arts, Heritage and the Gaeltacht if it remains his position that he intends to take Bank of Ireland's College Green branch into the hands of the State; and if he will make a statement on the matter. [27235/12]

451. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht the discussions he has held on his plans to repossess the Bank of Ireland College Green premises,

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Dublin; his plans to use the building as a major heritage attraction; and if he will make a statement on the matter. [26231/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 22 and 451 together.

I refer the Deputies to my previous replies on this matter. As outlined in those replies, I met the Chair and Chief Executive of Bank of Ireland and had a constructive engagement on the issues.

My dialogue with the Bank is continuing.

### Arts Funding

23. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht his plans to better support arts and heritage initiatives in rural areas; and the percentage of the overall budget allocated to developing rural arts and heritage. [27106/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Government's priorities for the arts are set out in the Programme for Government. Responsibility for the promotion of the arts at all levels throughout the country is devolved primarily to the Arts Council. The Council is a statutory body, funded by my Department, and independent in its day-to-day operations, including in relation to its funding decisions.

The Deputy may be aware that I recently launched The Philanthropy Leverage Initiative. This pilot initiative, established with funding of €230,000 for 2012, is designed to encourage philanthropic sponsorship and endowment funding of the arts from private sources. The scheme aims to promote support for the arts from private sources and to unlock multiples of the funding put up by the taxpayer. The Philanthropy Leverage Initiative will provide an incentive to arts and culture organisations to seek new and multi-annual relationships with sponsors which deliver private sector financial support, thereby increasing overall funding available to the arts. The initiative will be available across projects of varying scale, geography and art form. Full details are available on my Department's website.

### Arts Promotion

24. **Deputy Seamus Kirk** asked the Minister for Arts, Heritage and the Gaeltacht if he will confirm the future of opera here; and if he will make a statement on the matter. [27230/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Responsibility for the promotion and funding of opera falls within the remit of the Arts Council. Under the Arts Act 2003, the Arts Council is a statutorily independent body.

### Commemorative Events

25. **Deputy Derek Keating** asked the Minister for Arts, Heritage and the Gaeltacht if, as part of the centenary celebrations to commemorate 1916, he will ensure that commemoration services and ceremonies will include the Four Courts, the Custom House and Kilmainham Gaol in view of the fact that these and others are centres of significance when remembering those who sought our independence in 1916; if he will outline any initial plans and his view of such planned ceremonies; and if he will make a statement on the matter. [21295/12]

446. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht if any other armies other than the Irish Army will be involved in the Centenary Celebrations of the 1916 Rising. [26378/12]

456. **Deputy Paschal Donohoe** asked the Minister for Arts, Heritage and the Gaeltacht the steps being taken in preparations for the forthcoming centenary anniversary of the Easter Rising to allow for the involvement of relatives to those who took part in the Rising during the commemorative events; and if he will make a statement on the matter. [26402/12]

482. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht the progress that has been made in preparations for the commemoration of the centenary of the 1916 rising. [23767/12]

483. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht the commemorations that are planned by the State in the year ahead. [23768/12]

484. **Deputy Micheál Martin** asked the Minister for Arts, Heritage and the Gaeltacht if he or his officials have attended meetings recently to discuss the commemoration of 1916; and if he will make a statement on the matter. [24825/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 25, 446, 456, 482, 483 and 484 together.

As Deputies will be aware, we are already arrived on the Centenary anniversary of the tumultuous decade that saw the transition from the campaign for Home Rule to the establishment of an autonomous Irish State. It was a period when the parliamentary process was overtaken by the resort to arms in Ireland and the descent of Europe into war. It was also a period of transformation and cultural renewal in Irish society, following on electoral reform, land reform, education reform and migration. The demand for constitutional change was in parallel with the assertion of workers' rights and women's rights. The decade from 1912 to 1922 is the most momentous of modern Irish history and requires a comprehensive commemorative programme that will acknowledge the achievements of the revolutionary generation and enhance the understanding today of the events that shaped our society.

While it is intended that the official commemorative programme will continue through the entire Decade of Centenaries until 2022, consideration is currently being focused on an initial programme to 2016.

With a strong commitment to the development of a comprehensive and balanced programme of commemorations, I very much appreciate the support of the Oireachtas All-Party Consultation Group. The meetings of this Group, of which I am Chairman, not only provide opportunities for suggestions and advice from members in relation to the programme, but also allow interested institutions and groups to make presentations in relation to their expectations in the coming years. At the most recent meeting on 22 May, the Group discussed commemorative planning with a cross-community group from Belfast and met with members and officials from Dublin City Council in relation to future co-operation.

In order to ensure a coherent presentation of the history of the period, the commemorative arrangements will be aligned, as far as possible, with the historic timeline of the Centenary anniversaries. I very much appreciate that the commemorative programme will have the support of a panel of distinguished historians, chaired by Dr Maurice Manning, providing advice for the Government and the All-Party Oireachtas Committee on both the overall commemorative programme and on any specific issues which may arise. I very much hope that the commemorative programme will strengthen the public interest in our national history and encourage original research at local and national level. I understand that the expert group will be consulting widely — with universities, educational and cultural bodies, local historical associations and committees, and individuals — on the advancement of historical study.

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To date in 2012, there have been a number of significant centenary commemoration events. In late March, the Northern Ireland First Minister, Mr. Peter Robinson, MLA, visited Iveagh House in Dublin, at the invitation of the Tánaiste, to offer his reflections on Carson's influence and on Irish Unionism. The centenary of the introduction of the Third Home Rule Bill in the Westminster Parliament on 11 April was marked by memorial lectures on the work of John Redmond and the Irish Parliamentary Party, hosted by Waterford City Council. In mid-April, I addressed a conference in Belfast about the Ulster Covenant, organised by the Presbyterian Church in Ireland.

With support from my Department, Dublin City Gallery — The Hugh Lane is currently hosting a major exhibition — *Home Rule and Modern Ireland*. The centenary of the signing of the Ulster Covenant will be marked on 28 September of this year, although the details of any event have not yet been confirmed. The county libraries of Donegal, Monaghan and Cavan will host exhibitions on the Covenant this year, with support from the Department of Foreign Affairs and Trade. Other events planned this year include the completion of the restoration of Erskine Childers' yacht, *Asgard*, and the continuation of the National Library of Ireland's *Europeana* World War I collection roadshows.

The developing programme of special Centenary commemorations will complement the established arrangements for annual commemorations, which includes the National Day of Commemoration and the commemorations at the GPO and Arbour Hill. The annual commemoration of the Great Famine and other events outside the Centenary framework will also continue. In this regard, consideration is being given to special commemorative arrangements for events such as the millennial anniversary of the Battle of Clontarf in 2014.

With our priority attention to the immediate future, the arrangements for commemoration in 2016 are still at an early stage of consideration. The significance of particular buildings and sites in relation to the Rising will be borne in mind in developing the commemorative programme. Similarly, the special arrangements for military ceremonies or parades on the Centenary of the Rising in 2016 have yet to be addressed. I would renew my invitation to Deputies and all interested persons to send me any contributions or suggestions they would offer towards the developing programme. If Deputies have any particular interests or concerns in this regard, I would be grateful to hear from them.

### Cursaí na Gaeltachta

26. D'fhiafraigh **Dessie Ellis** den Aire Ealaíon, Oidhreacht agus Gaeltachta cén buiséad atá ag Ealaíon na Gaeltachta i mbliana i gcomparáid leis na 5 bliana roimhe seo; agus cad iad na pleananna atá aige maidir le forbairt na heagraíochta seo. [27095/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tuigtear dom óÚdarás na Gaeltachta gur cuireadh maoiniú mar a leanas ar fáil d'Ealaín (na Gaeltachta) Teo le cúig bliana anuas:

Bliain	Maoiniú
2011	€820,000 (suas go Márta 2012)
2010	€866,000
2009	€950,000
2008	€1,013,000
2007	€980,000



Tuigtear dom óÚdarás na Gaeltachta fosta go mbeidh buiséad de €700,000 ar fáil d'Ealaín (na Gaeltachta) Teo i leith forbairt na n-ealaíon sa Ghaeltacht don tréimhse ón 1 Aibreán 2012 go dtí an 31 Márta 2013. Beidh €350,000 den bhuiséad seo á chur ar fáil ag Údarás na Gaeltachta, leis an bhfuilleach le teacht ón gComhairle Ealaíon.

Tuigtear dom chomh maith go bhfuil plean straitéise d'fhorbairt na n-ealaíon sa Ghaeltacht don tréimhse 2012-2016 ullmhaithe ag Ealaín (na Gaeltachta) Teo agus go bhfuil an plean sin curtha faoi bhráid na Comhairle Ealaíon. Táthar ag súil go mbeidh an plean seo réidh le seoladh taobh istigh d'achar gairid.

27. D'fhiafraigh **Brian Stanley** den Aire Ealaíon, Oidhreacht agus Gaeltachta cén buiséad atá ag Óige na Gaeltachta i mbliana i gcomparáid leis na 5 bliana roimhe seo; agus cad iad na pleananna atá aige maidir le forbairt na heagraíochta seo. [27096/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tuigtear dom óÚdarás na Gaeltachta gur cuireadh maoiniú mar a leanas ar fáil d'Óige na Gaeltachta le sé bliana anuas:

Bliain	Maoiniú
2012	€285,000
2011	€340,000
2010	€367,000
2009	€300,000
2008	€300,000
2007	€300,000

Ach an oiread leis na heagraíochtaí eile pobail atá ag feidhmiú sa Ghaeltacht, beidh ról lárnach ag Óige na Gaeltachta i gcur i bhfeidhm na *Straitéise 20 Bliain don Ghaeilge*. Beidh Óige na Gaeltachta ag obair as lámha a chéile leis na heagraíochtaí forbartha pobail sa Ghaeltacht chun a chinntiú go mbeidh ról ag an óige sa phróiseas pleanála teanga.

Chomh maith leis sin, leanfaidh Óige na Gaeltachta ag cur seirbhísí ar fáil d'aos óg na Gaeltachta. Tuigtear dom go bhfuil oifigí ag Óige na Gaeltachta i gcontaetha Dhún na nGall, Gaillimh agus Corcaí. Tá 55 club óige faoi chúram na heagraíochta ag feidhmiú sna Gaeltachtaí éagsúla agus ag freastal ar timpeall 2,000 ball. Anuas air sin, tá 6 ionad 'buail isteach' ag feidhmiú sa Ghaeltacht le tacaíocht ó Óige na Gaeltachta. Tuigtear dom go ndéanfar gach iarracht cur le líon na n-ionad sin taobh istigh de na srianta airgeadais atá ar Údarás na Gaeltachta san aeráid eacnamaíoch reatha.

*Question No. 28 answered with Question No. 6.*

### Arts Promotion

29. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht the steps being taken to promote Fleadh Cheoil na hÉireann which is taking place in Derry in 2013. [27102/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department provides an annual current grant to Comhaltas Ceoltóirí Éireann. In 2012, this amounts to €1.675m. This grant assists, *inter alia*, with the day-to-day running costs of the organisation, along with various deliverables. Comhaltas has a nationwide network of branches that promotes

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Irish traditional music in all its forms, including the playing of the harp and uilleann pipes, Irish traditional dancing, traditional singing in both Irish and English, and Irish language classes.

The Deputy will appreciate that the promotion of Fleadh Cheoil na hÉireann is primarily a matter for Comhaltas Ceoltóirí Éireann itself.

### Famine Memorabilia

30. **Deputy Jonathan O'Brien** asked the Minister for Arts, Heritage and the Gaeltacht the reason very little famine memorabilia is currently on exhibition; and his plans to address this matter. [27107/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will be aware that, as Chair of the National Famine Commemoration Committee, I am responsible for ensuring on behalf of the Government that appropriate arrangements are in place to commemorate the Great Irish Famine with an annual memorial day. This year's National Famine Commemoration took place on Sunday, 13th May in Drogheda, County Louth. Details of the work of the National Famine Commemoration Committees since 2008 in implementing a varied and diverse annual programme of events to coincide with the National Famine Commemoration are available on the relevant pages of my Department's website at <http://www.ahg.gov.ie/en/NationalFamineCommemoration2012/>.

In relation to the display of famine memorabilia in exhibitions, the Deputy will appreciate that decisions in relation to any such displays would be operational matters for the relevant cultural institutions or other entities concerned. I should, however, draw the attention of the Deputy to my reply to Question No 293 of 7 February 2012, in which I pointed out that the National Famine Commemoration Committee had previously considered the possibilities around exhibiting a collection dedicated to the Irish Famine in the National Museum of Ireland. The Committee was given to understand that much of the evidence relating to the Great Famine is statistical and pictorial, and, as there are very limited artefacts that could be exhibited at the National Museum, the position is that there is insufficient material to support a dedicated exhibition at that venue. The Deputy will, of course, be aware that there are many local museums and other entities around the country that display material relating to the Famine period, the Irish National Famine Museum at Strokestown Park, Co Roscommon, being an excellent example.

### Údarás na Gaeltachta

31. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreacht agus Gaeltachta an bhfuil sé ar intinn aige leanúint leis na toghcháin chuig Bord Údarás na Gaeltachta i mbliana agus, mura bhfuil, cén tslí ina mbeartaíonn sé an Bord a thoghadh nó a roghnú. [27085/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá cinneadh tógtha ag an Rialtas deireadh a chur leis an riachtanas do thoghcháin do bhord Údarás na Gaeltachta. Dá bhrí sin, beidh foráil sa Bhille Gaeltachta, a fhoilseofar go luath, chun feidhm a thabhairt do chinneadh an Rialtais. Leagfar amach an próiseas chun bord nua a cheapadh d'Údarás na Gaeltachta sa Bhille Gaeltachta fosta.

### Architectural Heritage

32. **Deputy Martin Ferris** asked the Minister for Arts, Heritage and the Gaeltacht the availability of funding for restoration works on protected buildings throughout Ireland. [27103/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** €1,252,000 has been provided by my Department in this year's Estimates for built heritage capital. As part of this capital programme, €500,000 is allocated specifically for protected structures at risk. Applications for this funding are made by local authorities to my Department. However, it should be noted that the deadline for applications in 2012 has now passed.

The remaining built heritage capital allocation supports funding to the Office of Public Works in respect of national monuments and historic properties in State care, a special projects fund and archaeological capital works.

My Department also provides funding to the Heritage Council, which, in turn, supports many heritage projects throughout the country. This year my Department is providing a total of €4,811,000 of Exchequer Funding for the Heritage Council, together with €1,500,000 from my Department's share of the Environment Fund.

Other programmes may also provide funding which could be used to support protected structures, for example, the LEADER Programme.

*Question No. 33 answered with Question No. 9.*

### **Job Creation**

**34. Deputy Seán Crowe** asked the Minister for Arts, Heritage and the Gaeltacht the initiatives in place to fully utilise the area of heritage to contribute to job creation. [27100/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Ireland's rich heritage has a key role to play in national economic recovery. My Department is currently promoting the role which Ireland's heritage has to play in making our country an attractive destination for sustainable tourism and inward investment, both in terms of the operation of Ireland's national parks and nature reserves, and in terms of our unique built heritage, which distinguishes us and which makes Ireland an attractive tourist location for both visitors and Irish people themselves. Cultural and heritage tourism is one of the most important elements of Ireland's tourism product, and heritage properties, including those in State care, are an important element of that attraction.

My Department provides some limited funding under a number of headings for investment in the built and natural heritage, and also supports the Heritage Council and the Irish Heritage Trust in their work in the heritage area. However, the scope to provide additional funding for the protection, conservation and development of the State's built heritage is constrained by the current national economic difficulties and the significant reduction in the public finances. My Department is therefore focusing on working creatively across Government and with partner bodies such as the Heritage Council, the Irish Heritage Trust, Fáilte Ireland, the LEADER Programme and other heritage interests in seeking to ensure that resources are directed towards the heritage sector. My Department will also continue to provide funding for the protection, conservation and development of our built and natural heritage, in so far as resources allow.

The recently published Heritage Council research document *Economic Value of Ireland's Historic Environment* provides comprehensive evidence-based data that support and enhance our innate understanding of the importance of our built heritage. I welcome publication of the report, which is a useful tool that complements the work of my Department and the findings of which will help to inform the development of the Government's heritage policy and related initiatives. The report indicates that capital investment in built heritage conservation provides significant employment in the construction industry and is of major benefit to the national

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economy. Such investment also assists in developing and maintaining specialised skills among conservation professionals and craftspeople.

In the context of the Government Policy on Architecture 2009-2015, my Department is developing various policy actions which contribute to the protection and appropriate re-use of our built heritage and aim to deal with on-going challenges facing our architectural heritage, such as the adaptive re-use for historic properties and a forward plan-led approach to cultural heritage and urban design in our towns and cities. This will also assist in the maintaining of specialist jobs in the wider heritage sector and in particular the repair and maintenance industry.

### **Passport Applications**

35. **Deputy Patrick Nulty** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding an application for passports by a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [26202/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Passports were posted to persons in question on 30 May, 2012.

### **Overseas Development Aid**

36. **Deputy Michael McNamara** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason the social accountability component of the protection of basic services programme in Ethiopia was not continued after its initial pilot phase ended in 2008; if there are any plans to re-start same; the state of play of other relevant proposals for independent evaluation of donor assisted Government spending in Ethiopia; the reason they are taking so long to implement; and if he will make a statement on the matter. [26262/12]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Joe Costello):** Ethiopia is one of the nine Programme Countries for the Government's aid programme, where we have a commitment to the provision of long term strategic assistance. One of the key aims of our development cooperation programme in Ethiopia is to support the increased use of basic social services such as health and education by its citizens. While the Government of Ethiopia has made substantial progress in deploying basic services across the country, there is still a relatively low uptake of such services by the poorest and most marginalised communities, especially women. Ireland supports efforts to address this by improving the capacity of service providers and the quality of the basic services, as well as tackling the barriers poor people face when accessing these services. These efforts are advanced through a multi-donor programme with the title Protection of Basic Services. Ireland has supported this Programme since 2006.

The social accountability component of the Protection of Basic Services programme aims to enable Ethiopian citizens to express their needs and preferences for improved and effective services delivery and to hold policy-makers and service providers accountable for weak performance. Engagement in social accountability by citizens, local government officials and service providers is intended to improve service delivery by making public services more effective, efficient, responsive and accountable.

The pilot phase of this component commenced in January 2008 and concluded in July 2009. Irish Aid supported this first phase, and its preparation, with funding of €720,000. At the end of the pilot phase, the World Bank, acting on behalf of Ireland and other donors, commissioned an independent evaluation of the pilot. This evaluation confirmed that social accountability facilitated improved, constructive dialogue between citizens and local government officials in

the pilot areas. It also concluded that there was an increased citizen awareness of their rights, responsibilities and entitlements to basic services.

In light of this positive evaluation, and following a rigorous process of design and procurement, led by the World Bank, the second phase began in late 2011 and will run for two years. Irish Aid has so far provided €1.8 million in funding for this second phase. Our Embassy in Addis Ababa is engaged in the management and oversight of the programme, as an active member of the steering committee chaired by the Government of Ethiopia and of the donor technical advisory group.

All programmes assisted by international donors in Ethiopia are regularly submitted to independent external evaluation, as was the case with the pilot phase of the social accountability programme. The Protection of Basic Services programme has also been reviewed recently by an international firm commissioned by the European Union Delegation. The Evaluation and Audit Unit of my Department has commissioned an external independent evaluation of the Irish Aid Country programme in Ethiopia for the period 2008-2012. This will provide an evidence-based assessment of the performance of the programme as a whole and of its contribution to partner programmes we have funded, including the Protection of Basic Services programme. This evaluation will be completed in the coming months and the full evaluation report will be made available to the public through the Irish Aid website.

More generally, Irish Aid has in place a range of rigorous checks and safeguards to ensure that Ireland's development assistance is achieving the intended development results and benefiting those who are most in need. These include regular audits, independent evaluations, independently-commissioned surveys and frequent field monitoring visits.

### **Imprisonment Abroad**

37. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has considered the case of persons (details supplied) both of whom are imprisoned; his view on this situation; if he proposes to assist these persons; and if he will make a statement on the matter. [26301/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I am aware of the situation concerning the two men referred to by the Deputy. As neither of them is an Irish citizen it is not possible for my Department to offer them consular assistance. The Greek authorities are under no legal obligation to assist our Embassy with any requests made in connection with this investigation, as we have no *locus standi* in the matter. However, on hearing of Mr. Marku's predicament, and notwithstanding the fact that he is not a citizen of Ireland, the Irish Embassy in Athens made contact with the Greek police in an effort to convey the Irish Government's interest in this case on the basis that he is married to an Irish citizen. It was made clear to our Embassy that the authorities in Crete would not provide them with any information regarding this investigation owing to the fact that no Irish citizen was involved in the case.

To clarify further, the Embassy has certain rights of communication and contact with Irish citizens in Greece to facilitate the exercise of our consular functions under the Vienna Convention on Consular Relations (1963). This Embassy has no such rights for other persons, even if they are related to Irish citizens.

### **Dialogue on Iran**

38. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will support dialogue in relation to Iran. [26322/12]



**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Relationships with Iran continue to be dominated by grave concerns over its nuclear programme, reflected in successive UN Security Council and International Atomic Energy Agency (IAEA) resolutions adopted since 2006 and notably in the IAEA's report of 24 February 2012 which highlighted possible military dimensions to Iran's nuclear programme.

The international community has consistently urged the Iranian Government to respect and fulfil its international obligations under the Non-Proliferation Treaty (NPT) and to engage seriously and unconditionally in discussions aimed at confirming the peaceful nature of its nuclear programme.

Ireland has strongly supported this position. As a State Party to the NPT, Iran must fulfil its commitments and obligations under the Treaty. These include the obligation under Article II "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices" and the obligation under Article III to conclude a safeguards agreement with the IAEA.

Ireland continues to support strongly the dual-track approach which EU High Representative Ashton is pursuing on behalf of the E3+3 (France, Germany, UK, US, Russia and China). This combines a willingness to negotiate with Iran a determination to apply sanctions if these are required in order to ensure that it responds seriously to the concerns of the international community.

Given the overall lack of progress in persuading Iran to respond to the international concerns (which have been deepened by the most recent IAEA reports), the EU and other international partners such as the US and Canada found it necessary earlier this year to impose further rounds of restrictive measures against Iran. In the case of the EU, these included an embargo on Iranian crude oil imports to the EU which is due to come into effect on 1 July. While imposition of these further measures has not been easy, not least in terms of the impact on global oil prices which affects us all, I nonetheless believe that these additional sanctions have been necessary and effective in persuading Iran to return to the negotiating table and to accept an invitation from High Representative Ashton to resume discussions with the E3 + 3.

Following an initial constructive round of discussions in Istanbul on 1 April, the E3+3 and Iran held a further round of talks in Baghdad on 17/18 May. While no agreement has yet been reached and substantial difficulties remain, HR Ashton has reported from the Baghdad talks that there is some common ground between the parties. The talks indicated an apparent readiness on Iran's part to proceed on the basis of reciprocity and to contemplate confidence-building measures (CBMs), including in relation to the crucial enrichment issue. However, more work needs to be done in elaborating any possible package of CBMs.

A further round of negotiations is scheduled to take place in Moscow on 18 June, at which time it is hoped that Iran will come forward with a specific and constructive response to the proposals outlined by the E3 + 3 at the Baghdad meeting. Such positive engagement on Iran's part will be necessary in order to prevent a further ratcheting-up of sanctions, already due to be tightened with the full entry into force on 1 July of the EU oil embargo.

The Government remains strongly of the view that the issues surrounding Iran's nuclear activities can only be adequately addressed and resolved through diplomacy and negotiations, and not by any other means. We will continue to advocate this position in all international fora, including at EU and UN level.

### **Trade Relations**

**39. Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade

if he will further develop and build further economic and cultural links with Argentina in 2012-2013. [26323/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Longstanding and close bilateral ties have characterised relations between Ireland and Argentina since diplomatic relations were formally established between the two countries in 1948, the same year that Ireland opened a resident mission in Buenos Aires. Argentina opened its resident mission in Dublin in 1964.

Consultations between senior officials of the Department of Foreign Affairs and Trade and their Argentine counterparts also take place on a regular basis to discuss and develop cooperation in the political, economic and cultural spheres. Consultations took place most recently in Argentina in May 2011.

In 2011, Argentina was Ireland's 44th largest trading partner. Total merchandise trade stood at €227,777,000, a 37.8% increase over 2010. There are a number of Irish companies with significant investments in Argentina, and there exists further niche opportunities in the country for Irish companies. Ireland's embassy in Buenos Aires is working with the state agencies and Irish companies in efforts to access these opportunities. The embassy is working to establish an Irish business network as part of this work, which will support exploration of export opportunities and enhance opportunities for networking.

Further to this, a working holiday agreement exists between Ireland and Argentina whereby 100 young citizens of both countries can travel to and work in the other country for up to one year. It is hoped to increase the number of places available under this programme to 200 per year.

The embassy in Buenos Aires has a varied cultural programme targeting the 500,000 Argentines with Irish ancestry as well as the wider Argentine public. St. Patrick's Day celebrations have been increased in recent years with celebratory events in all of Argentina's main cities. There are also efforts ongoing to hold an Irish Cultural Week in 2013, hopefully to coincide with St. Patrick's Day celebrations next March.

### Departmental Funding

40. **Deputy Niall Collins** asked the Tánaiste and Minister for Foreign Affairs and Trade the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26632/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** My Department is responsible for two Votes: Vote 27, International Cooperation and Vote 28, Foreign Affairs and Trade. For 2012, the Vote 28 capital allocation is €4.1million and the allocation for Vote 27 is €0.265m. The total expenditure to date is €287,000.

This funding is used to support the Information and Communication Technology (ICT) services in my Department, the maintenance of state-owned properties abroad and the provision of vehicles for official use at missions abroad.

ICT-related capital expenditure covers the purchase of office machinery and equipment, including IT and telecommunications hardware and software to support the Department offices, at HQ and abroad, including the Passport Service. Current projects involving capital investment include upgrades to elements of the Passport Service infrastructure, upgrades to existing hardware and software applications and the provision of a solution for processing

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applications for Foreign Birth Registrations (citizenship through ancestry), Marriages Abroad and document authentications

The capital allocation in respect of premises expenses covers the cost of maintenance of state-owned properties abroad (used as offices and official residences of Ambassadors). Many of these properties have been owned by the State for several decades and refurbishment inevitably becomes necessary over time in order to ensure they remain fit use as platforms in promoting the interests of the State and also to protect the investment previously made.

Projects in respect of which funding has been committed to date are:

Location	Project	Estimated cost
Brussels, Luxembourg, Strasbourg	Adapting and equipping the offices of the Permanent Representation in Brussels and the delegation rooms at the European Institutions to meet the operational needs of Ireland's Presidency of the EU in 2013	€250,000
Iveagh House	Installation of lift to facilitate universal access to upper floors (shared cost with OPW)	€225,000
Rome	Following closure of the Resident Embassy to the Holy See, reconfiguration of the Villa Spada to facilitate relocation of both the office and the residence of the Embassy to Italy.	€180,000
Washington	Necessary repair works at the Embassy.	€250,000

### Passport Applications

41. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason a person (details supplied) cannot get an Irish passport; and if he will make a statement on the matter. [26879/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Passports Act, 2008 provides, among other things, that only Irish citizens are entitled to be issued with Irish passports. Each application received by the Passport Service must, therefore, demonstrate that person's entitlement to Irish citizenship before a passport can issue. The Passport Service must operate within the law on this as in all matters.

The Department received an application from the person in question last April. This application accompanied applications from her mother and an older sibling in respect of whom passports have since been issued. Her mother was entitled to citizenship on the basis that she became a naturalised Irish citizen on 1 April, 2012. In terms of the older sibling, she was born in the State in 2002. Under the terms of Irish Nationality and Citizenship Act, 1956, as amended (the Act), this child was automatically an Irish citizen by virtue of her birth in the State.

It should be noted, at this stage, that the child's father also became a naturalised Irish citizen on 1 April, 2012 and has been issued with an Irish passport.

The position for the person in question is different, however. She was born in Dublin on 8 February, 2008. The Act was amended in 2004 to provide that a person, born in the State on or after 1 January 2005, where neither parent is an Irish or British citizen or otherwise entitled to reside in the State or Northern Ireland without restriction at the time of that person's birth, may claim citizenship by birth in the State (and thereby establish eligibility for an Irish passport) only where a parent has been lawfully resident in the State for three years of the four years preceding that his/her birth.

As neither parent was an Irish citizen in 2008, their residence in the four year period from 8 February, 2004 to 7 February, 2008, which immediately preceded their daughter's date of birth, had to be examined by the Department to determine her entitlement to Irish citizenship.

In line with guidelines provided by Department of Justice and Equality, which is the Department responsible for immigration and citizenship, the proofs of lawful residence, which are accepted and considered by this Department for passport applications, are immigration stamps in passports and/or the registration cards/books. These are issued to persons registering their lawful presence in the State with the Garda National Immigration Bureau (GNIB). In addition, the Department will accept letters from GNIB that state the various permission details which have been issued to a person. All of these are official documents/permits, which can be objectively verified by the Department, if required.

GNIB have provided information to the Department that shows the parents have been registered in the State since 16 June, 2005. The amount of residence from this date to 7 February, 2008 is less than three years. As the statutory requirement has not been met, their daughter's entitlement to Irish citizenship has not been demonstrated. Accordingly, her application for a passport has been refused under the Passports Act, 2008 on the grounds that she is not an Irish citizen.

There was contact between the Department and the parents during the processing of their daughter's application. On 11 May last, the Department wrote to the parents to inform them of the decision to refuse their daughter a passport and to explain the background for it.

It remains open to the parents to pursue the matter of their daughter's entitlement to become a naturalised Irish citizen with the Department of Justice and Equality. In the event that she does acquire Irish citizenship by this or any other means, the Passport Service will be in a position to issue a passport on receipt of a new application.

### **Human Rights Issues**

42. **Deputy Michael Creed** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will raise at the next EU Foreign Affairs Council meeting the need for the Governments of Sudan and South Sudan to comply with International humanitarian law to provide for safe access for humanitarian aid for the civilian population in South Kordofan; and if he will make a statement on the matter. [26889/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government remains seriously concerned about the situation in Sudan and South Sudan. We are working with our EU partners to ensure that, in addition to a focus on the political and security situation, priority is given by the international community to the vital issue of humanitarian access to people and communities affected by the conflict and the tension in the region. We will continue to use all available opportunities, within the EU and internationally, to raise these issues.

The situation in Sudan and South Sudan, including the humanitarian crisis in Southern Kordofan, has been discussed by EU Foreign Ministers at their meetings over recent weeks and months. In January, with Ireland's encouragement, the EU urged the Government of Sudan to allow safe and unhindered access for international humanitarian workers to all civilians, and reiterated its readiness to provide humanitarian assistance. The EU also emphasised that the ongoing conflicts in Southern Kordofan, Blue Nile and Darfur remain obstacles to progress in providing the full range of support that we would like to provide to Sudan, and in the region. In April, the EU called on the Government of Sudan and the SPLM North to engage in an inclusive political process to resolve the ongoing conflict.

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The UN Security Council on 2 May and 17 May adopted Resolutions demanding that both Sudan and South Sudan fulfil their obligations under international law to allow access by humanitarian agencies to civilian populations in need of assistance.

Through Irish Aid in the Department of Foreign Affairs and Trade, the Government has provided substantial assistance for those affected by the conflict in this region. Earlier this year, we allocated €2 million for the UN-managed Common Humanitarian Funds for both the Republic of Sudan and South Sudan. On 24 May, we announced an allocation of a further €3m in funding. These funds are being provided to help UN agencies and NGOs target the most critical humanitarian needs across both countries, including in areas affected by conflict and by displacement of populations from the Blue Nile and South Kordofan areas. We have made available a further €1.22 million to Irish NGOs for programmes in Sudan and South Sudan under the annual Irish Aid Humanitarian Programme Planning funding scheme.

Ireland's emergency humanitarian assistance to Sudan and South Sudan is saving lives daily. The Government will continue to monitor closely the situation in South Kordofan, the Blue Nile, and other areas facing critical need across the Horn and Sahel regions of Africa. Along with our EU partners, we will continue to press for unrestricted humanitarian access to affected civilians.

### **Ministerial Appointments**

43. **Deputy Robert Troy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26956/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** No such appointments have been made by me since March 2012.

### **Human Rights Issues**

44. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide an update on human rights, the role of the EU and the UN in Colombia, Kurdistan and Sri Lanka. [26977/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Human rights are a cornerstone of Ireland's foreign policy. With our European Union partners, we monitor closely the human rights situations in many countries throughout the world. We do this on the basis of information obtained from a variety of sources, including the United Nations, the EU and other international organisations, as well as civil society organisations.

The Deputy will be aware of the Government's concerns about indications of continuing human rights abuses in Colombia, where trade unionists, human rights activists and people who were displaced from their lands over the course of the civil conflict are among the vulnerable groups. The efforts of President Santos' administration since August 2010 to improve the situation should, however, be acknowledged. These efforts include the passage of the landmark Victims' Rights and Land Restitution legislation (2011) and a conference on human rights which is scheduled to take place at the end of 2012.

The Deputy will also be aware of the EU's policy of engagement and dialogue with the Government of Colombia. Ireland actively supports this policy. We believe it offers the best way to further the objectives of supporting democracy and improving the human rights situation



there. We will continue to monitor the situation and to support the Colombian Government's efforts, both in partnership with the EU and in our bilateral contacts with Colombia.

Ireland is active on human rights issues in Sri Lanka, both at EU level and in the UN Human Rights Council. We were to the fore in the EU decision to suspend GSP+ status for Sri Lankan exports in 2010. We have conveyed our concerns directly to officials at the Sri Lankan Embassy in London and again at the UN in Geneva on 22 March 2012. We support engagement with Sri Lanka to address these issues. It is important, however, that the Sri Lankan Government demonstrates a genuine commitment to the protection of human rights in Sri Lanka, to reconciliation among the country's communities and to a political solution to the divisions on the island.

The particular difficulties faced by the Kurdish population in a number of countries vary from one to the other. We continue to avail, both bilaterally and at EU level, of all appropriate opportunities to engage with the countries concerned on the general human rights situation in each, including specific issues concerning the Kurds and other minorities.

There are minority Kurdish populations in Turkey, Iraq, Iran and Syria, each of which has expressed grievances centred on issues of identity. In Iran, Iraq and Turkey, the situation has at various times been greatly complicated by the existence of armed groups seeking an independent Kurdish state. This has led to armed conflict and has exacerbated human rights difficulties. The general human rights situation in Syria and Iran, in particular, is profoundly disturbing; the protection of minority rights in these countries gives rise to particular concern.

45. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has made representations on an EU and UN level regarding the increase in the number of executions being carried out by the Iranian Mullah regime; if he has made representations to the Swiss Government in relation to Mr. Fariborz Firoozi, arrested on 4 May, and still in custody in Switzerland, awaiting deportation to Iran where he risks being executed by the Mullah regime; and if he will make a statement on the matter. [26994/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As I have repeatedly stated in the past, the human rights situation in Iran is profoundly disturbing. The period since the Presidential election of 2009 has been characterised by an intensification of human rights violations on many fronts. Of particular concern are the high level of executions, including executions after trials which failed the most basic standards of natural justice, including the absence of any right of appeal or rights of defence. Equally, capital sentences are imposed for a number of offences which, according to international standards, should not result in such punishment. I am also concerned about the continuing imposition of the death penalty against minors, in violation of Iran's obligations under the Convention on the Rights of the Child, and the practice of secret executions in Iran which has been highlighted by the UN Special Rapporteur on the situation of human rights in Iran.

Ireland has spoken out consistently against such abuses. At EU level, we fully supported High Representative Ashton's statement of 30 May, following an earlier statement last January, in which she expressed her deep concern about the alarming increase in the number of reported executions in Iran, in sharp contrast to the worldwide trend towards the abolition of the death penalty. The High Representative also called on Iran to commute all death sentences for offences not considered to be among the most serious crimes by international standards. Ireland has also supported the High Representative's call on Iran to halt the execution of Sakineh Ashtiani and Pastor Yousef Nadarkhani and all pending executions and to introduce a moratorium on the death penalty.

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Given the gravity of these abuses as well as the unwillingness of the Iranian Government to redress these entrenched practices, the EU felt compelled in April 2011 to adopt wide-ranging sanctions against those responsible for committing grave human rights violations, including a stringent travel ban and asset freeze. Last October the latter was extended to include additional individuals. These strong measures send an important political signal to all those in the Iranian judicial system and elsewhere who perpetrate human rights abuses. It leaves them in no doubt about Ireland's and the EU's resolve to ensure that fundamental freedoms and human rights are fully respected.

Ireland also continues to be active at UN level in highlighting the serious human rights situation in Iran. This includes our co-sponsorship both of a General Assembly resolution, adopted last October, which expressed the international community's deep concern at the human rights situation in Iran and of a Resolution, adopted by the UN Human Rights Council on 22 March, which welcomed the report and recommendations of the Special Rapporteur on the situation of human rights in Iran and expressed serious concern at the developments noted in that report. At a bilateral level, my Department also engages in ongoing dialogue with the Iranian Ambassador and his Embassy and regularly conveys our grave concerns at the human rights situation in Iran, including the unacceptable use of the death penalty.

In relation to the particular case mentioned, I understand that Mr. Fariborz Firoozi is a young Iranian activist who fled Iran in fear of imprisonment and persecution. Mr. Firoozi is currently being held in detention by the Swiss authorities. He is in the process of being transferred to Hungary under the terms of EU Regulation 2003/343 (otherwise known as the Dublin II agreement) which established the criteria and mechanisms for determining the member State responsible for examining an asylum application lodged by a third-country national.

Switzerland became party to this Regulation in June 2005. It determines the EU member State responsible for examining an application by any asylum-seeker seeking international protection under the Geneva Convention of 28 July 1951 relating to refugee status. As Hungary in this case is deemed responsible for considering Mr. Firoozi's application under the terms and criteria of the Geneva Convention, it is not in Ireland's jurisdiction and competence to assess the merit of his application for refugee status. We have no reason either to believe that Mr. Firoozi's basic entitlements will not be adequately sustained in the relevant procedure to be initiated in Hungary under Regulation 2003/343. It is worth recalling that this foresees a review mechanism should Mr. Firoozi wish to appeal an eventual negative decision.

### **Foreign Conflicts**

46. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will support the Colombians for Peace Group at both EU and UN level. [27015/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** My colleague, the Minister of State with responsibility for Trade and Development, Mr. Joe Costello, T. D., met with a delegation from Colombians for Peace on 22 May, during their visit to Ireland.

As I have made clear in replies to other parliamentary questions on Colombia, and as Minister Costello informed the delegation during their meeting, the government of Ireland is ready to support representatives of civil society in Colombia in their efforts to address the legacy of the conflict in that country.

### **Departmental Offices**

47. **Deputy John O'Mahony** asked the Tánaiste and Minister for Foreign Affairs and Trade

the number of additional staff to be employed by the Irish Permanent Representation office in Brussels for the forthcoming Irish Council Presidency; the number of applicants; the number recruited to date; the nationality of those recruited to date; the number of officials to be seconded from Irish Government Departments; and if he will make a statement on the matter. [27261/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Presidency staffing plan for the Permanent Representation of Ireland to the EU in Brussels has been prepared following a coordinated and careful evaluation of the needs of all Government Departments and Offices. While the details are not fully finalised, the staffing of the Permanent Representation is expected to temporarily increase by some 80 officers in the lead-up to and for the duration of the forthcoming Irish EU Presidency from January to June, 2013. This number comprises 8 staff assigned from the Department of Foreign Affairs and Trade and 37 from other Departments and Offices, as well as a small number of secondments from other sources.

Separate processes are also underway in Brussels for the temporary local recruitment of approximately 20 interns and 10 clerical staff, of which the greater portion has been sought and will be funded by other Departments and Offices. These posts are open to eligible citizens of the EU and of the other European Economic Area member states — Iceland, Liechtenstein and Norway. In excess of 540 applications were received for the intern posts from which, following a competitive interview process involving 60 short-listed candidates, a panel of the 30 candidates deemed the most highly qualified and suitable for appointment was established.

While candidates placed on the panel are now being offered temporary assignments, a breakdown on the basis of nationality will not be available until all appointees are in place. The focus of the recruitment process has been to select candidates with extensive EU knowledge and expertise. Nevertheless, I understand that a large proportion of the candidates qualified for appointment are Irish. In the case of temporary clerical staff, the focus will be on administrative experience and language skills. The closing date for receipt of applications for those posts is 15 June. The contracts of all locally employed staff will terminate at the end of the Presidency in June 2013.

### Human Rights Issues

48. **Deputy Anne Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on reports that approximately 600 Tibetans have been detained in their homeland; and if he will make a statement on the matter. [27456/12]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Government is closely following the reports of the detention of several hundred Tibetans by the Chinese authorities and is concerned about this volatile situation.

Ireland together with our EU partners believes that constructive dialogue between the Chinese Government and the representatives of the Dalai Lama is the best way to address differences and tensions in Tibet and to reach a solution that respects Tibetan culture, language, religion and identity. It is important for the long-term peace and stability of the region that the two sides come to an agreement on the future of Tibet. To this end, we continue to encourage an early resumption of dialogue by the parties.

The promotion of human rights is an important dimension of European foreign policy, as enshrined in the Treaty of the European Union. Constructive dialogue remains the EU's preferred channel for working to improve the human rights situation in China. Human rights are

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discussed as part of regular political dialogue as well as during specific human rights dialogues with China which have taken place since 1995.

The Irish Government continues to convey its concerns about the situation in Tibet directly to the Chinese authorities through regular contacts in both Dublin and Beijing. The issue of Tibet is also raised by the European Union in its dialogue with China. Most recently, the EU raised the issue of Tibet last week at the 31st round of the EU-China human rights dialogue in Brussels.

### **Tax Code**

49. **Deputy Brendan Griffin** asked the Minister for Finance his plans for the future retention of the 9% VAT rate; if the policy is self financing to date; and if he will make a statement on the matter. [26133/12]

**Minister for Finance (Deputy Michael Noonan):** The Finance (No. 2) Act 2011 provided for a second reduced VAT rate, of 9%, on a temporary basis in respect of certain tourism-related services and goods for the period 1 July 2011 to 31 December 2013. This measure is aimed at contributing towards boosting tourism and the creation of additional jobs in that sector.

Initial analysis of the effectiveness of 9% VAT rate indicates that employment numbers in the tourism and restaurant sector have increased, prices have reduced and Tourism Ireland is targeting growth in overseas visitor numbers in 2012. In this context I have decided not to make any amendment to the rate and have provided assurance to the tourist industry that the 9% rate will continue throughout 2013 as currently legislated for.

With regard to the financing of the 9% VAT rate, the Jobs Initiative provided for a pension levy that would offset the cost of the introduction of the 9% VAT rate. Over their lifetime, these measures were designed to be budgetary neutral and they are in line with expectations to date.

### **National Asset Management Agency**

50. **Deputy Pat Deering** asked the Minister for Finance the number of properties owned by the National Asset Management Agency that are rented by the State and the total amount of rent that has been paid to NAMA for the past three years. [26226/12]

**Minister for Finance (Deputy Michael Noonan):** There are NAMA debtors who own properties which are leased to state agencies and who derive income from them. The properties are leased to the State by these debtors on an arms-length basis. NAMA's primary concern is whether a property is generating cash flow that allows interest and principal on the debt to be repaid by a debtor. NAMA advises me that it does not own any properties that are rented by the State.

NAMA advise me that the total amount of rental income that originates from commercial property leased by NAMA debtors and receivers to the State is not readily available. NAMA does not currently categorise the source of monies paid by debtors into their loan accounts as being rental income from a particular sector of the economy. However, NAMA advise that the amount of monies being paid by State bodies is not likely to be substantial in the context of NAMA's total rental income.

I have asked NAMA to compile the data as sought by the Deputy and NAMA have undertaken to carry out a review of their loans with a view to identifying all properties that involve payment of rent by the State. I will forward this data to the Deputy on receipt from NAMA.

### Drugs Seizures

51. **Deputy Dara Calleary** asked the Minister for Finance if he will outline in tabular form the number and type of prescription drugs seized by customs officials to date in 2012. [26596/12]

52. **Deputy Dara Calleary** asked the Minister for Finance if he will outline in tabular form the total number of prescription drugs seized by customs officials annually from 2005 to 2011; the type of drugs seized; and the estimated value of same. [26598/12]

53. **Deputy Dara Calleary** asked the Minister for Finance if he will outline in tabular form the total quantity and estimated value of illegal non-prescription drugs seized by customs officials from 2005 to 2011. [26606/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 51 to 53, inclusive, together.

I am advised by the Revenue Commissioners that the following tables set out the details requested by the Deputy of seizures by Revenue's customs service of prescription drugs and illegal non-prescription drugs:

Prescription drugs seized

Year	Number of Tablets	Estimated value €
2012	360,527	686,383

The principal types of prescription drugs encountered to date in 2012 are sedatives such as benzodiazepines, sleeping tablets, erectile dysfunction medicines, steroids and slimming tablets.

Prescription drugs seized

Year	Number of Tablets	Estimated value €
2005	14,902	147,924
2006	1,160	16,205
2007	207,178	1,534,615
2008	556,956	1,665,191
2009	935,181	2,384,530
2010	1,652,124	2,752,219
2011	1,285,340	2,211,079

The principal types of prescription drugs seized over the course of 2005 to 2011 have been sedatives such as benzodiazepines, sleeping tablets, erectile dysfunction medicines, steroids and slimming tablets.

Section 17 of the Irish Medicines Board (Miscellaneous Provisions) Act 2006 appointed officers of Customs as enforcement officers for the purpose of the Irish Medicines Board Act 1995. Revenue's Customs service works closely with the Irish Medicines Board in enforcing the law relating to medicinal products, drug precursors, medical devices and other healthcare products.



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## Illegal non-prescription drugs seized in 2005

Type of Drug	Quantity (kg)	Value (€)
Herbal Cannabis	180	360,000
Cannabis Resin	3,784	28,100,000
Ecstasy	78,964 tablets	2,400,000
Heroin	0.01	1,700
Cocaine	63.3	4,400,000
Khat	373	750,000
LSD	65,408 tablets	650,000

## Illegal non-prescription drugs seized in 2006

Type of Drug	Quantity (kg)	Value (€)
Herbal Cannabis	131	260,000
Cannabis Resin	25.6	176,000
Ecstasy	1,123 tablets	13,000
Heroin	0.6	51,000
Cocaine	61.1	6,001,000
Khat	473	905,000
LSD	1,528 microdots 0.001 kg	15,000

## Illegal non-prescription drugs seized in 2007

Type of Drug	Quantity (kg)	Value (€)
Herbal Cannabis	1,406.31 kg	16,141,678
Cannabis Resin	414.5 kg	2,901,893
Ecstasy	3,333 tablets	106,445
Heroin	22.8 kg	4,565,778
Cocaine	1,617.9 kg*	113,251,542
Khat	168.1 kg	336,200
LSD	5 tabs	50

\*Includes 1,550kg from attempted landing at Dunlough Bay, Cork in July 2007.

## Illegal non-prescription drugs seized in 2008

Type of Drug	Quantity (kg)	Value (€)
Herbal Cannabis	459	5,507,663
Cannabis Resin	3196.7	22,377,100
Heroin	70.2	14,046,700
Cocaine	1545*	108,150,000
Ecstasy	62 tabs	310
Khat	47.9	89,800
LSD	350 tabs	3,500

\*Includes a maritime seizure of 1,500 Kgs. ('Dances With Waves').

## Illegal non-prescription drugs seized in 2009

Type of Drug	Quantity (kg)	Value (€)
Herbal Cannabis	1,170.4	14,245,506
Cannabis Resin	2,276.2	15,924,144
Heroin	0.002	300
Cocaine	34	2,379,670
Ecstasy	75 tabs	377
Khat	50.3	100,500
LSD	1000 tabs	10,000

## Illegal non-prescription drugs seized in 2010

Type of Drug	Quantity (Kg)	Value (€)
Herbal Cannabis	259	3,147,297
Cannabis Resin	6.8	40,622
Ecstasy	698 tablets	3,390
Heroin	1.3	189,900
Cocaine	37.4	2,615,095
Khat	218.3	436,600
LSD	0.1	1,500

## Illegal non-prescription drugs seized in 2011

Type of Drug	Quantity (Kg)	Value (€)
Herbal Cannabis	449.5	5,394,013
Cannabis Resin	935.4	5,612,347
Ecstasy	50,722 tablets	254,382
Heroin	1.7	255,900
Cocaine	138.5	9,697,242
Khat	177.1	354,200
LSD	0.04	600

**Illegal Importation of Drugs**

54. **Deputy Dara Calleary** asked the Minister for Finance the legislation he is reviewing in relation to the strengthening of the law regarding the illegal importation of prescription drugs; and if he will make a statement on the matter. [26718/12]

**Minister for Finance (Deputy Michael Noonan):** The Deputy may be aware this is a matter for my colleague the Minister for Health.

However, I understand the Department of Health is reviewing the Misuse of Drugs Regulations with a view to introducing additional controls on certain prescription drugs being traded illicitly, for example benzodiazepine medicines. These additional controls include introducing import and export controls as well as an offence of possession, thereby assisting the law enforcement roles of Customs and of the Garda Síochána.

[Deputy Michael Noonan.]

The Department of Health will consult with key stakeholders in relation to the proposed amendments.

### **Tax Code**

55. **Deputy Terence Flanagan** asked the Minister for Finance if he will deal with the following matter (details supplied) regarding carbon tax; and if he will make a statement on the matter. [26898/12]

**Minister for Finance (Deputy Michael Noonan):** Increasing the carbon tax by €5 to €20 in Budget 2012 meant a relatively small increase spread across all mineral oils and natural gas rather than larger increases in the excise rates on specific fuels, such as petrol or diesel. The amount of €20 charged per tonne of carbon dioxide emitted through the combustion of mineral oils is set down in the Finance Act 2012, and this carbon charge is an integral part of the rates of Mineral Oil Tax applied to those fuels. A move to link the carbon charge directly to the market price of carbon credits could, therefore, involve frequent adjustments to Mineral Oil Tax rates, and give rise to uncertainty for fuel suppliers and customers. It would also give rise to an additional administrative burden both for taxpayers and for the Revenue Commissioners. Accordingly there are no proposals for altering the present arrangement under which the carbon charge is determined periodically through the Budget process.

56. **Deputy Noel Harrington** asked the Minister for Finance the incentives available to employees to invest in the company of their employment; his plans to introduce any new incentives; the schemes that have been abolished in the past five years; the actual cost per annum to the Exchequer of the schemes abolished and the existing schemes; and if he will make a statement on the matter. [27471/12]

**Minister for Finance (Deputy Michael Noonan):** Unfortunately, it was not possible to collate the information required for this answer in the time allowed. I will provide the Deputy with the answer in writing shortly.

57. **Deputy Niall Collins** asked the Minister for Finance if a VRT or VAT exemption will be issued to a person (details supplied). [26138/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that an application for relief under the Disabled Drivers/Passengers scheme was received from the person (details supplied) on 27th April 2012. In order to process this application, the Central Repayments Office, Monaghan requested an original Primary Medical Certificate. This was received on the 18th May 2012. An Exemption Notification, dated 24th May 2012, issued subsequently. This enables the applicant to register the vehicle and obtain exemption from VRT. When the vehicle is registered, the applicant can apply for a refund of VAT, by forwarding a purchase invoice for the vehicle (marked paid in full), invoice for adaptations (marked paid in full), and the IVA (Individual Vehicle Approval) certificate.

58. **Deputy Patrick Nulty** asked the Minister for Finance when a PRSI refund will be granted in respect of a person (details supplied) in Dublin 15 as outlined in the correspondence supplied; the reason for the delay; and if he will make a statement on the matter. [26149/12]

**Minister for Finance (Deputy Michael Noonan):** My colleagues are actively examining the correspondence received and will revert directly to the individual in due course.

### National Asset Management Agency

59. **Deputy Eoghan Murphy** asked the Minister for Finance the number of persons appointed to the Advisory Group for the National Assets Management Agency; the terms of their appointment; when each person was appointed; the number of times they met as a group since their appointment; when they are due to report to him; the matters on which they report; the form that this report will take, and if this report will be made public. [26153/12]

**Minister for Finance (Deputy Michael Noonan):** The advisory group currently consists of three members; Mr. Michael Geoghegan; Mr. Denis Rooney and Mr. Frank Daly, the chairman of NAMA. Mr. Geoghegan acts as chair of the group and all members of the Group were appointed on 7 March 2012. Each of the individuals has agreed to work on a *pro-bono* basis.

This group was set up to advise me on specific issues related to NAMA. The group operates on an informal basis and reports directly to me. As such there is no formal report to be published. It is important to say that this group is not a shadow Board nor is it intended to provide a route for me as Minister to get involved in the day to day running of the Agency.

The group's advice to me primarily relates to the strategy of NAMA as proposed by the board of NAMA; the appointment of directors to NAMA; the remuneration of the senior executives of NAMA and any further advice that I may seek on any matter relating to NAMA.

I have agreed that the group will meet and report to me at least four times a year. I have met with the group on one occasion since it was established. It is also open to the Chair to contact me as issues arise. I expect the advisory group to play a valuable role and I can confirm that I am satisfied with the operation and progress of the group to date.

### Tax Code

60. **Deputy Eric Byrne** asked the Minister for Finance his plans to make e-books used in schools exempt from VAT, as normal, printed school books are; and if he will make a statement on the matter. [26167/12]

**Minister for Finance (Deputy Michael Noonan):** The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. In Ireland the zero rate applies to printed books, including atlases, children's picture, drawing and colouring books and books of music. Under the EU VAT Directive, all digitised publications, regardless of their rate when printed (for example, a book liable at zero rate), are treated as the supply of a service liable at the standard 23% rate of VAT. E-books, online newspaper subscriptions and online information services purchased via download over the Internet are also considered the supply of services liable for VAT at the standard rate. There is no option under EU VAT law to exempt e-books from VAT.

### Bank Guarantee Scheme

61. **Deputy Michael McGrath** asked the Minister for Finance further to Parliamentary Question No. 172 of 1 May 2012, if he will arrange for the outstanding information relating to Bank of Ireland to be forwarded on at an early date. [26183/12]

**Minister for Finance (Deputy Michael Noonan):** As requested by the Deputy, I am setting out below the details supplied to me by Bank of Ireland as being the latest information available in response to his question.

[Deputy Michael Noonan.]

Number of staff members (FTE)* who currently earn a basic salary between	Euro	Sterling	Dollar
100k and <200k	457	56	22
200k and <300k	43	5	18
>300k	18	4	21

\*full time equivalents.

### Tax Code

62. **Deputy Kevin Humphreys** asked the Minister for Finance the tax relief available to landlords on mortgage interest, for rental income from tenants of commercial property; the cost of this in 2010 and 2011; and if he will make a statement on the matter. [26184/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that landlords may deduct interest on money borrowed to purchase, improve or repair commercial property from the gross rent when computing their rental profits for tax purposes on that property. Interest incurred before the first occupation of the property by a tenant for the purposes of a trade or undertaking, or between lettings, is not deductible.

I am also informed by the Commissioners that the information provided for interest relief for rental property is based on claims for such relief on all rental properties included in personal income tax returns filed by non-PAYE taxpayers declaring interest on borrowings to be offset against rental income assessable under Case V, Schedule D. It is not possible to separately identify how much of this cost is associated with commercial property.

Based on personal income tax returns filed by non-PAYE taxpayers for 2010, the latest year available, the amount of tax foregone by allowing a deduction for interest on borrowings to be offset against all rental income assessable under Case V, Schedule D for both residential and commercial property is estimated at €660 million.

This estimate is based on assuming that tax relief was allowed at the top income tax rate of 41% and the figure provided could, therefore, be regarded as the maximum Exchequer cost in respect of those taxpayers. I am advised by the Revenue Commissioners that they are not in a position to provide data for 2011 as the tax returns for that year are not yet due. The figures for 2010 are subject to adjustment in the event of late returns being filed or where returns already filed are subsequently amended.

It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11. This return is the source of the figures provided in this reply.

### Ministerial Staff

63. **Deputy Billy Kelleher** asked the Minister for Finance the names of each special advisor whom he approved a pay increase in excess of the Government cap and the amount involved in each case; and if he will make a statement on the matter. [26195/12]

**Minister for Finance (Deputy Michael Noonan):** In my Department, I have appointed Mary Kenny and Eoin Dorgan as special advisors. The salary for both special advisors has been €83,337 per annum since their appointment. No salary increases have been approved in respect of either appointment.



### Oifig na gCoimisinéirí Ioncaim

64. D'fhiafraigh **Pearse Doherty** den Aire Airgeadais an bhfuil deireadh curtha le hAonad 088, an rannóg a d'fhreastail ar phobal na Gaeilge, in Oifig na gCoimisinéirí Ioncaim; má tá, cé a bheidh ag próiseáil foirmeacha Gaeilge anois, an mbeidh daoine gan Ghaeilge ag plé leis na foirmeacha, agus an gcuirfidh sé seo moill ar an bpróiseas do dhaoine a líonfaidh foirm as Gaeilge; an bhfuil córas nua ann; agus an ndéanfaidh sé ráiteas ina thaobh. [26239/12]

**Minister for Finance (Deputy Michael Noonan):** Cuireann na Coimisinéirí Ioncaim in iúl dom go ndearna siad roinnt athruithe riaracháin le déanaí ar an mbealach ina ndéantar bainistíocht ar a seirbhís 1890 do chustaiméirí Gaeilge. Cinnteoidh na hathruithe sin nach mbeidh aon laghdú i gcaighdeán na seirbhíse atá ar fáil do chustaiméirí atá ag lorg comhairle trí Ghaeilge.

Maidir le próiseáil tuairisceáin agus comhfhreagras Gaeilge, cuireann na Coimisinéirí in iúl dom freisin, cé go bhfuil siad ag athbhreithniú na socruithe riaracháin don tseirbhís seo faoi láthair, níl aon athrú déanta ar fhreagrachtaí go dtí seo. Leanfaidh foireann oifigigh in oifigí éagsúla Ioncaim, Aonad 88 i nDúiche Bhaile Átha Cliath Thuaidh san áireamh, ar aghaidh leo ag soláthar seirbhís Ghaeilge. Beidh fógraíocht ann i leith aon athruithe a chuirfear i bhfeidhm.

### Banking Sector

65. **Deputy Clare Daly** asked the Minister for Finance the reason the Irish State, via the Irish Bank Resolution Corporation, paid full value €2.5 billion to a company (details supplied) even though the prospectus clearly stated that if Irish Nationwide was not in a position to pay, then the investors would lose. [26273/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the Board of the bank is responsible for the day to day operation of the bank. Nonetheless, the Deputy may wish to note that the company referred to in the question was an independently rated funding vehicle set up by INBS that enabled INBS to access low cost funding from the ECB. It was fully consolidated into INBS and all securities issued by that company were held by INBS. Therefore at no time were any securities sold to external investors. The structure was unwound at no gain or loss to IBRC in April 2012 as the particular securities no longer met ECB criteria and therefore the bank was no longer able to access low cost ECB funding.

### Tax Code

66. **Deputy Patrick O'Donovan** asked the Minister for Finance if he will arrange for a P21 to be issued to a person (details supplied) in County Wexford; and if he will make a statement on the matter. [26279/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a P21 Balancing Statement for 2011 issued to the person in question on 25th May 2012.

### Central Bank Guidelines

67. **Deputy Pearse Doherty** asked the Minister for Finance if he will confirm that the Central Bank of Ireland guidelines published on 20 December, 2011 entitled impairment provisioning and disclosure guidelines will apply to the National Assets Management Agency for its reporting of its 2011 results; and if the guidelines do not apply to NAMA, if he will provide the reasoning for this position. [26305/12]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank guidelines published in December 2011 were for the financial institutions covered by the ELG scheme to follow in the

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development and application of their impairment provisioning frameworks. Under the NAMA Act 2009, NAMA is not regulated by the Central Bank and it follows that Central Bank guidelines do not apply to NAMA.

However, I am advised by NAMA that it has carried out a review of its impairment policy against the Central Bank guidelines and that NAMA is applying the relevant applicable principles.

In preparing its annual accounts and calculating any impairment charges, NAMA use international financial reporting standards (IFRS) which are consistent with the Central Bank guidelines.

### **International Agreements**

68. **Deputy Pearse Doherty** asked the Minister for Finance when will he put the Danish and Swedish bilateral agreement before the Dáil Éireann. [26307/12]

**Minister for Finance (Deputy Michael Noonan):** The Swedish and Danish bilateral loan agreements were laid before the Houses of the Oireachtas on March 28th 2012 and April 30th 2012 respectively.

### **State Banking Sector**

69. **Deputy Pearse Doherty** asked the Minister for Finance if he will confirm that it is the intention of the Irish Bank Resolution Corporation to pay in full the two unsecured, unguaranteed senior bonds that fall due on 26 June, 2012; if he will confirm the sums to be paid and the identity of the bondholders; and if he has taken steps to reduce or defer these payments. [26308/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the Government is committed to delivering a return to a successful vibrant economy. In this context I have indicated that there is no private sector involvement for senior bank paper or Irish Sovereign debt without the agreement of our external partners. This commitment has been agreed without external partners and is now the basis on which Ireland's future financing strategy is built. This strategy is working well as evidenced by the reduction in pricing of Irish Sovereign debt in the secondary markets and the recent successful bond exchange offer by the NTMA.

IBRC has confirmed that two unguaranteed senior bonds with a combined principal value of €0.6bn are scheduled to mature on 26 June 2012. IBRC's position on its publicly traded securities remains unchanged. The Bank is contractually obliged to repay senior securities on their maturity dates.

As already indicated it is not possible to identify bond holders with any degree of certainty. Such securities are freely tradable once issued and therefore the issuer (i.e. the Bank) has no means of establishing the underlying ownership. These securities are publicly traded and dealt through market participants and settled by clearing house systems. An issuer does not have any access to the records of the clearing house. At maturity, the Bank will instruct its paying agent to transfer the funds due to the clearing house who will then distribute the funds to the holders of the securities as per their records.

### **Exchequer Revenue**

70. **Deputy Kevin Humphreys** asked the Minister for Finance the level of surplus income the Exchequer expects to receive from the Central Bank for 2011; if the expected payment of €958

million is as recently reported more than this figure; and if he will make a statement on the matter. [26331/12]

**Minister for Finance (Deputy Michael Noonan):** I have been informed by the Central Bank that surplus income payable to the Exchequer amounted to €958,343,153.88 for the year ended 31 December 2011. The Central Bank of Ireland transferred the amount in full to the Exchequer on 11 May 2012.

### Tax Reliefs

71. **Deputy Jerry Buttimer** asked the Minister for Finance when the increased mortgage interest relief for those who purchased their homes between 2004 and 2008 will be commenced; and if he will make a statement on the matter. [26403/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that they continue to work with all qualifying lenders to ensure that the necessary software changes to lenders' Tax Relief at Source (TRS) systems are in place at the earliest possible date.

The speed with which the required software changes can be developed and implemented varies from lender to lender. The majority have now successfully completed testing of their software programs to enable them pass on the 30% rate. Where for any reason Revenue is concerned that the pace of implementation is less than optimal having regard to all of the circumstances, Revenue is in direct contact with the lender concerned to ensure the necessary changes are implemented as a matter of urgency.

As an interim relieving measure, a 25% rate available in the Information Communication Technology (ICT) systems was applied to all eligible accounts from January 2012. The current software changes allow for the introduction of the 30% rate in the lenders' ICT systems resulting in the passing on of the remaining 5% to the mortgage account holders and any relief due since 1 January.

### Tax Collection

72. **Deputy Joanna Tuffy** asked the Minister for Finance further to Parliamentary Question No. 171 of 15 May 2012, if he will supply a table for the tax year 2011, using data from the Revenue Commissioners and the Department of Social Protection, to show by range of gross income, the sources of incomes for those aged 65 and over distinguishing between the following categories, income from work and self employment, occupational or personal pensions, social welfare pensions, other income and total gross income; and if he will make a statement on the matter. [26431/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the most recent basic data available on the incomes of income earners aged 65 and over from which information of the type requested by the Deputy could be derived are in respect of the income tax year 2010.

Income Earners Aged 65 or over — Distribution of 2010 gross incomes

Range of gross Income	Number of cases in range	Total Gross Income €	Employment Income* €	Social Welfare pensions €	Income from other sources
0-10,000	25,262	104,680,175	86,114,269	10,503,377	8,062,528
10,000-12,000	7,308	81,413,896	31,151,383	45,370,929	4,891,583
12,000-15,000	16,582	223,922,244	71,031,883	142,023,654	10,866,707

[Deputy Michael Noonan.]

Range of gross Income	Number of cases in range	Total Gross Income €	Employment Income* €	Social Welfare pensions €	Income from other sources
15,000-17,000	9,842	157,341,738	63,249,828	83,572,743	10,519,167
17,000-20,000	14,834	275,310,905	117,080,773	136,110,631	22,119,501
20,000-25,000	26,743	601,206,889	248,582,804	309,169,693	43,454,393
25,000-27,000	9,750	253,259,160	117,175,867	116,601,302	19,481,991
27,000-30,000	12,887	367,127,427	186,415,485	149,867,842	30,844,099
30,000-35,000	18,489	599,417,898	337,696,666	207,644,974	54,076,258
35,000-40,000	15,820	592,543,750	356,010,457	180,780,408	55,752,885
40,000-50,000	21,793	971,399,000	625,178,352	253,389,123	92,831,526
50,000-60,000	13,109	715,250,054	487,498,392	149,392,592	78,359,070
60,000-75,000	11,065	738,094,226	521,743,820	122,617,066	93,733,340
75,000-100,000	7,977	680,107,680	489,262,800	83,309,062	107,535,818
100,000-150,000	4,645	554,775,505	385,391,044	47,622,702	121,761,760
150,000-200,000	1,564	268,325,577	174,255,740	14,987,196	79,082,641
200,000-275,000	925	216,316,703	137,580,496	8,961,583	69,774,624
Over 275,000	1,085	680,657,847	357,548,566	9,761,048	313,348,233
Totals	219,680	8,081,150,674	4,792,968,625	2,071,685,925	1,216,496,124

\*Income from Employees and Self-employed.

While social welfare pensions can be separately identified from other sources of income in Revenue statistics it is not possible to do so in respect of income from private pensions. Consequently income from private pensions cannot be presented separately in the table.

The figures in the table are based on details from tax returns on record at the time the data were compiled for analytical purposes. This was generally based on coverage levels representing in or about 90% of all returns expected.

It should be noted that the income ranges shown in the above table relate to Gross Income as defined in Revenue Statistical Report 2010. A married couple that have elected or have been deemed to have elected for joint assessment is counted as one taxpayer.

### Banking Sector Regulation

73. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on correspondence regarding AIB charges (details supplied). [26435/12]

**Minister for Finance (Deputy Michael Noonan):** As I noted to the House on 18 April 2012, the Bank's policy in relation to fees is a matter for the management and board of the institution.

The Relationship Framework that was specified on 30 March 2012, as per the Memorandum on Economic and Financial Policies agreed with the EU Commission, the ECB and the IMF, defines the nature of the relationship between the Minister for Finance and Allied Irish Banks. This framework, inter alia, rules out intervention by the Minister for Finance in day-to-day management and commercial decisions and allows the bank appropriate discretion to define its own strategic budget, and business plans.

### Cash Reserves

74. **Deputy Kevin Humphreys** asked the Minister for Finance if he will provide a breakdown of the cash reserves held by the National Treasury Management Agency on 31 March 2012 by

account and source; his views on the purpose to which those various sums are committed; and if he will make a statement on the matter. [26530/12]

**Minister for Finance (Deputy Michael Noonan):** Cash reserves and other balances held by the National Treasury Management Agency on behalf of the State at 31 March 2012 were as follows:

NTMA Cash Reserves/other balances	€ billion
Exchequer Account	13.26
Capital Services Redemption Account	0.03
Deposits	0.55
Housing Finance Agency Guaranteed Notes	3.86
Dormant Accounts Fund	0.14
Other Ministerial balances	0.74
<b>Total</b>	<b>18.58</b>

The figures above include cash held in the Exchequer Account in the Central Bank, cash held by the NTMA on deposit, Housing Finance Agency Guaranteed Notes held by the NTMA, cash available in the Dormant Accounts Fund and other Ministerial funds.

The cash reserves are available for use by the State, with the exception of the Housing Finance Agency Guaranteed Notes, which are not immediately callable as they provide funding to the Housing Finance Agency.

The Exchequer Account is funded by borrowings under the EU/IMF Programme. These borrowings are for the general financing requirements of the Exchequer which include the funding of the budget deficit and the re-financing of maturing debt.

The Capital Services Redemption Account is used to record certain transactions “of a normal banking nature” related to the management of the national debt. These include transactions in foreign exchange contracts and other derivatives, receipts of deposit interest earned. The balance in the account is used to make repayments in respect of normal banking transactions or towards defraying interest and expenses on the National Debt.

The NTMA places short-term deposits from the Exchequer account as part of a daily short-term cash management operation.

The Dormant Accounts Act 2001, as amended by the Dormant Accounts (Amendment) Act 2005, provides that balances on dormant accounts in certain financial institutions be transferred to the State and disbursed for charitable purposes or purposes of societal or community benefit. The Act guarantees the right of account holders to reclaim their moneys at any time. The balances on dormant accounts, including accrued interest, are paid into the Dormant Accounts Fund which is managed by the NTMA.

The Other Ministerial balances are mainly cash balances held as part of the management of the Post Office Savings Bank Fund which can be made available as short-term funding for the Exchequer Account.

Liquidity is managed by the NTMA to ensure that the State has adequate reserves at all times to meet obligations as they fall due. Balances can vary widely depending on the timing of tax receipts, Exchequer payments, borrowings and repayments.

#### **National Asset Management Agency**

**75. Deputy Pearse Doherty** asked the Minister for Finance further to Parliamentary Question



[Deputy Pearse Doherty.]

No. 207 of 22 May 2012, if he will advise the number of the 4,000 vacant residential dwellings that are currently habitable; the number of the 4,000 dwellings that are habitable and currently being marketed for sale or rent; the reason habitable homes would be kept vacant and off the rental or sale market by the National Assets Management Agency. [26574/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by NAMA the units to which the Deputy refers are under the control of NAMA debtors and receivers and I understand that the further breakdown sought by the Deputy is not currently available. As I stated in my response of 22 May (PQ 24849/12), NAMA is currently engaged in an extensive analyses of the residential portfolio under the control of its debtors and receivers and this is expected to continue for some time. I reiterate that NAMA's policy is to ensure that all residential units controlled by its debtors and receivers are made available either for sale or rental at the earliest possible opportunity.

76. **Deputy Pearse Doherty** asked the Minister for Finance further to Parliamentary Question No. 205 of 22 May 2012, if he will clarify the maturity time period of the Government bond issued to the National Assets Management Agency; if the bond is a 90 day maturity, maturing on 30 June, not May as the Parliamentary Question response stated or is it a shorter maturity date; and if he will confirm that the rest of the response is accurate. [26587/12]

**Minister for Finance (Deputy Michael Noonan):** I would like to thank the Deputy for the opportunity to clarify the statement made as part of the response to PQ 24847.12. As per my direction to NAMA in accordance with Section 14 of the NAMA Act 2009, the maximum maturity allowable on the Bond in question was 90 days. The €3.06 billion facility was drawn on the 3rd April 2012.

However, as the Agency had been directed to enter a commercial transaction they were free to agree any terms within the parameters set out in my direction. In this instance I am advised that the Agency decided that the initial maturity date would be 30th May 2012.

I am also advised that the Agency rolled the Bond over on 30 May 2012 as the Bank of Ireland shareholders have yet to approve the main transaction in this process. The new maturity date of the latest NAMA / IBRC bond is 20th June 2012, which is within the 90 day maximum maturity provided for in my direction.

### Departmental Funding

77. **Deputy Niall Collins** asked the Minister for Finance the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26631/12]

**Minister for Finance (Deputy Michael Noonan):** My Department has an allocation of €150k for capital for the 2012 Estimates year. It is envisaged that this capital will be used to fund relocation to a new premises as the lease on our 2-4 Merrion Row premises has expired. No funds have been drawn down to date. It is expected that the spend will take place during June/July 2012.

### Tax Code

78. **Deputy Michael McGrath** asked the Minister for Finance if a medical device (details supplied) is subject to VAT. [26647/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. While the EU VAT Directive and Irish VAT law provide for the possibility of applying a reduced rate of VAT to the supply of certain medical equipment this possibility does not extend to the supply or hire of continuous positive airway pressure (CPAP) machines typically used in the treatment of sleep apnoea. Nor is there any provision in VAT law that would make it possible to apply an exemption or the zero VAT rate to the supply or hire of such products. The supply or hire of CPAP machines is therefore liable to the standard 23% VAT rate. The supply of parts and accessories is also liable to VAT at the standard rate.

I understand from the Revenue Commissioners that the charges incurred on the supply, maintenance or repair of any medical, surgical, dental or nursing appliance used on the advice of a practitioner qualify for income tax relief on medical expenses and that this applies in this case. In addition, the expense incurred may also qualify under the Drugs Payment Scheme administered by the Health Service Executive.

### National Debt

79. **Deputy Sean Fleming** asked the Minister for Finance if he will outline the figures for the national debt outstanding at the end of each year from 1985 to date; and if he will make a statement on the matter. [26666/12]

**Minister for Finance (Deputy Michael Noonan):** The National Debt is calculated by the National Treasury Management Agency and historical data is published on their website — <http://ntma.ie/GovernmentDebt/historicalData.php>. The table below sets out the National Debt for the years 1985 to 2011. The National Debt was €129.0 billion at end May 2012.

Year	Total € Million
1985	23,492
1986	27,440
1987	30,085
1988	31,250
1989	31,525
1990	31,849
1991	32,223
1992	33,450
1993	36,006
1994	37,111
1995	38,358
1996	37,980
1997	38,966
1998	37,510
1999	39,851
2000	36,511
2001	36,183
2002	36,361
2003	37,610
2004	37,846
2005	38,182
2006	35,917

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Year	Total € Million
2007	37,560
2008	50,398
2009	75,152
2010	93,445
2011	119,082

Sources: Finance Accounts and NTMA (from 1990).

Note: Figures for 2011 are unaudited.

### National Asset Management Agency

80. **Deputy Michelle Mulherin** asked the Minister for Finance the extent of work undertaken by and fees paid to an organisation (details supplied) by the National Assets Management Agency for each year in the past three years; and if he will make a statement on the matter. [26670/12]

**Minister for Finance (Deputy Michael Noonan):** NAMA has informed me that it has engaged accountants, solicitors and other professional advisors in its initial establishment, the acquisition of its loan portfolio and its ongoing operations. A breakdown of the fees in relation to the organisation in question are shown below. The analysis is based on fees invoiced to and paid by NAMA in the period from inception to 31 March 2012. Amounts are inclusive of VAT.

	2010	2011	2012	Total
Property due diligence:	330k	428k	2k	760k
Portfolio management fees:	490k	1,978k	427k	2,896k

### Tax Code

81. **Deputy Eoghan Murphy** asked the Minister for Finance his views on whether the cash accounting scheme as it exists in Ireland, with a condition that businesses have an annual turnover of no more than €1 million to qualify, is too restrictive; and if he will consider the extension of the scheme to businesses with a turnover of less than €2.5 million, as recommended by the Dublin Chamber of Commerce. [26677/12]

**Minister for Finance (Deputy Michael Noonan):** I would point out that VAT is normally accounted for on the basis of invoices issued, i.e. VAT is payable on the total sales invoiced in the relevant period, regardless of whether or not the trader has been paid for the supply in that period. However, the cash basis of accounting provides traders with the option to account for VAT on a cash receipts basis. This means that the trader is not required to pay VAT until payment for the supply is actually received. Availing of this option assists firms in the critical area of cash flow.

In order to avail of the cash receipts basis of accounting for VAT, a business must either a) be supplying goods or services, where 90% of the supplies are to persons who aren't registered for VAT, or b) have an annual turnover which is less than €1 million. The annual turnover threshold for eligibility for the cash basis of accounting is €1 million and has been effective since 1 March 2007. Although it is possible under EU VAT law to increase the threshold, the cash basis can only be used for "certain transactions or certain categories of taxable persons". It cannot be used to replace the normal VAT arrangements across the board. In addition,

increasing the cash basis threshold from €1 million to €2.5 million would be very costly to the Exchequer, costing in excess of €150 million in the year of introduction.

### Banks Recapitalisation

82. **Deputy Michael McGrath** asked the Minister for Finance if he will provide details of the number, value and maturity date of Irish Government bonds held by each of the covered institutions at the end of 2011 and at the present time. [26709/12]

**Minister for Finance (Deputy Michael Noonan):** Irish government bonds held by each of the covered institutions are as follows:

Irish Government Bonds — Year end 2011*	Carrying Value
AIB	€5,217m
BoI	€4,222m
IBRC	€303m
ILP	€2,319m

- Figure for BOI excludes €462m held in its life company
- Figure for ILP excludes bonds held by Irish Life.

\*Excludes promissory notes.

Information beyond year end 2011 has not been published and is commercially sensitive.

Irish Government Bonds — Year end 2011 Maturity	< 1 year	1-5 Years	> 5 years	Total
AIB	€693m	€2,205m	€2,319	€5,217m
BoI	€437m	€2,798m	€987	€4,222m
IBRC				€303m
ILP	€176m	€1,604m	€539m	€2,319m

### State Banking Sector

83. **Deputy Catherine Murphy** asked the Minister for Finance if he will provide a breakdown of staff numbers, full time, part time and contract staff, by grade, details of corresponding remuneration and any resulting travel and subsistence expenses for the Irish Bank Resolution Corporation Limited, formerly Anglo Irish Bank Corporation Limited, for the years 2008, 2009, 2010 and 2011 and estimated provisions for 2012; and if he will make a statement on the matter. [26716/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the Board of the bank is responsible for the day to day operation of the bank including the staffing, general pay rates and expenses incurred by bank staff in the performance of their duties.

I have been informed by the bank that staff numbers and associated costs are detailed in the Bank's accounts on an annual and interim basis, the most recent being the 2011 Annual Report and Accounts. The Bank does not further breakdown details of staff numbers in terms of grade and corresponding remuneration. I have also been informed by the bank that total staff costs costs in the organisation have reduced by 48% from end 2008 to end 2011 and this includes 6 months of additional cost resulting from the merger with INBS in 2011.

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In terms of travel, accommodation and other related expenses the bank has informed me that such costs have decreased from c. €6.7m in 2008 to c. €1.2m in 2011, a percentage decrease of c. 82%.

### Electronic Payments System

84. **Deputy Ciarán Lynch** asked the Minister for Finance if it is intended that Government Departments will pay suppliers electronically in the near future; and if he will make a statement on the matter. [26766/12]

**Minister for Finance (Deputy Michael Noonan):** The funding of payments made by line Departments and Offices is organised through the Paymaster General's Office, which is part of my Department. Virtually all payments by Government Departments from their annual Votes are now made electronically. Since 2001 Departments have reduced the number of payable orders issued annually from 4.2 million to an expected 190,000 in 2012, which is a reduction of over 95%. These paper payments have been replaced by electronic funds transfers to the bank accounts of payees. The Croke Park Agreement commits to the use of electronic payments, which will achieve greater efficiency. The Public Service Reform Plan envisages the abolition of payable orders as a payment method for Government Departments with effect from mid 2013.

### Motor Taxation

85. **Deputy Ciarán Lynch** asked the Minister for Finance when the current review of vehicle registration tax and motor tax will be completed; when the results will be published; and if he will make a statement on the matter. [26773/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware Budget 2012 announced a public consultation to review options for the improvement of VRT and Motor Tax revenue in future years, in the context of a fall in VRT yields from €1.4bn in 2007 to €387m in 2011.

The closing date for receipt of submissions under the public consultation process was 1 March 2012. 34 submissions were received, 12 of which were from representative organisations or firms with the remainder from individuals. While there was a general welcome for the consultation process, the views varied considerably from those supporting the immediate removal of VRT to a restructuring of the existing system.

My officials are currently in the process of meeting industry representatives and developing options in consultation with the Revenue Commissioners and the Department of Environment, Community and Local Government.

### Tax Refunds

86. **Deputy Jack Wall** asked the Minister for Finance the position regarding an application for a tax rebate in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26795/12]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that reviews for 2008 and 2009 were issued on 10 August 2010 and 11 November 2010 respectively. These reviews were based on the information available at that time and included tax relief for interest paid as claimed. The Revenue Commissioners are now writing



to the person concerned for additional information to enable them to review the position for 2008 to 2011 inclusive.

### Illegal Trade in Tobacco Products

87. **Deputy Alan Farrell** asked the Minister for Finance if he will provide, in tabular form, the annual estimated loss to the Exchequer due to the illegal selling of tobacco products in 2010 and 2011; his Department's proposals to minimise losses in 2012 and 2013; and if he will make a statement on the matter. [26838/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners, who are responsible for the collection of tobacco products tax, and for tackling the illicit trade in cigarettes and tobacco products, that there is no internationally recognised method for precisely determining the amount of tax lost as a result of the illicit trade in cigarettes. However, a survey commissioned by Revenue and the Office of Tobacco Control in 2010 estimated that 20% of cigarettes consumed in the State had not been taxed in this jurisdiction. This figure was further broken down as 14% illicit product and 6% legally imported by passengers arriving into the State from other jurisdictions. A further survey was conducted in 2011, the final results of which are due to be released within the coming weeks.

The following is the annual estimated loss in respect of excise duty and VAT, based on a 14% loss to the exchequer from illicit cigarette consumption.

Year	Quantity of Illegal Cigarettes	Estimated loss
2010	750,000,000	€250,800,000
2011	750,000,000	€251,600,000

The illegal smuggling of cigarettes and other tobacco products and the illicit selling of these products is a problem for many tax jurisdictions throughout the world. Ireland has a longstanding policy, primarily because of health concerns and also for budgetary reasons, of high tobacco taxation, and this makes this State a particularly attractive market for tobacco smugglers. Easy access to Ireland via cheap flights from countries with significantly lower tobacco taxes accentuates the attractiveness of Ireland for criminals involved in the illegal importation and sale of tobacco. The Revenue Commissioners are responsible for the collection of tobacco products tax, and for tackling the illicit trade in cigarettes and tobacco products. They attach a high priority to this area, and they continuously review their response to the problem and their effectiveness in tackling the illicit tobacco trade.

The operational strategy employed by Revenue to tackle the illicit tobacco trade is multifaceted. It includes ongoing analysis of the nature and extent of the problem, developing and sharing intelligence on a national, EU and international basis, ongoing review of operational policies, development of analytics and detection technologies, and optimum deployment of resources at point of importation and inland in order to intercept the contraband product and to prosecute those involved.

Interception at the point of importation is achieved through a combination of risk analysis, profiling, intelligence, and the screening of cargo, vehicles, baggage and postal packages. Revenue enforcement officers also target this illicit trade at the post-importation level by carrying out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises in order to disrupt the internal distribution network for illicit tobacco.

In 2010, Revenue established a high-level internal group, chaired at Commissioner level, to examine the risks related to tobacco products tax evasion and to oversee and optimise the

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detection of contraband and counterfeit tobacco products. This group has promoted a number of initiatives aimed at counteracting the illicit trade in tobacco. These include the adoption of a comprehensive tobacco strategy, which is underpinned by annual action plans. This 3-year (2011-2013) strategy, which is published on Revenue's website *www.revenue.ie*, includes a series of programmes which are designed to complement each other in targeting the supply and demand sides of the market for contraband tobacco in Ireland.

Revenue's strategic-level plans include ensuring that the legitimate trade remains compliant; delivering more effective and visible interventions through enhanced capability and better deployment of resources; further development of cooperation and intelligence sharing at organisational, national and international level; a commitment to prosecute all serious cases of tobacco tax evasion and a focus, in partnership with other Government agencies, on reducing the demand for contraband tobacco.

### EU-IMF Programme

88. **Deputy Alan Farrell** asked the Minister for Finance if he will outline the long term sustainable repayment plans for loans given to recapitalise the banking system and to fund the day to day expenditure of the State; and if he will make a statement on the matter. [26840/12]

**Minister for Finance (Deputy Michael Noonan):** I understand your question is intended to ascertain when the loans drawn down from the EU/IMF Programme will be repaid. I would first of all emphasise that the funds drawn down under both the EU/IMF programme and the bilateral loan agreements are not ring-fenced for particular uses and contribute alongside tax and other State revenues to meeting all calls on the Exchequer. However, the cost of bank recapitalisation to date has been met from our existing resources — cash reserves and the NPRF. Under Ireland's EU-IMF Programme, which is due to expire at the end of 2013, a total of €67.5 billion in loans will be provided from EU facilities, bilateral loans and the IMF.

At the end of April 2012, Ireland's nominal borrowings under the EU/IMF Programme amount to €48.97 billion.

The weighted average life of the loans drawn down to date is 9.8 years.

The estimated all-in fixed euro equivalent cost of loans received under the EU/IMF assistance programme is 3.46%.

When the programme was initially agreed the average maturity of all loans was set at 7½ years. Following the Euro Area Heads of State or Government meeting in July 2011, it was agreed that average maturities for the EU facilities, the European Financial Stabilisation Mechanism (EFSM) and the European Financial Stability Facility (EFSF), should be extended. For the EFSF, maturities will now be a minimum of 15 and up to 30 years.

The repayment of the loans from the IMF commences in 2015, and that for the EU loans we have received from the EFSM and the EFSF also commences in 2015.

In the case of the bilateral loans from the UK, Sweden and Denmark, repayment is due 7½ years after each drawdown.

In relation to the schedule of the current interest rate being charged to Ireland on all forms of funding under the EU/IMF Programme of financial support, the following table supplied by the NTMA, provides the information for all amounts outstanding as at 30 April 2012.

### Irish Horseracing Industry

89. **Deputy Alan Farrell** asked the Minister for Finance the position regarding tax and other

incentives given to the horse racing and breeding industry; and if he will make a statement on the matter. [26849/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that there are no specific statutory tax incentives for the horse racing and breeding industry.

Before 1 August 2008, profits or gains from stallion fees were exempt from income tax and corporation tax, although all other profits from horse-breeding, such as the sale of yearlings, were always taxable. The exemption no longer applies to profits or gains arising on or after that date.

Since 1 August 2008, stallions are treated as stock in trade which means that income from stud fees and profits or gains on the sale of the stallions are fully taxable in the hands of both corporate and individual owners.

A write-off over 4 years of the cost of a stallion is allowed as a deduction for tax purposes in computing income from stallion fees and profits or gains on the sale of stallions. This 4-year write-off period reflects the fact that some stallions have a short nomination life and also takes into account that the majority of stallions are unsuccessful at stud. The impact of the deduction on taxable profits during the write-off period is directly related to the success, or otherwise, of the stallion. Without this provision the cost of a stallion would, under normal rules, be allowed as a deduction upon its disposal or death.

### **Greyhound Industry**

90. **Deputy Alan Farrell** asked the Minister for Finance the position regarding tax and other incentives given to the greyhound racing and breeding industry; and if he will make a statement on the matter. [26850/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that there are no specific statutory tax incentives for the greyhound racing and breeding industry. Profits from stud greyhound service fees arising before 1 August 2008 were exempt from income tax and corporation tax. The exemption no longer applies to profits or gains arising on or after that date.

### **Casual Trading**

91. **Deputy Patrick Nulty** asked the Minister for Finance the enforcement action taken by the Revenue Commissioners to ensure that markets that operate on weekends are fully compliant with their VAT and tax liabilities; the number of inspections undertaken each year to ensure full compliance; the way members of the public can report suspected non-payment of these tax liabilities; and if he will make a statement on the matter. [26855/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that specific measures have been implemented to tackle hidden economy issues in the cash sector including casual trading markets. The threat to the Exchequer posed by the shadow economy is fully recognised by Revenue which puts a strong focus and concentration on those sectors that traditionally have been susceptible to shadow activity. Revenue's overall approach to the shadow economy in all sectors, including the weekend trading markets, is underpinned by close consultation and cooperation with the Department of Social Protection (DSP) and over 500 joint Revenue/DSP inspections took place in 2011, and over 200 so far in 2012.

In tandem with this Joint Agency activity, Revenue have run specific projects to detect shadow economy activities and recover VAT, Income Tax and PAYE where due, together with

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appropriate statutory interest and penalties. These projects include streetscape operations and visits to market, fairs and high profile festivals and events. In 2011, 36 weekend markets were visited and, so far, in 2012 Revenue has carried out 39 streetscape operations.

In combating tobacco smuggling and retail of illicit cigarettes, I understand that Revenue's ongoing activity in this area is complimented by a number of blitz visits to casual trader markets. These types of activities normally take place in off-hours, the majority of which is weekend activity. In 2011, there were 6 national tobacco blitzes and weekend visits were paid to the main risk markets, resulting in 26 seizures amounting to 58,900 cigarettes and 8.68 kilos of tobacco.

In 2011, Revenue committed additional resources to tackling tax evasion in high-risk sectors and carried out over 11,000 audits of businesses and individuals as well as over 546,000 other compliance checks. These resulted in additional yield for the Exchequer of nearly €483m.

I am further advised by the Revenue Commissioners that any person can inform them of instances of tax evasion through the network of local offices, by phone, email or letter. There is a confidential free-phone number 1800 295 295, for reporting tobacco smuggling or sale of illicit tobacco products. Reports of suspected evasion/fraud should provide as much detail as possible particularly in terms of location, names, addresses, telephone numbers and vehicle registrations. All such reports are treated as confidential and are fully investigated by Revenue.

The Revenue Commissioners inform me that they are committed to tackling tax evasion and avoidance across all areas of the economy. Their goal is to prevent a loss of revenue to the State and at the same time to ensure that a level playing field exists for the benefit of legitimate trade interests.

I am satisfied that the Revenue Commissioners are pursuing programmes that are dealing in a very determined way with tax evasion.

### **Tax Collection**

92. **Deputy Patrick O'Donovan** asked the Minister for Finance if he will request the Revenue Commissioners for the tax contribution history in respect of a person (details supplied) in County Limerick. [26858/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that no trace of tax contributions can be found in respect of the person named. Should he wish to discuss tax matters he can telephone Frank Levey in Limerick Tax Office at 061 212800.

### **General Government Debt**

93. **Deputy Michael McGrath** asked the Minister for Finance for each of the years 2006 to 2011 inclusive, if he will provide the final nominal Exchequer balance figure; the final nominal general government balance figure; and the general government balance as a percentage of GDP. [26861/12]

**Minister for Finance (Deputy Michael Noonan):** The information requested by the Deputy is available in the table set out below. The Exchequer balance figures for 2006-2010 are from the annual Finance Accounts. The 2011 figure is as per the end-December 2011 Exchequer Statement. The audited figure will be set out in the 2011 Finance Accounts which will be published later this year. The General Government Balance (GGB) figures for 2006 and 2007 have been provided by the CSO. The 2008-2011 figures are as per the April 2012 Maastricht

Returns. The GGB figures are the latest available and the historical figures can be subject to minor technical statistical adjustments on a periodic basis:

	2006	2007	2008	2009	2010	2011
Exchequer Balance (€m)	2,264	-1,619	-12,714	-24,641	-18,744	-24,917
General Government Balance (GGB) (€m)	5,183	124	-13,219	-22,519	-48,607	-20,515
GGB (% of GDP)	3.0%	0.1%	-7.3%	-14.0%	-31.2%	-13.1%
Underlying GGB (€m)				-18,519	-17,032	-14,735
Underlying GGB (% of GDP)				-11.5%	-10.9%	-9.4%

### Tax Reliefs

94. **Deputy Dominic Hannigan** asked the Minister for Finance his plans to allow civil unions or married couples combine their tax allowances for public transport; and if he will make a statement on the matter. [26883/12]

**Minister for Finance (Deputy Michael Noonan):** The tax exemptions for the travel pass scheme operates on two levels in order to ensure that the taxation benefits are given to employees. Firstly, where a travel pass is provided in addition to normal remuneration the taxable BIK that arises on its provision is exempt from tax in the hands of the employee under section 118(5A) of the Taxes Consolidation Act 1997.

However, many travel pass schemes operate under what are known as salary sacrifice arrangements. These are arrangements under which an employee agrees with his or her employer to take a cut in remuneration and in return the employer incurs the cost of providing a benefit of a corresponding amount to the employee (that is, a bus, rail or ferry pass).

As a general rule, Revenue does not regard salary sacrifice arrangements as reducing an employee's taxable income. If an employee foregoes salary payable under an existing contract of employment in exchange for a benefit, the employee remains taxable on the "gross" income payable. An exception to this rule is made in the case of the travel pass scheme. Under section 118B of the Taxes Consolidation Act 1997 where an employee is provided with a travel pass, the employee will not be chargeable to tax on the remuneration sacrificed. The corresponding cost to the employer of the travel pass does not, as stated above, give rise to a BIK tax charge on the employee who receives the travel pass.

I am informed by the Revenue Commissioners that if the couple concerned are jointly assessed the tax relief is, in fact, provided at the couple's marginal rate of tax (i.e. either 20% or 41% depending on the rate of tax applicable to the couple). If the couple is not currently being jointly assessed to tax they should contact their local tax office with a view to ensuring that joint assessment applies to them if this is what they want.

*(The issue of determining the boundaries of areas falling within the scope of the all-in-one commuter / Dart and Luas ticket is a matter for the Minister for Transport, Tourism and Sport in consultation with the approved transport service providers.)*

### Wage Rates

95. **Deputy Éamon Ó Cuív** asked the Minister for Finance his view of whether wage flexibility is needed which will particularly allow the appropriate degree of wage differentiation across different types of workers and stimulate the hiring of young, female and older workers; and if he will make a statement on the matter. [26902/12]



**Minister for Finance (Deputy Michael Noonan):** At an aggregate level, my view is that over the medium term wages should move in line with productivity trends. In fact, one of the key problems in the past decade was that wage growth was far in excess of productivity gains. This undermined Ireland's competitive position and resulted in a sharp moderation in export growth from 2000 onwards. Encouragingly, however, some of this competitiveness loss has been reversed and this is standing to us in terms of export growth and larger inflows of FDI.

At a disaggregate level, there must be a degree of wage differentiation in the economy to reflect the heterogeneous nature of employment and the specific demand and supply factors for certain jobs.

But what we cannot have is a situation in which the labour market is distorted through the introduction of an artificial wage gap for individuals performing the same work.

### **Mortgage Arrears**

96. **Deputy Michael Healy-Rae** asked the Minister for Finance in view of the Irish mortgage crisis and the amount of persons who find themselves in a desperate situation, should a transparent and completely independent entity be put in place to ensure that the resolution process will not involve persons trying to profiteer on the misfortunes of persons in debt, that is, there should be a non-profit sector assisting persons who have such financial difficulties with their mortgages at present and there should be a strengthened financial services ombudsperson to help in this crisis; and if he will make a statement on the matter. [26908/12]

**Minister for Finance (Deputy Michael Noonan):** The Government is acutely aware of the increasing financial stress that some households are facing arising from difficulty in meeting their mortgage commitments. The Deputy will be aware that the Interdepartmental Report on Mortgage Arrears indicated that the reform of personal insolvency legislation is a central catalyst to the resolution of the mortgage arrears problem. In particular, it indicated that new non-judicial debt settlement arrangements are vital to address the problem. The Government is in the process of finalising a Personal Insolvency Bill with a view to publishing it at the end of June. The Minister for Justice, Equality and Defence has indicated a strong intention to commence Second stage prior to the Summer recess to facilitate early passage of the legislation through the Oireachtas in the Autumn session.

The Interdepartmental Report also recommended that a Mortgage Advice Service should be provided to advise people in their dealings with mortgage lenders. The Minister for Social Protection is now finalising the appropriate framework for the provision of this service.

Both of these measures will require the utilisation of independent and professional expertise to best assist people in difficulty with their mortgages or other debts. In finalising these matters and putting in place the necessary structures, the key objective will be to provide the best possible service in the most efficient manner and this general approach does not preclude the non-profit sector or other sectors from appropriate involvement in those proposed important services.

Finally, it is important to point out that the Financial Services Ombudsman was established on a statutory basis as an independent body to deal with complaints from customers of financial service providers and will continue to fulfill this function. The Minister for Finance is not involved in the day to day workings of the Financial Services Ombudsman Bureau.

### **European Stability Mechanism Fund**

97. **Deputy Arthur Spring** asked the Minister for Finance if the €700 Billion firewall is a set figure for the ESM fund; and if he will make a statement on the matter. [26930/12]

**Minister for Finance (Deputy Michael Noonan):** The European Stability Mechanism (ESM) Treaty, was signed by Euro Area Member States on 2 February 2012. The original version of the treaty was signed on 11 July 2011, but it has been modified to incorporate decisions taken by the Heads of State and Government (HoSG) of the Euro Area on 21 July, 9 December 2011 and 2 March aimed at improving the effectiveness of the mechanism.

In order to further improve market confidence and in accordance with the agreement reached at the Euro Area Heads of State or Government (HoSG) meeting on 9 December 2011 and reiterated on 2 March 2012, the HoSG have reassessed the adequacy of the overall EFSF/ESM lending ceiling of €500 billion.

The Eurogroup concluded its review of the ESM capacity on 30 March and agreed in principle the following:

That the ESM will be the main instrument to finance new programmes as from July 2012. The EFSF will, as a rule, only remain active in financing programmes that have started before that date. For a transitional period until mid-2013, it may engage in new programmes in order to ensure a full fresh lending capacity of €500 billion.

The current overall ceiling for ESM/EFSF lending, as defined in the ESM Treaty, will be raised to €700 billion such that the ESM and the EFSF will be able to operate, if needed, as described above. As of mid-2013, the maximum lending volume of ESM will be €500 billion. The combined lending ceiling of the ESM and the EFSF will continue to be set at €700 billion.

In addition, €49 billion out of the EFSM and €53 billion out of the bilateral Greek loan facility have already been paid out to support current programme countries. All together the euro area is mobilising an overall firewall of approximately €800 billion.

### Ministerial Appointments

98. **Deputy Robert Troy** asked the Minister for Finance if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26955/12]

**Minister for Finance (Deputy Michael Noonan):** Since 1 March 2012, the following staff have been appointed to my Department:

Grade	Number of Staff	Salary per annum
Temporary Clerical Officer (on a 1 year contract)	4	€20,859 to €33,607
AO Graduate Recruits (1 Banking/Finance and 1 Economics)	2	€29,922 to €58,294

### Credit Access

99. **Deputy Finian McGrath** asked the Minister for Finance the advice he will offer on a matter regarding mortgages (details supplied). [26976/12]

**Minister for Finance (Deputy Michael Noonan):** Policy in relation to credit lending decisions in the bank referred to is a matter for the management and board of that institution. I have no role in the day-to-day commercial and operational decisions of the bank. Notwithstanding the fact that the State is a shareholder in the bank referred to, I must ensure that the bank is run on a commercial, cost effective and independent basis to protect the value of the bank as an asset to the State, as per the Memorandum on Economic and Financial Policies agreed with

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the EU Commission, the ECB and the IMF. Relationship Frameworks have now also been specified that clearly define the nature of the relationship between me and each of the covered institutions. These Frameworks were published on 30 March 2012 and can be found at: <http://banking.finance.gov.ie/presentations-and-latest-documents/>.

### Tax Collection

100. **Deputy Dan Neville** asked the Minister for Finance if persons with incomes in excess of €200,000 are now earning more money since the introduction of the universal social charge; the action being taken regarding this anomaly; and if he will make a statement on the matter. [27144/12]

**Minister for Finance (Deputy Michael Noonan):** The introduction of the USC, replacing the Income and Health Levies, reduced the top marginal tax rates for both PAYE and self-employed income earners by 4%. In the case of PAYE this allowed for the abolition of the PRSI ceiling and the restoration of the PAYE marginal rate to 52%. However, in the case of the self-employed, where there is no PRSI ceiling, the marginal rate remained reduced. This had the unintended effect of benefiting high earning self-employed income earners.

Therefore, as a transitional measure, a new rate of USC of 10% was introduced in Finance Act 2011 for income in excess of €100,000 arising from self-employment. This restored the self-employed marginal tax rate back to 55% where it was in 2010.

It should be noted that self-employed income earners do not benefit from the PAYE tax credit of €1,650 per annum.

### National Asset Management Agency

101. **Deputy Finian McGrath** asked the Minister for Finance the position regarding a business (details supplied) in Dublin 1. [27195/12]

**Minister for Finance (Deputy Michael Noonan):** NAMA has advised me that it holds property as security adjacent to the business referred to in this case. A receiver was appointed to that property in March 2012. The receiver has indicated that he is not aware of any damage to properties adjoining those under his control. It may be more appropriate in this instance to contact the receiver, who is in control of the enforced property. A list of all properties enforced and the contact details of the receivers associated with those properties are available on NAMA's website or the Deputy can contact NAMA at [oir@nama.ie](mailto:oir@nama.ie). NAMA have also advised that it has no relationship with the development company referred to by the Deputy.

### State Banking Sector

102. **Deputy Michael McGrath** asked the Minister for Finance the number of representations made to him or his Department by or on behalf of customers of an institution (details supplied) in 2011 and to date in 2012; the nature of the representations; the way they are handled by his Department; and if he will make a statement on the matter. [27199/12]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware the representations are received in a number of ways including representations through political representatives, from individuals directly, from legal representatives of clients of the bank etc. These representations are received through a number of channels including mail, e-mail and primarily by telephone contact. While the Department has records of written correspondence received that relate to the institution referred to in the question we do not have a breakdown of the represen-

tations which are on behalf of customers of the institution. There is generally, no record of telephone communication and the calls are dealt with as received. The overall number of written representations relating to customers of the institution referred to which were received was 20 in 2011 and 16 in 2012.

Under the Relationship Framework the Board of the bank is assigned responsibility and authority in relation to the day to day operation of the bank including the management of relationships with the bank's clients. As a general rule the Department does not become involved in individual cases and will refer callers to the bank, to the Central Bank or to the Financial Services Ombudsman etc. as appropriate and depending on the circumstances of the case. In particular cases where there appears to be a public interest issue, or where the circumstances appear to controvert the bank's policy or practice, the Department may, while referring the client to the bank, raise the matter with the bank to assist in understanding the issues or to ensure that management at the bank is aware of particular or recurrent problems. Any such involvement by the Department is facilitative and does not impinge on the responsibility and authority of the bank.

### **Strategic Investment Fund**

103. **Deputy Michael McGrath** asked the Minister for Finance the amount of money that has been invested to date in the Strategic Investment Fund by the Government and by ways of commercial investment by private investors; the amount of money he plans to invest in the funds; the details of the investments made by the fund to date;; and if he will make a statement on the matter. [27202/12]

**Minister for Finance (Deputy Michael Noonan):** The Government announced the establishment of the Strategic Investment Fund (SIF) in September 2011. The SIF will channel commercial investment from the National Pensions Reserve Fund (NPRF) towards productive investment in the Irish economy. As well as money from the NPRF, the SIF will seek matching commercial investment from private investors and target investment in areas of strategic significance to the future of the Irish economy.

I am informed by the National Treasury Management Agency, as Manager of the National Pensions Reserve Fund, that the NPRF announced in November 2011 a commitment of €250 million to a new Irish infrastructure investment fund which is seeking up to €1 billion from institutional investors in Ireland and overseas and which will invest in infrastructure assets in Ireland, including assets designated for disposal by the Government and commercial State enterprises and also new infrastructure projects. Marketing of this fund in Ireland by Irish Life Investment Managers and abroad by AMP Capital commenced in the first quarter of 2012. Normally the period from commencement of marketing of an investment fund targeting illiquid assets to closure of financial commitments by investors in such a fund can extend up to one year.

I am also informed that the NPRF has in addition committed, subject to certain pre-conditions, €450 million to finance the national roll-out of domestic water meters.

Further involvement of the NPRF in the SIF is expected to require the amendment of the investment policy of the NPRF, which is set out in the National Pensions Reserve Fund Act 2000. Officials of my Department are liaising with the National Treasury Management Agency, which is the Manager of the NPRF, in identifying and drafting the necessary amendments to the legislation and I expect to bring forward proposals for amending legislation as soon as possible once that work is completed.

### National Asset Management Agency

104. **Deputy Anne Ferris** asked the Minister for Finance the number of National Assets Management Agency sites and their location in County Wicklow; and if he will make a statement on the matter. [27250/12]

**Minister for Finance (Deputy Michael Noonan):** NAMA debtors own property, which may include sites, in County Wicklow which is valued at €475 million by reference to a valuation date of November 2009. NAMA is prohibited by Sections 99 and 202 of the NAMA Act and by the normal rules of banking confidentiality from disclosing details relating to its debtors or their properties. The Deputy will also note that a number of properties located in Co. Wicklow are under the control of receivers appointed by NAMA. Further details are available on [www.nama.ie](http://www.nama.ie). The National Asset Management Agency itself does not own sites or other properties in County Wicklow.

### Proposed Legislation

105. **Deputy Derek Nolan** asked the Minister for Finance the extent to which he has been engaging with a bank (details supplied) to look for solutions to deal with the problems of negative equity; the way the new personal insolvency legislation will address this particular matter specifically; if any systems are in place for enabling those in negative equity to access new mortgages and bring their debt with them; and if he will make a statement on the matter. [27253/12]

**Minister for Finance (Deputy Michael Noonan):** The Government is conscious of the difficulties some homeowners are facing in meeting their mortgage commitments. In accordance with the conclusions of the Inter-Departmental Report on Mortgage Arrears, the key focus of attention is on the development of measures to assist people who are having genuine difficulty in meeting their mortgage payments as opposed to providing assistance for people currently experiencing negative equity.

The Deputy will be aware of the range of measures currently being advanced to address this mortgage arrears problem. The Central Bank is engaging with all regulated mortgage lenders on their mortgage arrears resolution strategies project. The objective of this engagement is to ensure that each lender has an effective strategy and plan for dealing with its mortgage customers who are, or who are likely to be, in difficulty.

The Deputy will be aware that the Interdepartmental Report on Mortgage Arrears indicated that the reform of personal insolvency legislation is a central catalyst to the resolution of the mortgage arrears problem. In particular, it indicated that new non-judicial debt settlement arrangements are vital to address the problem. The personal insolvency proposals are not intended to address the issue of negative equity but to resolve the issue of insolvent debtors in a fair and effective manner.

The Bill remains a legislative priority for the Government and the timeframe for publication of the Bill is now the end of June next and the Minister for Justice, Equality and Defence has indicated a strong intention to commence Second stage prior to the Summer recess to facilitate early passage of the legislation through the Oireachtas in the Autumn session.

A draft general scheme of a Bill was published by the Minister for Justice at the end of January for consultation and a number of submissions were received in response including from some financial institutions. However, there have also been advances made to allow people currently experiencing negative equity to access new mortgages. The Deputy may wish to note that in a recent speech given by Mr. Matthew Elderfield, the Deputy Governor of the Central



Bank said that the Central Bank agreed in late 2010 that two lenders could develop negative equity mortgages on a pilot basis. In light of the limited take-up of these mortgages the Central Bank decided to adapt its approach to make provision of negative equity mortgages easier. The Central Bank has set out for lenders general criteria under which it will consider allowing the provision of such mortgages. The Central Bank has not set prescriptive standards in these areas but will look to see that lenders are taking a reasonable and controlled approach. All such sales however must also comply with the affordability and suitability provisions set out in the Consumer Protection Code.

### **Tax Reliefs**

106. **Deputy Dominic Hannigan** asked the Minister for Finance the reason a person (details supplied) has had their one parent family tax credit taken away; the legislation under which this is possible; and if he will make a statement on the matter. [27262/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that Section 462 of the Taxes Consolidation Act 1997 is the relevant legislation governing the one parent family credit. Section 462(2)(c) of this Act provides that this credit shall not apply to a person who is cohabitating with another person. In this case, the taxpayer rang Revenue on 28th May 2012 and, in the course of the telephone conversation indicated that both herself and her child had been cohabitating with her partner since July 2010. As a consequence of this cohabitation, the taxpayer is ineligible for the one parent family credit, and accordingly the credit was withdrawn.

### **National Asset Management Agency**

107. **Deputy Regina Doherty** asked the Minister for Finance the plans the National Asset Management Agency has for investing in County Meath; and if he will make a statement on the matter. [27264/12]

**Minister for Finance (Deputy Michael Noonan):** The National Asset Management Agency has announced that it plans to invest up to €2 billion in development capital over the period to 2016 to preserve, enhance and complete commercial and residential projects and to develop Greenfield sites. NAMA have advised me that they are currently assessing a wide range of projects that may be suitable for development by reference to expected demand and decisions to invest will be based on those projects which are capable of generating the greatest return to the taxpayer. Pending completion of project appraisal, it is not possible to indicate the location of those projects.

108. **Deputy Regina Doherty** asked the Minister for Finance the properties the National Asset Management Agency currently has in County Meath; and if he will make a statement on the matter. [27265/12]

109. **Deputy Regina Doherty** asked the Minister for Finance the commercial projects the National Asset Management Agency has in County Meath; and if he will make a statement on the matter. [27267/12]

110. **Deputy Regina Doherty** asked the Minister for Finance the residential projects the National Asset Management Agency has in County Meath; and if he will make a statement on the matter. [27268/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 108 to 110, inclusive, together.

NAMA have advised me that debtors own property in Meath which is valued at €500 million by reference to a valuation date of November 2009. A further breakdown of this figure into commercial and residential projects is not available at present.

NAMA is prohibited by Sections 99 and 202 of the NAMA Act and by the normal rules of banking confidentiality from disclosing details relating to its debtors or their properties.

The Deputy will also note that a number of properties located in Meath are under the control of receivers appointed by NAMA. Further details on those properties are available on [www.nama.ie](http://www.nama.ie).

The National Asset Management Agency itself does not own property in Meath.

111. **Deputy Regina Doherty** asked the Minister for Finance the number of deferred payment initiative transactions for County Meath; and if he will make a statement on the matter. [27269/12]

**Minister for Finance (Deputy Michael Noonan):** Information on NAMA's 80:20 Deferred Payment Initiative is available on NAMA's website, [www.nama.ie](http://www.nama.ie), which confirms that 18 properties in Co. Meath were included in this pilot initiative. For reasons of debtor confidentiality, NAMA cannot confirm how many of these have been sold until such time as the pilot phase has been completed.

### **Tax Collection**

112. **Deputy James Bannon** asked the Minister for Finance if he will expedite matters in relation to problems relating to outstanding tax in respect of persons (details supplied) in County Longford which is impacting on their ability to conduct their business in view of the fact that they are unable to apply for tax clearance; and if he will make a statement on the matter. [27285/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the persons concerned have failed to file Income Tax returns for 2010 or VAT returns for 2011 or 2012 to date. In addition, Income Tax for 2007 and 2008 and Preliminary Tax for 2011 has not been paid. The persons concerned have recently been in contact with the Collector General's Office in relation to this matter. Arising from that contact, they will be aware that until such time as the outstanding tax returns are filed, Revenue is not in a position to quantify the tax outstanding or to decide if the informal phased payment arrangement currently in place is sufficient to clear the arrears within a reasonable timeframe. Until such time as they can do this, Revenue will not be in a position to consider issuing a tax clearance certificate.

The persons concerned should now file all outstanding tax returns. The issue of the tax clearance certificate can then be considered further.

### **Endowment Mortgages**

113. **Deputy Kevin Humphreys** asked the Minister for Finance the measures in place to help those who have endowment mortgages whose policies are coming to an end but may not have sufficient capital accumulated to pay the lump sum due a shortfall; the regulations that apply to this financial product; and if he will make a statement on the matter. [27356/12]

**Minister for Finance (Deputy Michael Noonan):** I have been informed by the Central Bank that where the proceeds of an endowment policy are insufficient to repay the capital element of

an endowment mortgage, borrowers should be given ample time to make alternative repayment arrangements. In addition, borrowers are afforded the protections of the 'Code of Conduct on Mortgage Arrears' in cases where the mortgage is in arrears or in pre-arrears and is secured by the borrower's primary residence. The Deputy may wish to note that, when the risks associated with endowment mortgage products were highlighted in the 1990s, specific provisions were incorporated into the Consumer Credit Act 1995 which require warnings to the effect that the proceeds of a policy may not be sufficient to repay a mortgage. Under the provisions of the Act, endowment mortgage savings plans must be reviewed by the life company at least every five years to check if the plan is on track to repay the mortgage. In this regard, a statement setting out the estimated revised valuation of the endowment policy at maturity must be issued by the insurer to the borrower. If the policy is not on track to repay the mortgage, the life company will recommend an increase in the premium.

### Mortgage Lending

114. **Deputy Luke 'Ming' Flanagan** asked the Minister for Finance if he will confirm that banks are more likely to lend to a purchaser of a property held by a bank than to a purchaser of a non-bank owned property; and if he will make a statement on the matter. [27367/12]

**Minister for Finance (Deputy Michael Noonan):** The decision on whether or not to grant individual mortgages remains a commercial decision for each individual lending institution and, as Minister for Finance, I have no function in such decisions. This is outlined in the Relationship Frameworks with the banks which provide that the State will not intervene in the day-to-day operations of the banks or their management decisions, including with respect to pricing and lending decisions. These frameworks are published on my Department's website at <http://banking.finance.gov.ie>. Mortgage lending must be undertaken on a commercially sustainable and prudential basis by lending institutions and conform fully with regulatory requirements both in relation to the financial institution itself and also the safeguarding of the consumer's interest. It is important in that context that each lending institution is allowed to assess independently the individual risks in granting mortgage finance.

### Tax Collection

115. **Deputy Derek Nolan** asked the Minister for Finance the number of income tax payers, total income and the total tax paid for each of the following income tax bands (details supplied) based on the most recent data available; and if he will make a statement on the matter. [27372/12]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the information requested, estimated by reference to the income tax year 2012, is set out in the following table:

All Income Earners for Income Tax Year 2012 (provisional)

Gross Income Range	Gross Income	Numbers	Income Tax
	€		€
10,000 or less	1,741,727,360	394,606	463,277
10,001-20,000	5,796,765,594	382,929	44,272,743
20,001-30,000	9,590,057,348	386,339	383,536,160
30,001-40,000	10,258,657,138	295,067	779,646,445
40,001-50,000	9,233,596,409	206,874	1,072,754,844
50,001-60,000	7,600,348,121	139,022	1,104,384,156

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Gross Income Range	Gross Income	Numbers	Income Tax
	€		€
60,001-70,000	6,189,082,128	95,641	1,008,526,730
70,001-80,000	5,188,204,469	69,443	930,020,106
80,001-90,000	4,079,790,804	48,173	791,911,294
90,001-100,000	3,174,795,435	33,515	657,294,325
100,001-125,000	5,424,046,195	48,901	1,221,866,530
125,001-150,000	3,197,913,149	23,510	783,194,520
150,001-175,000	1,938,858,222	12,027	496,073,330
175,001-200,000	1,320,697,103	7,084	345,448,987
200,001-250,000	1,791,691,539	8,071	479,218,080
250,001-300,000	1,177,244,030	4,322	319,111,068
300,001-350,000	850,570,163	2,631	231,333,328
350,001-400,000	608,215,973	1,630	170,061,818
400,001-450,000	491,782,546	1,161	135,588,743
450,001-500,000	386,210,649	815	107,702,020
500,001-750,000	1,218,485,106	2,030	340,603,596
750,001-1,000,000	552,453,776	647	159,816,557
1,000,001-2,000,000	701,243,630	537	187,200,632
Over 2,000,000	1,033,458,034	120	351,110,637
Total	83,545,894,918	2,165,100	12,101,139,926

It should be noted that the income ranges shown in the above table relate to Gross Income as defined in Revenue Statistical Report 2010.

The figures are estimates from the Revenue tax-forecasting model using actual data for the year 2009 adjusted as necessary for income and employment trends in the interim. These are, therefore, provisional and likely to be revised.

It should also be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

116. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €1 million; the percentage this was of the overall number of taxpayers; the amount of tax paid; and the percentage of overall tax take. [27411/12]

117. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €500,000; the percentage this was of the overall number of taxpayers; the amount tax paid; and the percentage of overall tax take. [27412/12]

118. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €250,000; the percentage this was of the overall number of taxpayers; the amount tax paid; and the percentage of overall tax take. [27413/12]

119. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €100,000; the percentage this was of the overall number of taxpayers; the amount tax paid; and the percentage of overall tax take. [27414/12]

120. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €70,000; the percentage this was of the overall number of taxpayers; the amount tax paid; and the percentage of overall tax take. [27415/12]

121. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €50,000; the percentage this was of the overall number of taxpayers; the amount tax paid; and the percentage of overall tax take. [27416/12]

122. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €40,000; the percentage this was of the overall number of taxpayers; the amount tax paid; and the percentage of overall tax take. [27417/12]

123. **Deputy Finian McGrath** asked the Minister for Finance the number of persons whose income in 2009/2010 was more than €35,000; the percentage this was of the overall number of taxpayers; the amount tax paid; and the percentage of overall tax take. [27418/12]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 116 to 123, inclusive, together.

I am advised by the Revenue Commissioners that the information requested, estimated by reference to the income tax years 2009 and 2010, is set out in the following tables:

Income Tax Post Budget 2009 (Base Year 2009)

Range of Gross Income	Number of Taxpayers	% of Total Number of Taxpayers	Income Tax *	% of Total Income Tax Yield
Over €35,000	876,599	38.65	€10,762,083,100	94.73
Over €40,000	731,513	32.26	€10,398,809,400	91.54
Over €50,000	516,201	22.76	€9,497,999,700	83.61
Over €70,000	272,757	12.03	€7,572,424,900	66.66
Over €100,000	116,894	5.15	€5,353,725,300	47.13
Over €250,000	14,503	0.64	€2,094,608,100	18.44
Over €500,000	3,560	0.16	€1,107,367,500	9.75
Over €1,000,000	710	0.03	€577,057,200	5.08

Income Tax Post Budget 2010 (Base Year 2009)

Range of Gross Income	Number of Taxpayers	% of Total Number of Taxpayers	Income Tax *	% of Total Income Tax Yield
Over €35,000	845,248	38.66	€10,280,364,000	94.73
Over €40,000	705,612	32.28	€9,933,101,900	91.53
Over €50,000	497,688	22.77	€9,066,492,400	83.55
Over €70,000	262,573	12.01	€7,209,072,000	66.43
Over €100,000	112,141	5.13	€5,069,555,700	46.72
Over €250,000	13,541	0.62	€1,935,448,000	17.84
Over €500,000	3,222	0.15	€1,006,469,900	9.27
Over €1,000,000	627	0.03	€525,631,900	4.84

\* Income tax figures are rounded to nearest hundred.

It should be noted that the income ranges shown in the above table relate to Gross Income as defined in Revenue Statistical Report 2010.



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The 2010 figures are estimates from the Revenue tax-forecasting model using actual data for the year 2009 adjusted as necessary for income and employment trends for the year 2010. They are, therefore, provisional and likely to be revised.

It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

### Ministerial Meetings

124. **Deputy Thomas P. Broughan** asked the Minister for Finance the location and dates in 2011 and to date in 2012 on which he has met the European Commission President; and if he will make a statement on the matter. [27451/12]

**Minister for Finance (Deputy Michael Noonan):** During the election campaign in 2011 I met with President Barroso in Brussels. I have had no further formal meeting with President Barroso in 2011 or 2012.

### Tax Code

125. **Deputy Seán Conlan** asked the Minister for Finance if he will confirm that it is PAYE workers only that can claim six months income tax back. [27487/12]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that no taxpayer has an automatic entitlement to tax back for any specific period. In the case of PAYE workers, the calculation of any PAYE tax paid that may be due back to a taxpayer is not based on any time period but is based on the amount of taxable income received by a person in the year in question, the amount of tax paid and the amount of tax credits and reliefs due to the person.

In the case of a PAYE worker who becomes unemployed the calculation of any refund that may be due varies depending on the personal circumstances of each taxpayer and is based on the amount of tax paid up to the date of unemployment, the amount of credits and reliefs utilised up to that date and the amount of other income from all sources that the individual may have for the year in question. It should be noted that jobseekers benefit in excess of €13 each week is taxable.

In the case of taxpayers who are self assessed, i.e. those who are in receipt of income from sources which are not chargeable to tax under the PAYE system or where some but not all of their tax on these sources of income is paid under PAYE (for example individuals with rental income or other investment or trading income) different rules apply for the payment of tax.

With regard to income tax, self-assessed taxpayers must:

- pay preliminary tax for a tax year on or before the 31st October of that year,
- pay any outstanding tax due for a tax year by 31 October of the following tax year — this is also the date by which their return for the previous tax year is due.

Like PAYE taxpayers, any refund due to self assessed taxpayers for a tax year is calculated based on the amount of taxable income received by a person in the year in question, the amount of tax paid and the amount of tax credits and reliefs due to the person. A period of unemployment of a self-assessed person, while factored into the amount of tax payable by them, does not necessarily give rise to a refund of tax.

### School Transport

126. **Deputy Dara Calleary** asked the Minister for Education and Skills the reason secondary school children (details supplied) in County Mayo are being denied school transport even though the bus servicing the school of their choice passes by their door; the reason these same children are being told by Bus Éireann to avail of a service to other schools even though there is no existing bus to service such a run; his views on whether this system is unfair and insensible; and if he will make a statement on the matter. [26622/12]

127. **Deputy Dara Calleary** asked the Minister for Education and Skills the reason a secondary school (details supplied) in County Mayo is being denied school transport even though the bus servicing the school of their choice passes by their door; the reason these same children are being told by Bus Éireann to avail of a service to other schools even though there is no existing bus to service such a run; his views on whether this system is unfair and insensible; and if he will make a statement on the matter. [26772/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 126 and 127 together.

Changes to the Post Primary School Transport Scheme mean that from the 2012/13 school year, school transport eligibility for children will be determined by reference to the distance they reside from their nearest post-primary education centre having regard to ethos and language.

Existing eligible and catchment boundary children who are not attending their nearest post primary centre will retain their transport eligibility for the duration of their post primary education cycle provided there is no change to their current circumstances. Siblings of these children and other children who are not eligible for school transport, may apply for school transport on a concessionary basis only in accordance with the terms of the Post Primary School Transport Scheme.

The changes to the Post Primary School Transport Scheme will be applied equitably on a national basis.

While it is the prerogative of parents to send their children to the school of their choice, eligibility for school transport is to the nearest school, having regard for ethos and language.

### Pupil-Teacher Ratio

128. **Deputy Brendan Griffin** asked the Minister for Education and Skills the number of teaching posts lost and the amount of monetary savings to his Department that will arise in the 2012/2013 academic year as a result of changes to pupil requirement thresholds in small schools; and if he will make a statement on the matter. [26130/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** 73 small primary schools were originally due to lose a classroom teacher in September 2012 as a result of the budget measure to increase the relevant pupil thresholds. The Staffing Appeals Board considered appeals from any of the 73 schools that could show that their projected enrolments for September 2012 were sufficient to allow them retain their classroom teacher over the longer term.

35 small schools had their appeals provisionally upheld by the Appeals Board subject to confirmation that their actual enrolments in September 2012 reach the required level.

In these extremely challenging times, all public servants are being asked to deliver our public services on a reduced level of resources and teachers in small schools cannot be immune from this requirement. The final staffing position for all schools will ultimately not be known until

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the Autumn. At that stage the allocation process will be fully completed and all appeals to the Staffing Appeals Board will have been considered.

### **School Transport**

129. **Deputy Brendan Griffin** asked the Minister for Education and Skills if he will introduce flexibility to students who are not automatically entitled to a bus to their secondary school, which is not their nearest school by allowing supplementary payment options; and if he will make a statement on the matter. [26134/12]

130. **Deputy Brendan Griffin** asked the Minister for Education and Skills the way students who are not automatically entitled to a bus to their secondary school, which is not their nearest school, can be guaranteed access to the most suitable school for their needs and ability; and if he will make a statement on the matter. [26135/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 129 and 130 together.

Changes to the Post Primary School Transport Scheme mean that from the 2012/13 school year, school transport eligibility for children will be determined by reference to the distance they reside from their nearest post-primary education centre having regard to ethos and language.

Existing eligible and catchment boundary children who are not attending their nearest post primary centre will retain their transport eligibility for the duration of their post primary education cycle provided there is no change to their current circumstances.

Siblings of these children and other children who are not eligible for school transport may apply for school transport on a concessionary basis only in accordance with the terms of the Post Primary School Transport Scheme.

The current school transport charge for eligible and concessionary post primary children is €350 per annum subject to a family maximum of €650. This charge can be paid in two instalments in July and December. Eligible children who hold valid medical cards (GM Scheme) are exempt from these charges.

The changes to the Post Primary School Transport Scheme will be applied equitably on a national basis.

While it is the prerogative of parents to send their children to the school of their choice, eligibility for school transport is to the nearest school, having regard for ethos and language.

### **Schools Building Projects**

131. **Deputy Brian Walsh** asked the Minister for Education and Skills the position regarding a proposed building project in respect of a school (details supplied) in County Galway; the steps required before the project may proceed to the next stage; and if he will make a statement on the matter. [26141/12]

150. **Deputy Derek Nolan** asked the Minister for Education and Skills the stage of the proposed development of a new building for schools (details supplied) in County Galway; and if he will make a statement on the matter. [26414/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 131 and 150 together.

The schools referred to by the Deputies have an application with my Department for capital funding for a major school project.

In view of the need to ensure that every child has access to a school place, the delivery of major school projects required to meet demographic demand will be the main focus for capital investment in the coming years. In the context of the need to prioritise available funding for the provision of additional school accommodation, it is not possible therefore to give an indicative timeframe for the progression of this school project at this time.

132. **Deputy Brian Walsh** asked the Minister for Education and Skills the position regarding a proposed building project in respect of a school (details supplied) in County Galway; the steps required before the project may proceed to the next stage; and if he will make a statement on the matter. [26142/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A building project for the school referred to by the Deputy is awaiting appointment of a design team and the commencement of architectural planning. The next step required will be a tender competition for appointment of the design team.

To ensure that every child has access to a school place, the delivery of projects to meet the increasing demographic demands will be the main focus for capital investment over the next 5 years, particularly in those areas where it has been identified that most future demographic growth will be concentrated.

School building projects currently in architectural planning, including the project referred to by the Deputy, will continue to be advanced incrementally over time within the context of the funding available.

### Departmental Bodies

133. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide an update on the transfer of FÁS staff to SOLAS; the timescale in which this transitional period will be completed. [26144/12]

200. **Deputy Willie O'Dea** asked the Minister for Education and Skills the position regarding Solus; and if he will make a statement on the matter. [27032/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 133 and 200 together.

Following the Government Decision to create SOLAS, an Implementation Group was set up to establish SOLAS. I am chairing this Group and its membership includes representatives from the Department of Education and Skills, FÁS, the Irish Vocational Education Association, the Department of Social Protection, the Department of the Taoiseach, and a representative from the private training sector.

The Heads of a Bill for the establishment of SOLAS have been approved by Government and have recently been referred to the Office of the Attorney General for drafting purposes. The Bill will, inter alia, provide for the establishment of SOLAS, for the dissolution of FÁS and for the transfer of FÁS staff to SOLAS. I expect to publish this legislation in the Autumn session.

### Bullying in Schools

134. **Deputy Seán Crowe** asked the Minister for Education and Skills his plans for imple-

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menting some of the measures discussed recently at the inaugural meeting of the anti-bullying forum. [26145/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware, the Anti-Bullying Forum, which was held on Thursday 17th May, brought together a range of experts, support groups and representatives of the schools sector including parents and students.

I was very pleased to open this important Forum and to provide an opportunity to explore with all the relevant stakeholders how best to tackle bullying in schools and to consider what changes or updating of existing practices and procedures are required to achieve this having regard to what is feasible to implement in the current financial climate.

The range of speakers on the day of the Forum included contributions from my Department, Professor Mona O'Moore of the Anti-Bullying Centre, Trinity College, representatives of the National Anti-Bullying Coalition (NABC), and contributors from the school sector from the various perspectives of school principal, parent and pupil. The Forum also gave other stakeholders an opportunity to give their views.

The proceedings of the Forum were broadcast live over the internet and recordings of the day's events can be now viewed by accessing the Anti-Bullying Forum webpage of my Department's website [www.education.ie](http://www.education.ie). The presentations of the various speakers can also be viewed and downloaded from this page.

In addition to holding the Forum itself, I have invited the stakeholders and any other interested parties to submit their views on this important topic to my Department by 29th June 2012. Full details of how this can be done are available on the Anti-Bullying Forum webpage on my Department's website [www.education.ie](http://www.education.ie).

I have also established a working group on tackling bullying in schools, including homophobic bullying, cyber bullying and racist bullying. The outcomes and recommendations from the Forum together with the submissions from the stakeholders and other interested parties will assist the working group in its deliberations. This working group includes representatives of the Department of Education and Skills and the Department of Children and Youth Affairs, and will draw upon the expertise of a range of organisations throughout their work.

### School Accommodation

135. **Deputy Seán Crowe** asked the Minister for Education and Skills his views that his Department's GPS system which tracks PPS numbers does not work for Gaelscoileanna and will he agree to look at anomalies and difficulties that parents are experiencing when trying to get children into a Gaelscoil in which there are not enough spaces to meet demand. [26146/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the deputy is aware, the Forward Planning Section of my Department utilises a Geographical Information System (GIS) to analyse demographic data in order to determine the areas where additional school accommodation may be required. A variety of sources are used in this analysis, including census data, school enrolment data, and child benefit data obtained from the Department of Social Protection.

It is anticipated that enrolment in primary and post-primary schools will grow by around 70,000 pupils between now and 2018 — by over 45,000 at primary level and 25,000 at post primary. It is expected that enrolments will continue to rise at post-primary level to the year 2024 at least.



In June 2011, I announced that 20 new primary and 20 new post-primary schools are to be established up to 2017 across a number of locations. I also announced new arrangements for the recognition and determination of patronage of these new primary and post-primary schools. The new arrangements published by my Department provide a balanced approach to allow applications to be made by prospective patrons for the establishment of schools. The criteria used in deciding patronage of the new schools place a particular emphasis on parental demand for plurality and diversity of patronage, which also includes preference for all-Irish school provision.

### **Disadvantaged Status**

136. **Deputy Eric Byrne** asked the Minister for Education and Skills the funding streams available to DEIS band 1 and 2 schools for ICT initiatives; if any discretionary funds are available for these initiatives; and if he will make a statement on the matter. [26169/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under my Department's most recent ICT Infrastructure Grant Scheme, all DEIS schools received an additional block grant of €850 on top of the standard grant allocations for primary and post primary schools. This Scheme (which was non-discretionary) was fully allocated between November 2009 and December 2010.

It is not currently possible, in our challenging fiscal context, to provide for a new round of ICT Infrastructure Grants for schools.

Additional financial supports are allocated under DEIS and issued to all participating schools. These resources are provided on the basis of the school size and the school's level of disadvantage. The purpose of these additional resources is to facilitate schools to support the pupils who are most at risk of educational disadvantage. These resources should be focused on the provision of in-school and out-of-school supports for the specific pupils whose enrolment qualified the school for the additional supports.

It is a matter for an individual school to decide how best to apply the funding, to suit a school's particular needs, in accordance with guidelines on the appropriate use of DEIS funding that have issued to all primary and post-primary DEIS schools.

### **Schools Building Projects**

137. **Deputy Terence Flanagan** asked the Minister for Education and Skills when funding will be provided for a new permanent school (details supplied) in Dublin 13; and if he will make a statement on the matter. [26194/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The major building project referred to by the Deputy is currently at an early stage of architectural planning.

To ensure that every child has access to a school place, the delivery of projects to meet the increasing demographic demands will be the main focus for capital investment over the next 5 years, particularly in those areas where it has been identified that most future demographic growth will be concentrated.

The project referred to will continue to progress through the design stages of architectural planning within the context of available funding. However, due to competing demands on my Departments capital budget, it is not possible at this time to progress the project to tender and construction stage.

### Departmental Funding

138. **Deputy Dan Neville** asked the Minister for Education and Skills the position regarding an application for an increase in the school's allocation of €200,000 for works in a school (details supplied) in County Limerick; and if he will make a statement on the matter. [26205/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that my Department has received correspondence from the school, referred to by the Deputy, in relation to the matter to which the Deputy refers. The matter can be considered further on receipt of the additional information requested by my Department from the school authority concerned.

### Redundancy Payments

139. **Deputy Áine Collins** asked the Minister for Education and Skills when partial redundancy will be paid in respect of a person (details supplied) in County Cork. [26216/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The partial redundancy in respect of the person referred to by the Deputy will be paid on 7th June 2012.

### Higher Education Grants

140. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if he has set the income threshold that will apply for eligibility for post graduate contribution of €2,000 towards fees, in view of the fact that thousands of students are in the process of making important decisions on their future; and if he will make a statement on the matter. [26223/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There will be a new income threshold for the payment referred to by the Deputy, which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the Student Grant Scheme for the 2012/13 academic year which I expect to be in a position to publish shortly.

### School Staffing

141. **Deputy Stephen S. Donnelly** asked the Minister for Education and Skills following the recent publication of the My World Survey on youth mental health by the organisation Headstrong and the UCD School of Psychology, if he accepts the survey's finding that the presence of one good adult is central to the mental health of young people, and that the absence of such a person for a young person to confide in is linked to an increased likelihood of self-harm and suicide and higher levels of depression; if he accepts the survey's finding that 25% of adolescents would be likely to go to a guidance counsellor for mental health support; if these findings give him cause to rethink his cuts to support for guidance counselling in schools; and if not, if he will explain the reason. [26252/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** This Government has protected education as much as it can. Far greater reductions in expenditure and in the number of public servants are being made in other sectors relative to those in schools. But there are limits to the level of expenditure on education and the number of teaching posts we can afford. The Budget 2012 measures in relation to the post-primary sector are set out in the documentation that was published by my Department last December. This envisages a net overall reduction of about 450 posts at post-primary level between the current school year and the 2012/13 school year. This net reduction in posts takes account of the impact of the budget measures, demographics and the budget decision to shelter all the DEIS post-primary schools through a reduced staffing schedule of 18.25:1.

My Department has published Circular 0009/2012 to inform all post primary school management and staff of the staffing arrangements for post-primary schools for the 2012/13 school year, including in particular, the requirements to manage guidance from within the standard allocation. The circular is available on the Department website.

I want to re-assure the Deputy that all schools must continue to provide guidance to their pupils. However, from September 2012 guidance provision must be managed by schools from within their standard staffing allocation. Schools will have autonomy on how best to prioritise its available resources to meet its requirements in relation to guidance and the provision of an appropriate range of subjects to its students. Decisions on how this is done will be taken at school level and I am confident that schools will act in the best interest of students when determining precisely how to use the teaching resources available to them.

### **Student Residential Accommodation**

142. **Deputy Michelle Mulherin** asked the Minister for Education and Skills the person who is the owner of the student residential accommodation on the campus of a school (details supplied) in County Sligo; if all accommodation will be available to students in the academic year commencing in September 2012; if students currently residing in the campus accommodation and wishing to return in September 2012 will be able to do so; and will all deposits paid by students be refunded in accordance with their tenancy agreements. [26264/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Department of Education and Skills has no involvement in the matters referred to by the Deputy. The Deputy may wish to consult the College Authorities directly.

### **School Curriculum**

143. **Deputy Kieran O'Donnell** asked the Minister for Education and Skills the reason ICT is not an examination subject for the Junior and Leaving Certificates in view of the growth of the ICT industry and the necessity of being ICT literate in today's work environment; his views on the fact that ICT forms part of the school examination curriculum in other countries; the plans he has to address this issue; and if he will make a statement on the matter. [26286/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The focus in schools is on using ICT (a) as a tool in learning and (b) to improve the quality of teaching and learning across the curriculum, guided by the ICT curriculum framework developed by the NCCA. This framework is supported by extensive digital resources on the Scoilnet website, by professional development programmes for teachers and by investment in ICT infrastructure. All post primary schools will be connected to a 100Mbps broadband service by the end of 2014, providing for improved integration of ICT in learning.

One of the Statements of Learning in the Junior Cycle reform is to ensure that all students "Use ICT effectively and ethically in learning and in life". The forthcoming Junior Cycle reform will allow for the introduction of optional school developed short courses of 100 hours duration. This will provide opportunities for schools to progress the provision of courses to enhance students' ICT skills which will be embedded in all their learning.

There is also a Transition Year option in relation to "Having Fun with Computer Programming and Games" and, under the ICT Action Plan which I launched earlier this year, this is being expanded nationally.

Computer Aided Design (CAD) and Computer Aided Manufacturing (CAM) are also significant components in the syllabuses of Technology and Design and Communication Graphics.

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Some work experiences are being provided for students in our post-primary schools through the provision of places in ICT companies in Ireland so as to promote the ICT sector as a career choice.

Business and IT interests place a greater emphasis on improved uptake and performance in mathematics and the sciences in general at the post-primary level than on provision of a specialist courses in computer science.

In an extract from the Report “Key Data on Learning and Innovation through ICT at School in Europe 2011” by Eurydice (European Commission). It notes that, on page 40: “The ‘Handbook on Digital Strategies for Educational Transformation’ recommends embedding the use of ICT and digital media across the whole curriculum through specific tasks in all subjects in order to develop digital fluency (European Commission/ICT Cluster 2010, p.29). Empirical research has highlighted that there is indeed a shift from teaching ICT skills in isolation towards more horizontal approaches, ‘crossing the traditional boundaries of academic subjects’ and forming part of other complex skills such as collaboration and communication. (Voogt and Pelgrum 2005, p. 172)

Eurydice information on curricula and steering documents show that education policy reflects these findings. ICT is used as a general tool and/or for specific tasks across the different subjects of the curriculum in the large majority of countries.”

It is this approach that is being adopted here in Ireland.

### Telecommunications Services

144. **Deputy Ciarán Lynch** asked the Minister for Education and Skills when he will approve the procurement of a broadband router for a school (details supplied) in County Cork; and if he will make a statement on the matter. [26288/12]

153. **Deputy Michael McGrath** asked the Minister for Education and Skills if he will arrange for a school (details supplied) in County Cork to be provided with an internet router as soon as possible; and if he will make a statement on the matter. [26523/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 144 and 153 together.

My Department has recently entered into a framework agreement with 15 internet service providers as part of the Schools Broadband Access Programme. Under the framework agreement all previous school connections were put out to tender and contracts are due to be signed shortly.

The request for a second connection at Carrigaline Educate Together National School will be included in a mini competition under the new framework agreement. On this basis a second connection for Carrigaline Educate Together National School will be awarded later in the year.

### State Examinations

145. **Deputy David Stanton** asked the Minister for Education and Skills with reference to reasonable accommodation for students sitting State examinations, if the criteria for eligibility are the same for Junior and Leaving Certificate Examinations; the reasons some students who have successfully secured reasonable accommodation in the Junior certificate might be unsuccessful in securing similar accommodation for the Leaving Certificate; and if he will make a statement on the matter. [26299/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations.

The State Examinations Commission operates a scheme of Reasonable Accommodations in the Certificate examinations. Applications for such accommodations are submitted by schools on behalf of their students. Full details of the scheme is available for downloading from their website: [www.examinations.ie/candidates/reasonableaccommodations](http://www.examinations.ie/candidates/reasonableaccommodations).

In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

I wish to inform the Deputy that in all cases where a school/parent or student is dissatisfied with any aspect of the SEC's decision in relation to an application for reasonable accommodations, they have access to an Independent Appeals Committee. All members of the Appeals Committee are drawn from outside the SEC. The remit of the Appeals Committee covers appeals against all elements of a decision taken by the SEC. All appeals are considered in light of the published principles.

### Higher Education Grants

146. **Deputy John Lyons** asked the Minister for Education and Skills his views on the financial supports and grant assistance available to post graduate students commencing courses in May 2012 in view of the fact students must wait until the grant application system goes live in the next number of weeks, the supports available to those who require funding in the intervening period. [26312/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A postgraduate student entering a course for the first time in May 2012 should have made application to the appropriate awarding authority under the Student Grant Scheme 2011 and should have received a decision at this point.

The Deputy will be aware that, in the context of the necessary but difficult expenditure reduction measures announced in Budget 2012, new students entering postgraduate courses, from the 2012/13 academic year onwards will not be entitled to maintenance payments under the Student Grant Scheme. Postgraduate students continuing on their existing courses will not be affected.

New students entering postgraduate courses from September 2012 onwards will make their applications for grants to Student Universal Support Ireland (SUSI — a division of the City of Dublin VEC) which will administer the Student Grant Scheme on behalf of my Department. The online application facility will be available shortly.

New postgraduate students who meet the qualifying conditions for the special rate of grant will be eligible to have their post-graduate tuition fees paid up to the maximum fee limit under the Student Grant Scheme.

In addition, a further limited number of students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees. There will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the student grant scheme for the 2012/13 academic year.

Tax relief is also available on postgraduate tuition fees. Details in relation to this relief are available from the Revenue Commissioners.



### School Staffing

147. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if a decision has been made in relation to the staffing numbers at a school (details supplied) in County Limerick; and if he will make a statement on the matter. [26342/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The criteria used for the allocation of teachers to schools is published annually on my Department's website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedule for the 2012-2013 school year is available on my Department's website. While mainstream staffing for any school year is based on the previous September's enrolment, there is a provision whereby schools experiencing rapid increases in enrolment can apply for additional mainstream posts on developing grounds, using projected enrolment. The retention of such posts in the current school year is subject to schools' having achieved their projected enrolment on 30 September. If the enrolment is not achieved the post allocated on developing grounds is suppressed.

I understand that the school referred to by the Deputy has made an application for a mainstream classroom post on developing school criteria for the 2012/13 school year. My Department has notified the Board of Management of provisional approval for this post subject to achieving their projected enrolment on 30 September 2012.

### Schools Recognition

148. **Deputy Regina Doherty** asked the Minister for Education and Skills when a college (details supplied) will be allocated a Roll Number and a dedicated premises; and if he will make a statement on the matter. [26347/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The college referred to by the Deputy delivers Post Leaving Certificate (PLC) courses and is part of a second level school which is managed by County Meath Vocational Education Committee (VEC). I have no plans at this time to provide stand-alone status to this or any other PLC centre.

By way of background, generally PLC centres must have an approved allocation of at least 500 PLC places in order to be considered for stand-alone status. County Meath VEC's total allocation for the 2011/2012 academic year was 366 PLC places for their 3 PLC centres.

In addition, given the current budgetary constraints, the moratorium on public service appointments and the Employment Control Framework, it is not possible to provide the additional staffing (Principal, Deputy Principal, etc.) that stand-alone status would entail.

### School Staffing

149. **Deputy Robert Troy** asked the Minister for Education and Skills if he will consult with the appeals office with regards to expediting the appeal that was made by a school (details supplied) to protect its staffing allocations for the coming year. [26379/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The appeals process at post primary level is now complete and the Chief Executive Officer of Westmeath Vocational Educational Committee has been notified of the outcome of their appeal. The Appeals Board operates independently of the Department and its decision is final.

*Question No. 150 answered with Question No. 131.*

### Higher Education Grants

151. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will ensure that the productive assets of farm families and other self employed families are not factored into the assessment of income for the purpose of third level maintenance grants; and if he will make a statement on the matter. [26428/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, I announced last December that the means test for student grants will be amended to take account of the value of certain capital assets as well as income for the 2013/14 academic year.

A dedicated Capital Asset Test implementation group has been established. The group has been charged with bringing forward detailed implementation proposals on new means testing arrangements for student grants, to include the value of assets, for new applicants from the 2013/14 academic year.

No decision has been taken on the treatment of farm or other business assets including productive assets. In the circumstances, I am not in a position to say at this time what assets may be included.

However, any proposals in this regard will require further Government agreement and necessitate legislative amendment.

### Schools Building Projects

152. **Deputy Michael McGrath** asked the Minister for Education and Skills if his attention has been drawn to a primary school (details supplied) in County Cork which is on the school building programme for a new school building and has been designated to move to construction stage in 2014/15, and has an autism spectrum disorders unit in its current temporary premises; and if he will confirm whether the plans which have been approved by the local authority for the new school building provide for an ASD unit. [26522/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware, my Department is actively engaged in the process of acquiring a site for the proposed new school, referred to by the Deputy, and have reached agreement, in principal, subject to contract with Cork County Council, in relation to the proposed purchase of the site concerned. In this regard, the issue of the “decision to grant planning permission” by the Local Authority is awaited.

I wish to confirm for the Deputy that it is my Department’s intention to make provision for pupils with an autism spectrum disorder within the proposed new school. My Department will be in direct contact with the school authorities concerned to progress this project.

*Question No. 153 answered with Question No. 144.*

### Site Acquisitions

154. **Deputy Michael McGrath** asked the Minister for Education and Skills if he intends to purchase or lease the intended site for a new school building in respect of a school (details supplied) in County Cork; and if he will make a statement on the matter. [26524/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm to the Deputy that my Department has reached agreement, in principle, subject to contract with Cork County Council, in relation to the proposed acquisition of a site for the school to which he refers. With regards to planning permission, a “Notification of Decision to Grant Permission” has been issued by the Local Authority and the “Decision to Grant Permission” is awaited. Once this

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acquisition is concluded, the proposed building project will be considered in the context of the capital budget available to my Department for school buildings generally.

### School Staffing

155. **Deputy Mattie McGrath** asked the Minister for Education and Skills the total number of serving primary and second level teachers currently on his Department's payroll and being paid by payable order; the number of these that have been awarded the salary increase of 2.5% payable from 1 September 2008; and if he will make a statement on the matter. [26544/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are eight teachers serving in primary, secondary and community/comprehensive schools currently being paid by payable order.

The Deputy should note that there are fifty six thousand five hundred and forty four teachers paid on the serving payrolls.

None of the eight teachers currently being paid by payable order have received the salary increase of 2.5% from the 1st September, 2008.

156. **Deputy Mattie McGrath** asked the Minister for Education and Skills the number of serving primary and second level teachers currently on his Department's payroll who having transferred from payable order to electronic funds transfer since 1 February 2009 were given retrospection of the salary increase of 2.5%; and if he will make a statement on the matter. [26545/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are 6 teachers who opted to be paid by electronic funds transfer in the period February / March 2009 who were given retrospection of the salary increase of 2.5% to the 1st September 2008.

No retrospection was paid to teachers since that time. A Rights Commissioner decision in June 2009 indicated that retrospection should not be paid.

All new staff joining the Department's payrolls are paid by electronic fund transfer only.

157. **Deputy Mattie McGrath** asked the Minister for Education and Skills the total number of retired primary and second level teachers who had retired prior to 1 September 2008 and who are currently on his Department's payroll and being paid by payable order; the number of these that have that have been awarded the salary increase of 2.5% payable from 1 September 2008; and if he will make a statement on the matter. [26546/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are 572 retired primary, secondary and community/comprehensive school teachers paid by payable order from the retired teachers payroll operated by my Department who retired before 1st September 2008.

The increase of 2.5% payable from 1st September 2008 was awarded to all these retired teachers.

158. **Deputy Mattie McGrath** asked the Minister for Education and Skills the total number of retired primary and second level teachers who retired between 1 September 2008 and 31 January 2009 and are currently on his Department's payroll and being paid by payable order; the number of these that have been awarded the salary increase of 2.5% payable from 1 September 2008; and if he will make a statement on the matter. [26547/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are no retired primary, secondary and community/comprehensive school teachers paid by payable order from the payroll operated by my Department who retired between 01st September 2008 and 31st January 2009. Their pension is paid electronically into an account.

### **Teachers' Remuneration**

159. **Deputy Brendan Griffin** asked the Minister for Education and Skills if teachers who had initiated additional qualification courses on or before 5 December 2011, would be recognised for additional allowances; and if he will make a statement on the matter. [26557/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As a result of Budget 2012, Circular 70/2011 provides that teachers who had been engaged in a public sector teaching post on or before 4 December 2011 are eligible to retain the qualification allowances they were entitled to be in receipt of on that date. Such teachers will not be paid any additional allowance where they acquire any further qualification on or after 5 December 2011. The position of teachers who, on 5 December 2011, were undertaking courses will be considered in the context of the public service-wide review of allowances being led by the Department of Public Expenditure and Reform.

Teachers who were appointed to teaching for the first time on or after 5 December 2011 but before 1 February 2012 are eligible for allowances on the basis of their qualifications at entry to the profession up to a maximum of the allowance which had been applicable to an honours primary degree.

Pending the outcome of the review of allowances, they are not payable to new beneficiaries from 1 February 2012. The only exceptions to this prohibition are principal and deputy principal allowances and, for a limited period of time, the assistant principal allowance. These decisions were taken due to the upward pressure on the cost of teacher allowances. These provisions are outlined in Circular 70/2011 and Circular 3/2012.

These measures are concerned with the sustainability of the public service pay bill and in particular the need to find payroll savings in the education vote. Without immediate action, this upward pressure would have cancelled out the savings made elsewhere in the education system and would bring about even harsher adjustments to schools and services. I am not in a position to comment further until the outcome of the review is known.

### **School Discipline**

160. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills if he will explain the way it costs almost €1 million to hear the appeals from approximately 390 school pupils who were either expelled or suspended over the three year period 2009, 2010 and 2011; and if he will make a statement on the matter. [26572/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Section 29 of the Education Act, 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Education Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school, expels a student or suspends a student for 20 or more days in any school year.

A section 29 appeals committee is established for the purposes of hearing and determining an appeal. A committee consists of three persons; an Inspector and two other persons who have the requisite expertise, experience and independence to serve on these committees.

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In the three year period referred to by the Deputy, there were 1,126 section 29 appeals admitted by my Department, these included appeals made in respect of permanent exclusions, suspensions and also refusals to enrol. The main costs involved in the section 29 process relate to payments to appeals committee members, including travel and subsistence. The cumulative cost for the three year period in question was €974,000. This amount excludes payments to Inspectors.

Last year, I launched a discussion paper on school enrolment. The document, “Discussion Paper on a Regulatory Framework for School Enrolment” contains suggestions on how to make the process of enrolling in schools more open, equitable and consistent.

I invited education partners and interested parties to submit their views to my Department by the 28th of October last and my officials are now co-ordinating the submissions received.

The feedback from this consultation will help inform the nature and scope of a new regulatory framework for school enrolment. The new legislation will remove appeals against refusals to enrol from the Section 29 apparatus.

### **School Enrolments**

161. **Deputy Dominic Hannigan** asked the Minister for Education and Skills when he expects to have pre-enrolment numbers for the junior infants class 2012/2013 for a town (details supplied) in County Meath; and if he will make a statement on the matter. [26603/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Pre-enrolment data by standard or individual school is not available.

### **Adult Education**

162. **Deputy Paul J. Connaughton** asked the Minister for Education and Skills the assistance that is available for low income families, when both partners are working, to avail of short courses such as train the trainer or caring for the elderly FETAC courses, which would help improve their chances of employment in view of the fact that currently such courses appear to be available free or at reduced rates to those wholly dependant on social welfare; and if he will make a statement on the matter. [26620/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** My Department provides funds to Vocational Education Committees (VECs) and FÁS to provide a range of full-time and part-time further education and training courses to help people improve their skills and to meet the changing needs of the labour market.

Part-time VEC further education courses are generally free to all adults with less than upper second level education while FÁS training courses are generally free for adults who are in receipt of a welfare payment.

People who wish to find out more about these courses should contact their local VEC or FÁS office.

### **Departmental Funding**

163. **Deputy Niall Collins** asked the Minister for Education and Skills the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26629/12]



**Minister for Education and Skills (Deputy Ruairí Quinn):** The Infrastructure and Capital Investment 2012-16: Medium Term Exchequer Framework published last November provides for an investment of €2.2 billion in the Education Sector over the five year period to 2016. On 12 March this year, I provided details in the 5 year plan of 275 major school building projects that will proceed to construction over the duration of the plan (details of the projects available on my Department's website).

The investment for the Higher Education sector over the five year period amounts to €125m and this allows projects with existing contractual commitments to be completed. These projects include the UCD Science Centre, the University of Limerick Medical School, NUI Maynooth's library project and the new campus development at St. Patrick's College, Drumcondra.

My Department has a capital allocation of €430m this year of which €144m was expended by the end of May.

### Special Educational Needs

164. **Deputy Michael McGrath** asked the Minister for Education and Skills if any decision has been made regarding the appeal against the proposed withdrawal of special needs assessment posts from a special needs school (details supplied) in County Cork; and if he will make a statement on the matter. [26645/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National Council for Special Education is responsible for allocating Special Needs Assistants to schools to support children with special educational needs. The NCSE operates within my Department's established criteria for the allocation of such supports and the staffing resources available to my Department.

In considering the level of SNA support required by a school the NCSE takes into account the individual care needs of all qualifying children, supports freed up due to any school leavers, and the identified care needs of newly enrolled children with special educational needs.

A review of the level of SNA support in the special school referred to by the Deputy took place in January of this year. Based on the number of school enrolments and the individual care needs of the children concerned the NCSE indicated to the school that there was a surplus of SNA posts in the school.

I understand that an appeal has been made to the NCSE in relation to this decision and that this is currently being considered by the NCSE. The NCSE will advise the school in relation to this matter as soon as possible and will advise the school of its SNA allocation for the coming school year.

### Schools Building Projects

165. **Deputy Michael McGrath** asked the Minister for Education and Skills the position regarding the award of the contract for the construction of an extension to a school (details supplied) in County Cork; when construction work is expected to commence; and if he will make a statement on the matter. [26646/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware from my previous response to him in December 2011 that this project was at an advanced stage of the tender process but progress had been delayed due to a number of technical issues relating to site access. These issues have now been resolved. However following the withdrawal of both the preferred bidder and the second lowest tenderer, my Department in consultation with the Design Team and school authorities, agreed to re-tender the project.

[Deputy Ruairí Quinn.]

Subject to no further issues arising, it is envisaged that the project will be re-tendered shortly and will then progress to construction in late 2012 or early 2013.

### Higher Education Grants

166. **Deputy Joanna Tuffy** asked the Minister for Education and Skills the entitlement to higher education grants, including postgraduate study, available to persons in receipt of the lone parents allowance; and if he will make a statement on the matter. [26655/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Financial assistance is available to students under the student grant scheme, which from the 2012/2013 academic year will be administered by Student Universal Support Ireland (SUSI — a division of the City of Dublin VEC) on behalf of my Department. SUSI will accept all new applications in its first year of operation. Renewal applications will continue to be dealt with by the existing 66 grant awarding authorities. Students who are entering approved courses for the first time are eligible for grants where they satisfy the relevant conditions as to nationality, residency, previous academic attainment and means.

A person in receipt of a social welfare payment as a lone parent may be entitled to a student maintenance grant provided they meet the terms and conditions of the student grant scheme. The means-tested one parent family payment is not included in calculating reckonable income where paid to the applicant. In addition, the one parent family payment is an eligible payment for the special rate of maintenance grant. The decision on eligibility for a student grant is a matter, in the first instance, for the assessing authority.

In the context of the necessary but difficult expenditure reduction measures announced in Budget 2012, new students entering postgraduate courses, from the 2012/13 academic year onwards will not be entitled to maintenance payments under the Student Grant Scheme. Existing postgraduate students will not be affected.

Those students who meet the qualifying conditions for the special rate of grant will be eligible to have their post-graduate tuition fees paid up to the maximum fee limit under the Student Grant Scheme. In addition, a further limited number of students who would previously have qualified under the standard grant thresholds will qualify to have a €2,000 contribution made towards the costs of their fees. There will be a new income threshold for this payment which will be lower than the standard grant threshold. The income threshold for this level of grant is currently being determined in the context of the formulation of the student grant scheme for the 2012/13 academic year.

Tax relief is also available on postgraduate tuition fees. Details in relation to this relief are available from the Revenue Commissioners.

### Proposed Legislation

167. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if he will clarify the conditions of staff who will transfer to the newly formed Qualifications and Quality Assurance Authority of Ireland, particularly non-remuneration-based conditions as outlined in Section 21, subsection 2 of the Bill; if he will clarify his comments at Second Stage debate (details supplied) that the apparent diminishment of staff conditions is not the Bill's intent and if these conditions will be the same as those outlined in the Qualification (Education and Training) Act 1999; and if he will make a statement on the matter. [26695/12]

213. **Deputy Anne Ferris** asked the Minister for Education and Skills if, in view of the Qualification and Quality Assurance Bill 2011, he will address concerns in relation to Section 21 (c) on work conditions; and if he will make a statement on the matter. [27251/12]

229. **Deputy Simon Harris** asked the Minister for Education and Skills if he will provide assurances to employees of the four bodies to be covered by the Qualifications and Quality Assurance (Education and Training) Bill 2011 that their current conditions of employment as outlined in section 52(8) of the Qualifications and Quality Assurances (Education and Employment) Act 1999 will not be detrimentally affected; and if he will make a statement on the matter. [27465/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 167, 213 and 229 together.

The Qualifications and Quality Assurance (Education and Training) Bill contains provisions to protect the existing remuneration and superannuation entitlements of staff transferring to the Qualifications and Quality Assurance Authority of Ireland. It is appropriate that the Oireachtas would protect remuneration and pension entitlements and these are covered in sections 21 and 22 of the Bill respectively.

In relation to any small variations in other terms, conditions and work practices that may exist between staff in the three organisations, it is not my intention to seek to undermine the working conditions of staff transferring to the new Authority.

However, in order for the new body to operate efficiently and effectively, it is important to achieve as much coherence as possible in working arrangements and terms and conditions. I believe that this can be achieved most effectively through management and staff associations working together, and within the framework of the Croke Park Agreement, to agree common approaches on any issues that arise.

The relevant provisions in the Bill mirror those in the Social Welfare and Pensions Act 2010 that covered the transfer of FÁS and HSE staff to the Department of Social Protection.

### **Schools Building Projects**

168. **Deputy Sean Fleming** asked the Minister for Education and Skills when construction will commence on a new school (details supplied) in County Laois; and if he will make a statement on the matter. [26702/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The project to which the Deputy refers is at an advanced stage of the tender process. Subject to no issues arising, it is envisaged that the project will progress to construction in the coming weeks.

### **Special Educational Needs**

169. **Deputy Mary Mitchell O'Connor** asked the Minister for Education and Skills the position regarding a disability access route to education programme in respect of a person (details supplied) in County Leitrim; and if he will make a statement on the matter. [26722/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Disability Access Route to Education (DARE) is a third-level admissions scheme for students with a disability. The scheme is operated by a number of higher education institutions and not by my Department. Admissions to the institutions are regulated by the institutions themselves.

The Deputy may wish to contact the Irish Universities Association in this instance.

170. **Deputy Dan Neville** asked the Minister for Education and Skills his plans to provide funding for another school (details supplied) in County Limerick for children with autistic spectrum disorder. [26751/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department has no record of having received an application from the school referred to by the Deputy for the additional accommodation in question.

It is open to the school authority to submit an application for this additional accommodation and the relevant application form can be downloaded from my Department's website *www.education.ie*.

### Higher Education Grants

171. **Deputy Brendan Griffin** asked the Minister for Education and Skills when the new on-line student grant scheme application system will be opened; and if he will make a statement on the matter. [26752/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A new online only grant applications system is being introduced for the academic year 2012/13. All new applications will be made online to a single awarding authority, Student Universal Support Ireland (SUSI — a division of the City of Dublin VEC) which will administer the Student Grant Scheme on behalf of my Department. The online facility will be available through the website *www.studentfinance.ie* and is expected to go live early next week on completion of the user acceptance testing phase.

Updates are available on the *studentfinance.ie* website on an ongoing basis.

### School Staffing

172. **Deputy Thomas Pringle** asked the Minister for Education and Skills if he will list in tabular form all national schools in County Donegal with four or less teachers and the roll number of each school. [26756/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested is provided by the National School Annual Census Returns and is contained in the table attached below:

Roll No.	School Name	Address	Total Enrolment 2010/2011	Walking Principal	Full Time Equivalent Teaching Teachers / Principals	Other full time teachers	Other part time teachers	FTE of part time	Total teachers
05164I	SCOIL NAOMH CHOLMCILLE	OILEAN THORAI, AN BHUN BHIG, CO DHUN NA NGALL	6	0	1	0	1	0.5	1.5
01733B	ARDARA MIXED N S	ARDARA, CO DONEGAL	16	0	2	0	0	0.0	2.0
07143K	MONREAGH N S	MONREAGH, CARRIGANS LIFFORD, CO. DONEGAL	24	0	2	0	0	0.0	2.0
07464H	BROWNEKNOWE N S	BROWNKNOWE, RAMELTON, CO DONEGAL	47	0	2	0	0	0.0	2.0
07626H	S N AN IORBALL RIABAIGH	BAILE UI GHORMAIN, LETHBHEARR, TIR CHONAILL	42	0	2	0	0	0.0	2.0
09009Q	ROCKFIELD N S	ROCKFIELD BALLYSHANNON, CO. DONEGAL	45	0	2	0	0	0.0	2.0
10062E	CREESLOUGH N S	CREESLOUGH, CO. DONEGAL	15	0	2	0	0	0.0	2.0
10595Q	KILBARRON N S	KILBARRON, BALLYSHANNON, CO. DONEGAL	19	0	2	0	0	0.0	2.0
13563S	S N CHILL COINNIGH	CILL CHOINNIGH, GLENTIES, CO. DONEGAL	23	0	2	0	0	0.0	2.0
13755E	GARTAN N S	GARTAN, LETTERKENNY, CO. DONEGAL	16	0	2	0	0	0.0	2.0
15170J	CASHEL SHANAGHAN N S	BALLYMALEEL P O, LETTERKENNY, CO. DONEGAL	46	0	2	0	0	0.0	2.0
15554E	GORTNACART N S	GORTNACART, ARDARA, CO. DONEGAL	37	0	2	0	0	0.0	2.0
16137Q	DRUMFAD N S	BALLYNASHANAGH P O, LETTERKENNY, CO. DONEGAL	24	0	2	0	0	0.0	2.0

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Written Answers



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Roll No.	School Name	Address	Total Enrolment 2010/2011	Walking Principal	Full Time Equivalent Teaching Teachers / Principals	Other full time teachers	Other part time teachers	FTE of part time	Total teachers
16142J	S N MIN NA MANRACH	AN CLOCHAN LIATH, LEITIR CEANAINN, CO DHUN NA NGALL	7	0	2	0	0	0.0	2.0
16242N	S N DUMHACH BEAG	DUMHACH BEAG, BAILE LAIR, CO DUN NA NGALL	14	0	2	0	0	0.0	2.0
16279N	SCOIL CHOLUIM	BALLYHEERIN, FANAD, LETTERKENNY, CO. DONEGAL	21	0	2	0	0	0.0	2.0
16384K	SN ARAINN MHOR II	ARAINN MHOR, CO DHUN NA NGALL	12	0	2	0	0	0.0	2.0
16611S	GLENTOGHER CON N S	CARNDONAGH, CO. DONEGAL	34	0	2	0	0	0.0	2.0
16664Q	BRUCKLESS N S	BRUCKLESS, CO. DONEGAL	24	0	2	0	0	0.0	2.0
16763S	S N GLASAIN	CRAOSLOCH, LEITIRCEANAINN, CO DHUN NA NGALL	35	0	2	0	0	0.0	2.0
16823K	MIN A GHABHANN N S	LETTERMACAWARD, DONEGAL	15	0	2	0	0	0.0	2.0
16837V	S N DUCHORAI DH	DUCHORAI DH, CO DHUN NA NGALL	23	0	2	0	0	0.0	2.0
16850N	ST GARVAN'S N.S.	DRUM HALLA, RATHMAOLAIN, LETTERKENNY	21	0	2	0	0	0.0	2.0
16854V	BUNCRANA N S	BUNCRANA, CO DONEGAL	34	0	2	0	0	0.0	2.0
16869L	S N AN BHREACAIGH	ARD A RATHA, CO DHUN NA NGALL	47	0	2	0	0	0.0	2.0
16903I	S N FOTHAR	PORT NA BLAITHCHE, LEITIR CEANAINN, CO DUN NA NGALL	44	0	2	0	0	0.0	2.0
17241Q	S N DOMHNACH MOR	CASTLEFIN, LIFFORD, CO. DONEGAL	41	0	2	0	0	0.0	2.0
17447N	S N CRANNAIGHE BUIDHE	CRANNOG BUI, ARDARA, CO. DONEGAL	25	0	2	0	0	0.0	2.0

Roll No.	School Name	Address	Total Enrolment 2010/2011	Walking Principal	Full Time Equivalent Teaching Teachers / Principals	Other full time teachers	Other part time teachers	FTE of part time	Total teachers
17469A	SCOIL CUILM CILLE	BALLINDRAIT, LIFFORD, CO. DONEGAL	21	0	2	0	0	0.0	2.0
17552K	SCOIL BHRIGHDE	PORTHALL, LIFFORD, CO. DONEGAL	30	0	2	0	0	0.0	2.0
17716O	ST RIAGHANS NS	DRIMNACROSH, KILRAINE P.O., CO. DONEGAL	40	0	2	0	0	0.0	2.0
17822N	SCOIL BHRIGHDE	MIN A CHLADHAIGH, GORT A CHOIRCE, CO DHUN NA NGALL	29	0	2	0	0	0.0	2.0
18058H	SCOIL NAOMH SEOSAMH	RATHDOMHNAILL, TREANTACH, CO DUN NA NGALL	36	0	2	0	0	0.0	2.0
18086M	DUNFANAGHY N S	DUNFANAGHY, CO DONEGAL	45	0	2	0	0	0.0	2.0
18295V	S N MIN AN AOIRE	AN CHARRAIG, CO DHUN NA NGALL	21	0	2	0	0	0.0	2.0
18319J	S N TRIANTA	TRIANTAGH, LETTERKENNY, CO. DONEGAL	20	0	2	0	0	0.0	2.0
18508M	NAOMH ADHAMHNAIN	LAGHEY PO, DONEGAL, CO DONEGAL	32	0	2	0	0	0.0	2.0
18700E	S N BAILE AN CAISLEAN	BAILE AN CHAISLEAIN, ST JOHNSTON LIFFORD, CO. DONEGAL	30	0	2	0	0	0.0	2.0
18874O	KILLYGORDAN N S	MAIN STREET, KILLYGORDON, LIFFORD	20	0	2	0	0	0.0	2.0
18939Q	S N DONAIGH	CARNDONAGH, CO DONEGAL	32	0	2	0	0	0.0	2.0
19089A	KILLAGHTEE N S	KILLAGHTEE, DUNKINEELY, CO. DONEGAL	45	0	2	0	0	0.0	2.0

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Written Answers

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Roll No.	School Name	Address	Total Enrolment 2010/2011	Walking Principal	Full Time Equivalent Teaching Teachers / Principals	Other full time teachers	Other part time teachers	FTE of part time	Total teachers
19235I	PORTLEAN N S	KILMACRENNAN, LETTERKENNY, CO. DONEGAL	42	0	2	0	0	0.0	2.0
09748I	GLENMAQUIN NO 2 N S	KNOCKBRACK, LETTERKENNY, CO. DONEGAL	19	0	2	0	1	0.5	2.5
14704P	MURROE NATIONAL SCHOOL	MURROE, DUNFANAHY, CO. DONEGAL	19	0	2	0	1	0.5	2.5
18703K	S N BAILE AN BHAILSIG	BAILE AN BHAILSIGH, WELCHTOWN, BALLYBOFEY	27	0	2	0	1	0.5	2.5
03294L	S N CAISEAL NA GCORR	GORT A CHOIRCE, LEITIR CEANAINN, CO DHUN NA NGALL	25	0	2	1	0	0.0	3.0
04809A	SCOIL AN AINGIL CHOIMHEADAI	AN CHEIDIDH, BURTONPORT, LEITIR CEANAINN	36	0	2	1	0	0.0	3.0
15532R	CROAGHROSS N S	PORTSALON, LETTERKENNY, CO. DONEGAL	33	0	2	1	0	0.0	3.0
15763N	MOVILLE N S	MOVILLE, CO. DONEGAL	34	0	2	1	0	0.0	3.0
15847T	S N LEITIR MHIC AN BHAIRD	LEITHBHEARR, CO DHUN NA NGALL	33	0	2	1	0	0.0	3.0
15955W	SN ARAINN MHOR I	ARAINN MOR, CO DHUN NA NGALL	47	0	3	0	0	0.0	3.0
16108J	SCOIL NAOMH TREASA C	TIERNASLIGO CLONMANY, LIFFORD, CO. DONEGAL	60	0	3	0	0	0.0	3.0
16357H	S N FHIONNTRA	FINTRA, KILLYBEGS, CO DONEGAL	66	0	3	0	0	0.0	3.0
16458N	INVER N S	INVER, CO DONEGAL	20	0	2	1	0	0.0	3.0
16471F	ST DAVADOGS N S	TAMNEY, LETTERKENNY, CO. DONEGAL	22	0	2	1	0	0.0	3.0

Roll No.	School Name	Address	Total Enrolment 2010/2011	Walking Principal	Full Time Equivalent Teaching Teachers / Principals	Other full time teachers	Other part time teachers	FTE of part time	Total teachers
16603T	S N AN CHILLIN	AN CILLIN, INVER, CO. DONEGAL	27	0	2	1	0	0.0	3.0
16836T	NAOMH BRIDHID	GLENMAKEE, CARNDONAGH, CO. DONEGAL	84	0	3	0	0	0.0	3.0
17040G	SN NAOMH SAMHTHANN	DRUMDOIT, CASTLEFIN, CO. DONEGAL	81	0	3	0	0	0.0	3.0
17122I	SN EADAN FHIONNFHAOICH	NA GLEANNTA, CO DHUN NA NGALL	23	0	2	1	0	0.0	3.0
17328F	SCOIL ROISIN	AN CLOCHAN LIATH, CO DHUN NA NGALL	65	0	3	0	0	0.0	3.0
17553M	S N TAODHBHOG	AN CLOCHAN, LEIFEARR, CO DHUN NA NGALL	62	0	3	0	0	0.0	3.0
17956L	SCOIL CHOLMCILLE NAOFA	BALLYLAST, CASTLEFIN, CO. DONEGAL	66	0	3	0	0	0.0	3.0
18250W	S N BAILE MOR	DUNFANAGHY PO, LETTERKENNY, CO. DONEGAL	21	0	2	1	0	0.0	3.0
18710H	SN NA CROISE NAOFA	DUNFANAGHY, CO DONEGAL	38	0	2	1	0	0.0	3.0
18731P	ROBERTSON N S	BALLYBOFEY P O, LIFFORD, CO DONEGAL	44	0	2	0	2	1.0	3.0
18844F	SCOIL MHUIRE	BELCRUIT, KINCASSLAGH, LETTERKENNY	47	0	3	0	0	0.0	3.0
19009W	CRAANFORD N S	CRAANFORD, CO. DONEGAL	35	0	2	1	0	0.0	3.0
20167B	GAELSCOIL EIRNE	FEARAINN AN BHAILE, BEAL ATHA SEANNAIGH, CO DHUN NA NGALL	71	0	3	0	0	0.0	3.0
14941G	RAY N S	RAY, MANORCUNNINGHAM, CO DONEGAL	61	0	3	0	1	0.5	3.5

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Roll No.	School Name	Address	Total Enrolment 2010/2011	Walking Principal	Full Time Equivalent Teaching Teachers / Principals	Other full time teachers	Other part time teachers	FTE of part time	Total teachers
01572D	S N NAOMH PADRAIG	DRUMFRIES P O, CLONMANY, CO. DONEGAL	52	0	3	1	0	0.0	4.0
05230S	COMHSCOIL CHONMHA S N	CONVOY, LIFFORD, CO. DONEGAL	74	0	3	1	0	0.0	4.0
13872I	ROBERTSON N S	BALLINTRA, CO DONEGAL	55	0	3	1	0	0.0	4.0
15770K	S N NAOMH NAILLE	NA CAOLOGA, INVER, CO DONEGAL	68	0	3	1	0	0.0	4.0
16995Q	S N NAOMH COLMCHILLE	DRUMOGHILL NS, MANORCUNNINGHAM, LETTERKENNY	68	0	3	1	0	0.0	4.0
17035N	S N MHIN TEINEADH DE	ARD A RATHA, CO DHUN NA NGALL	51	0	3	1	0	0.0	4.0
17130H	SCOIL NAOMH DUBHTHACH	MACHAIRE UI RABHARTAIGH, GORT A CHOIRCE, LEITIR CEANAINN	49	0	3	1	0	0.0	4.0
17729A	SCOIL NAOMH PROINNSEAS	MAGHERABEG, MANORCUNNINGHAM, LETTERKENNY	84	0	3	1	0	0.0	4.0
18007N	S N OLIBHEAR PLUINCEID	RANN NA FEIRSTE, ANAGAIRE, CO DHUN NA NGALL	74	0	3	1	0	0.0	4.0
18114O	S N NAOMH EIGHNEACH	DISEART EIGHNIGH, BUNCRANNACH, CO DUN NA NGALL	79	0	3	1	0	0.0	4.0
18120J	SCOIL MHUIRE	CAISEAL CEANNDROMA, CO DHUN NA NGALL	72	0	3	1	0	0.0	4.0
18131O	S N MUIRE GAN SMAL	ARD ARATHA, CO DUN NA NGALL	30	0	2	2	0	0.0	4.0
18251B	AYR HILL N S RAMELTON	RAMELTON, LETTERKENNY, CO. DONEGAL	50	0	3	1	0	0.0	4.0



Roll No.	School Name	Address	Total Enrolment 2010/2011	Walking Principal	Full Time Equivalent Teaching Teachers / Principals	Other full time teachers	Other part time teachers	FTE of part time	Total teachers
18446Q	SCOIL NAOMH MHUIRE	CEANN MHALANNA, BALLYGORMAN LIFFORD, CO. DONEGAL	72	0	3	1	0	0.0	4.0
20144M	GAELSCOIL CHOIS FEABHAILL	GAA, BUN AN PHOBAIL, CO DHUN NA NGALL	90	0	4	0	0	0.0	4.0

### Higher Education Grants

173. **Deputy Brendan Griffin** asked the Minister for Education and Skills if procedures are in place to deal with the large volume of applications for the new student grant scheme in view of the experiences of other centralised applications departments. [26764/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Several administrative improvements have been introduced to the student grant schemes in recent years to speed up processing. These include the introduction of a single unified grant scheme in 2011 to make it easier to apply for a grant.

As the Deputy will be aware, from the 2012/13 year onwards, grants will be centrally administered by a single grant awarding authority, Student Universal Support Ireland (SUSI — a division of the City of Dublin VEC), which will administer the Student Grant Scheme on behalf of my Department. A new online-only grant applications system is being introduced for the academic year 2012/13.

The student grant scheme for the 2012/13 academic year will be published on *www.studentfinance.ie* in the coming weeks and students are urged to apply as early as possible for a grant. They don't have to wait for a CAO offer. Applicants should make sure that their online application forms are properly completed and that they subsequently submit the correct supporting documentation. Late applications and incorrectly completed applications contribute significantly to delays in getting decisions.

My Department will also continue to work with the CAO, the Institute of Guidance Counsellors and USI to make sure that students apply early for grants.

In addition, the following steps have been taken to ensure that the system runs smoothly in its first year of operation:

1. SUSI will only accept new applications in its first year of operation. Renewal applications will continue to be dealt with by the existing 66 grant awarding authorities.
2. The online applications system is currently undergoing rigorous stress testing to ensure that the application process will run smoothly.

The combination of improvements introduced and control measures in place for the 2012/13 academic year should eliminate much of the delays which some students have experienced in recent years and provide sufficient capacity to handle the large volume of applications.

### School Staffing

174. **Deputy Ciarán Lynch** asked the Minister for Education and Skills when a decision will issue regarding an appeal for a concessionary post in respect of a school (details supplied); and if he will make a statement on the matter. [26777/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The next meeting of the Primary Staffing Appeals Board takes place on Thursday, 14 June and the Boards of Management of the applicant schools, including the school referred to by the Deputy will be notified as soon as possible of the outcome of their appeal. The Appeal Board operates independently of the Department and its decision is final.

175. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the number of teachers assigned to teach applied maths in second level schools; the number of those that have a qualification in maths; and if he will make a statement on the matter. [26786/12]

176. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the number of teachers assigned to teach chemistry in second level schools; the number of those that have a qualification in chemistry; and if he will make a statement on the matter. [26787/12]

177. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the number of teachers assigned to teach physics in second level schools; the number of those that have a qualification in physics; and if he will make a statement on the matter. [26788/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 175 to 177, inclusive, together.

Teacher allocations to second level schools are approved by my Department in accordance with established rules and procedures. In accordance, each school management authority is required to organise its subject options within the limit of its approved teacher allocation. The deployment of teaching staff in the school, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the school management authorities.

In relation to the numbers of teachers registered on the basis of qualifications in applied mathematics, chemistry, physics and mathematics, I am advised by the Teaching Council that the current numbers (rounded) are as follows:

Applied Maths — 260;

Maths — 4,100;

Chemistry — 1,900; and

Physics — 980.

### **Third Level Institutions**

178. **Deputy Brendan Smith** asked the Minister for Education and Skills when he expects to receive a report from the Higher Education Authority on a proposal for funding the higher education sector; and if he will make a statement on the matter. [26792/12]

199. **Deputy Tom Fleming** asked the Minister for Education and Skills his plans to increase funding to third level institutions that are struggling to cope with increased numbers, are on a reduced budget and will have to face a 30% hike in student numbers in the coming years as per the Hunt Report; and if he will make a statement on the matter. [27001/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 178 and 199 together.

The reality of the economic situation and the public expenditure corrections which must be made in the coming years present challenges across all areas of public expenditure, including higher education. Moreover, the projected growth in demand for higher education over the next two decades creates further challenges for funding. Careful planning and consideration of available evidence will allow us to develop policy options so that the system can meet those challenges in the difficult years ahead.

At my request the Higher Education Authority (HEA) completed an initial study late last year on sustainability of the current funding system for higher education. The HEA report outlines the scale of recent reductions in funding and growth in student numbers, and provides some evidence on the possible impacts of this on quality of provision. However, the HEA has emphasised that the report is preliminary only and that substantial additional work now needs to be undertaken before comprehensive proposals as to how we can sustainably fund higher

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education into the future can be developed. The HEA is continuing its work in this area and further advice is expected later this year.

### Teaching Qualifications

179. **Deputy Brendan Smith** asked the Minister for Education and Skills the steps he is taking to address skills shortages in the area of languages; and if he will make a statement on the matter. [26793/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are a wide range of further and higher education courses available with a foreign language as either a core subject or in combination with a range of other disciplines. Information on all relevant courses is available on the Qualifax website *www.qualifax.ie*. There are also a range of foreign languages available on the curriculum in second level schools — French, German, Spanish, Italian, Russian, Japanese and Arabic. A Post Primary Languages Initiative has been in place since 2000 with the objective of diversifying language provision in schools, focusing particularly on Spanish, Italian, Japanese and Russian. Furthermore a Working Group has developed a draft languages policy for internal submission to the Department in advance of a wider consultation phase.

Almost 150 new part time higher education places on foreign language courses have been made available under Springboard 2012. Employer input and research by the Expert Group on Future Skills Needs informed the development and selection of these Springboard programmes.

### Accommodation for Children

180. **Deputy Michael McCarthy** asked the Minister for Education and Skills further to Parliamentary Question No. 253 of 22 May, 2012, his views on whether it is acceptable that his Department has no role in relation to the setting down of minimum standards for accommodation provided to children under the remote area boarding grant; if he will consider reviewing this matter in view of the concern of some parents regarding the lack of regulation in this area; if he will consider introducing standards in relation to the vetting and inspecting of such accommodation in the same manner that Irish Summer Colleges are subjected to examination; and if he will make a statement on the matter. [26798/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I reiterate that my Department has no role in relation to setting down minimum standards for accommodation or the conduct of inspections envisaged by the Deputy.

It is the responsibility of parents to ensure that the accommodation which they secure for their child is of an acceptable standard.

I would encourage parents to ensure they are satisfied with the standard of accommodation for anyone providing accommodation to minors.

### School Staffing

181. **Deputy Pádraig Mac Lochlainn** asked the Minister for Education and Skills the position regarding a school (details supplied) in County Donegal; and his plans to review this decision. [26830/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school submitted an appeal to the Primary Staffing Appeals Board. All appeals submitted to the Primary Staffing Appeal Board were considered in accordance with the published appeals criteria that is set out in my Department's Staffing Circular 0007/2012. This was done at its meeting on 18th and 19th April.

The appeal by the school was unsuccessful on the basis that the school did not meet the published appeal criteria. The Appeal Board operates independently of the Department and its decision is final. A total of 367 schools submitted appeals to the April meeting of the Appeals Board. 205 schools had their appeals upheld by the Staffing Appeals Board. A summary outcome of the appeals is now published on my Department's website. Individual schools have been notified of the outcome of their appeals.

### **FÁS Training Programmes**

182. **Deputy Alan Farrell** asked the Minister for Education and Skills if he will provide an update on the provision of training courses and education through SOLAS in Balbriggan County Dublin following the reduction in course provision this year; and if he will make a statement on the matter. [26844/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I understand that in 2011, the FÁS Baldoyle Training Services Unit conducted a comprehensive review of its training provision in the greater Dublin North and West areas, which included the Balbriggan area. This review focused on performance outcomes in line with the FÁS training strategy, in terms of employment, progression to further training and education, and certification. Such reviews are essential to ensure that FÁS Baldoyle Training Services Unit delivers a diverse range of effective training interventions to a broad category of clients, across a wide range of geographical locations, including Balbriggan, within a defined training budget. The 2011 review identified the need for FÁS Baldoyle Training Unit to readjust its 2012 training provision and course type in the Balbriggan area as, in many cases, the key performance training outcomes were not being achieved. Following a recent analysis of labour market opportunities, it has been decided to locate a Contact Centre Support course in the Balbriggan area. This course is scheduled to commence on 11th June, 2012.

### **School Transport**

183. **Deputy Michelle Mulherin** asked the Minister for Education and Skills the position regarding school transport in respect of areas (details supplied) in County Mayo; and if he will make a statement on the matter. [26848/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Changes to the School Transport Scheme for Post Primary children were announced in the 2011 Budget and derived from recommendations in the Value for Money Review of the scheme. From the commencement of the 2012/13 school year, the use of the Catchment Boundary Area (CB) System as a means of determining eligibility for school transport will cease. This means that from the 2012/13 school year, school transport eligibility for pupils will be determined by reference to the distance they reside from their nearest post-primary education centre having regard to ethos and language.

Existing catchment boundary pupils who are not attending their nearest post primary centre will retain their transport eligibility for the duration of their post primary education cycle provided there is no change to their current circumstances. Siblings of these pupils and other pupils who are not eligible for school transport, may apply for transport on a concessionary basis only in accordance with the terms of the Post Primary School Transport Scheme. The current pupil charge for post primary transport is €350 per annum subject to a family maximum of €650. Eligible pupils who hold valid medical cards (GMS Scheme) are exempt from these charges. The changes to the Post Primary School Transport Scheme will be applied equitably on a national basis.



### Special Educational Needs

184. **Deputy Michael McCarthy** asked the Minister for Education and Skills if he will outline the situation regarding special needs assistants provision in a school (details supplied) for the 2012/2013 academic year; and if he will make a statement on the matter. [26866/12]

186. **Deputy Michael McCarthy** asked the Minister for Education and Skills if his attention has been drawn to a situation regarding special needs assistant provision in a school (details supplied) in County Cork; if his attention has been drawn to concerns regarding the effect of the reduction on the pupils concerned; if he will outline his latest position on same; and if he will make a statement on the matter. [26871/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 184 and 186 together.

The National Council for Special Education is responsible for allocating Special Needs Assistants to schools to support children with special educational needs. The NCSE operates within my Department's established criteria for the allocation of such supports and the staffing resources available to my Department. All schools were advised to apply to the NCSE for SNA support for the 2012/13 school year by 16th March, 2012. In considering applications for SNA support for the new school year, the NCSE will take into account the individual care needs of all qualifying children, supports freed up due to any school leavers, and the identified care needs of newly enrolled children with special educational needs.

Schools will be advised by the NCSE of their SNA allocation for the 2012/13 school year by June of this year. It is open to schools to contact their local SENO in this regard, using the contact details available on [www.ncse.ie](http://www.ncse.ie). The NCSE is also developing an appeals process which is intended to be in place for the 2012/13 school year allocations process.

### School Accommodation

185. **Deputy Simon Harris** asked the Minister for Education and Skills if pre-fabricated accommodation at a school (details supplied) will be replaced with permanent accommodation; and if he will make a statement on the matter. [26870/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy was recently assessed for replacement of prefabs with a permanent structure under my Department's new Rented Prefab Replacement Scheme. Enrolments at the school have declined by 15% over the past 5 years and by 6% between 2010 and 2011. As a result of falling enrolments, the long term need for the prefab is uncertain and a permanent build option was eliminated on this basis. Should the school's enrolment increase, the matter can be reviewed again.

*Question No. 186 answered with Question No. 184.*

### School Staffing

187. **Deputy Aodhán Ó Ríordáin** asked the Minister for Education and Skills if he will identify the schools that employed eight retired primary teachers for more than 40 days, in clear contravention of his Department's circular which stated priority be given to unemployed, qualified teachers; the action he will be take against these schools; and if he will make a statement on the matter. [26900/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** This matter has been investigated further by my Department. There are currently two primary schools in which teachers who retired during February 2012 have been paid in excess of forty days and are still employed. My Department will contact the schools involved and request them to confirm that are complying with the terms outlined in Circular 31/2011. In the event that they are not complying they will be requested to submit reasons for failing to do so.

### Schools Building Projects

188. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the number of second level school projects that are in Band 2:1 that have completed stage 2B and are not in the five year building programme announced this year; the estimated gross cost of these projects; the names and roll numbers of the schools involved; and if he will make a statement on the matter. [26915/12]

189. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the number of first level or primary school projects that are in Band 2:1 and that have completed stage 2B and are not in the five year programme announced this year; the gross estimated cost of these projects; the names and roll numbers of the schools involved; and if he will make a statement on the matter. [26916/12]

190. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the number of primary school projects that are in Band 2:1 and are at stage 2B at present and are not included in the five year building programme announced this year; the estimated gross cost of these projects; the names and roll numbers of the schools involved; and if he will make a statement on the matter. [26917/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 188 to 190, inclusive, together.

There are no second level schools that are in Band 2.1, that have completed stage 2(b) and that are not in the five year construction programme. There are, however, three such second level projects which are currently working toward the completion of stage 2(b). These are Colaiste Abbain, Wexford, RN71600B, St. Brendan's College, Bray, RN61790D and Scoil Phobail, Clifden, RN91412M. Taken together these three second level projects have an estimated gross cost of twenty million euro.

There are no primary schools with a band rating of 2.1, that have completed stage 2(b) and that are not in the five year construction programme. There are five such primary school projects which are currently working toward the completion of stage 2(b). These are St. Marys NS, Bagnalstown, Co Carlow, RN11135K; Scoil Odhran Naofa, Mullingar, Co Westmeath, RN17932U; Scoil Tigh an Iubhair, Co Louth, RN18635T; Scoil Naomh Pdraig, Baconstown, Co Meath, RN02905J and St Marys Central NS, Donnybrook, Dublin 4, RN19727G. The estimated gross cost of these five primary school projects is seven million euro.

### Higher Education Grants

191. **Deputy Michael Creed** asked the Minister for Education and Skills when he proposes to publish details of the higher education grants scheme and income guidelines for same for the 2012/2013 school year; and if he will outline the organisation that will be processing these applications; and if he will make a statement on the matter. [26922/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The student grant scheme for the 2012/13 academic year will be published on *www.studentfinance.ie* in the coming week. As the Deputy may be aware, from the 2012/13 year onwards, grants will be centrally administered by a single grant awarding authority Student Universal Support Ireland (SUSI — a division of the City of Dublin VEC) which will administer the Student Grant Scheme on behalf of my Department. A new online-only grant applications system is being introduced for the academic year 2012/13. SUSI will accept new applications only in its first year of operation. Renewal applications will continue to be dealt with by the existing 66 grant awarding authorities. The online applications system is currently undergoing rigorous stress testing to ensure that the application process will run smoothly. I am confident that the establishment of a single grant awarding authority will greatly improve the efficiency of the process and will eliminate the delays which some students have experienced in recent years.

### School Transport

192. **Deputy Arthur Spring** asked the Minister for Education and Skills further to Parliamentary Question No. 109 of 3 May 2012, for the purpose of establishing automatic qualification for rural school transport, if he will identify the nearest qualifying secondary school for children who reside at an address (details provided); and if he will make a statement on the matter. [26933/12]

193. **Deputy Arthur Spring** asked the Minister for Education and Skills further to Parliamentary Question No. 109 of 3 May 2012, for the purpose of establishing automatic qualification for rural school transport, if children are not entitled to automatic enrolment at their nearest secondary school due to that school offering priority to its preferred feeder schools in the area, are the children then entitled to automatic qualification for rural transport to another school. [26934/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 192 and 193 together.

Under the terms of the Post Primary School Transport Scheme children are eligible for transport where they reside not less than 4.8 kms from and are attending their nearest education centre as determined by the Department/Bus Éireann, having regard to ethos and language. Eligibility for post primary school transport is determined from where children reside and not from where they attend primary school. Bus Éireann is responsible for processing and assessing school transport application forms. In this regard the parents of the children referred to in the details supplied should liaise with their local Bus Éireann office regarding school transport eligibility under the terms of the scheme. Children who are not eligible for school transport may apply for transport to a particular school on a concessionary basis in accordance with the terms of the scheme. The changes to the Post Primary School Transport Scheme will be applied equitably on a national basis.

### Education Grants

194. **Deputy Michael McCarthy** asked the Minister for Education and Skills if his attention has been drawn to the difficulties being experienced by parents in receipt of the remote area boarding grant who live on islands where there is no daily access to a secondary school, in view of the extra costs incurred in paying for boarding school fees, and taking into consideration that an individual accommodation provider may require more than the €150 per week provided for by the grant; and if he will make a statement on the matter. [26937/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The purpose of the Remote Area Boarding Grant is to give pupils who are educationally disadvantaged because of their remoteness from schools an opportunity to attend school on the same basis as other pupils not so disadvantaged. Pupils resident on off-shore islands that do not have a school providing suitable free second-level education may also qualify for assistance under the scheme. The maximum grant payable under this scheme may not exceed €4947 per pupil per annum. Given the scale of our economic crisis, I have no scope to provide additional funding to increase the grants available under this scheme.

### FÁS Training Programmes

195. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a submission (details supplied) on the actions the applicant must take to ensure they obtain the necessary forms to allow them continue their apprenticeship; and if he will make a statement on the matter. [26943/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** This is a day to day operational matter for FÁS. The person referred to was registered as an apprentice electrician in August 2005; his current status on the FÁS apprenticeship system is “Unemployed” rather than Redundant. In order to participate in the Redundant Apprentice Placement Scheme 2012 (RAPS), FÁS requires documentary evidence of redundancy in the form of a letter from an apprentice’s last FÁS approved apprenticeship employer, on company headed paper, confirming the date of redundancy. FÁS have advised me that a letter is being sent by registered post to the person’s former employer seeking the relevant information.

### Ministerial Appointments

196. **Deputy Robert Troy** asked the Minister for Education and Skills if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26953/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** One new staff appointment to my Department has taken place since March 2012. Ms Anne Kinneen was appointed as a temporary personal assistant to my colleague Minister of State, Ciarán Cannon, T.D. There were also two new assignments to my Department of existing civil/public servants since March 2012 as follows: Ms Mary Doyle, Deputy Secretary, from the Department of Children and Youth Affairs and Mr. Tom Deegan, Principal Officer equivalent, redeployed to this Department on an initial secondment basis from the Limerick Institute of Technology (LIT) — Tipperary.

I can confirm that none of these three are retired public servants in receipt of a public service pension. The relevant salary scales or salary point in respect of each post are set out in the table:

Salary Point	Personal Assistant Rate
1	€43,715
2	€45,485
3	€47,304
4	€48,520
5	€49,790
6	€51,365
7	€52,925
LSI 1	€54,490

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Salary Point	Personal Assistant Rate
LSI 2	€56,060

Salary Point	Institute of Technology Senior Management Grades
1	€70,435
2	€72,818
3	€75,200
4	€77,587
5	€79,975
6	€82,356
7	€84,925
8	€87,327
9	€89,874

Salary Point	Deputy Secretary
1	€168,000

### Special Educational Needs

197. **Deputy Gerry Adams** asked the Minister for Education and Skills if it is his intention to further cut the maximum entitlement of special needs assistants hours that children with special needs will receive in the 2012/2013 school year to three hours. [26966/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible for allocating Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's established criteria for the allocation of Special Education supports and the staffing resources available to my Department. In considering applications for SNA support, the NCSE takes into account the individual care needs of all qualifying children, supports freed up due to any school leavers, and the identified care needs of newly enrolled children with special educational needs. SNAs, once allocated to schools are a school based resource. The allocation of SNAs, while allocated on the basis of an assessed need of an individual child, are allocated to the school and should be deployed with discretion by the school in a manner which best meets the support and care requirements of the children. There is no maximum number of hours for which SNA support can be provided for any particular child during the school day.

### School Curriculum

198. **Deputy Sandra McLellan** asked the Minister for Education and Skills his plans to introduce a daily programme that incorporates mental health issues into the school curriculum from a very early age that would run in tandem with our current education system; and if he will make a statement on the matter. [27000/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Social Personal and Health Education (SPHE) is a mandatory part of the curriculum in primary schools and in junior cycle



since 2003 and is designed, inter alia, to promote positive mental health. SPHE is supported by comprehensive teacher guidelines and a curriculum support service which provide training and advice for schools and a resource directory. The Department has also issued guidelines to schools on the development of whole-school policies in the areas such as anti-bullying, RSE, substance use, managing critical incidents, whole-school guidance planning etc which are also important in promoting positive mental health.

Pastoral care supports are promoted in schools through year heads, key tutor systems, home/school links, etc. This is one of the areas which is evaluated as part of a Whole School Evaluation. Schools also engage in a wide range of sport and cultural activities which provide an important opportunity for students to experience success and personal growth.

The National Educational Psychological Service (NEPS) operating within the Department provides a range of services both direct and indirect which support the personal, social and educational development of students in primary and post primary schools. NEPS also provides assistance in supporting pupils with particular social, emotional or behavioural difficulties. NEPS promotes the development of structures and supports among teachers and schools' care teams which assist and encourage the development of contact and collaboration with the relevant local HSE mental health agencies including the Community Psychology Services and Mental Health Promotion Officers and the referral services of the Child and Adolescent Mental Health Service (CAHMS).

This Government has protected education as much as it can. Far greater reductions in expenditure and in the number of public servants are being made in other sectors relative to those in schools. But there are limits to the level of expenditure on education and the number of teaching posts we can afford. My Department has published Circular 0009/2012 to inform all post primary school management and staff of the staffing arrangements for post-primary schools for the 2012/13 school year, including in particular, the requirements to manage guidance from within the standard allocation. The circular is available on the Department website.

*Question No. 199 answered with Question No. 178.*

*Question No. 200 answered with Question No. 133.*

### **Educational Disadvantage**

201. **Deputy Brendan Griffin** asked the Minister for Education and Skills if any precedent exists in which a post primary school has been granted DEIS status outside of a programme of applications being processed by the Department; and if he will make a statement on the matter. [27041/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. Second-level schools were selected by reference to centrally-held data from the Post-Primary Pupils and State Examinations Commission databases. The identification process was in line with international best practice and had regard to, and employed, the existing and most appropriate data sources available.

In relation to schools that did not qualify for DEIS, it is important to note that an independent review process was available to schools that did not qualify for inclusion in DEIS but regarded themselves as having a level of disadvantage which was of a scale sufficient to warrant their inclusion in the programme. The results of the review were notified to schools in August 2006 and additional schools were added to the programme as a result of making successful

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review applications. As already advised, none of the existing schools in the country, which were unsuccessful in the initial identification and subsequent review processes, were ever admitted to the DEIS programme. Given the current economic climate and the target to reduce public expenditure there is no capacity at present for inclusion of new schools in the DEIS programme.

### Outdoor Education Centres

202. **Deputy Brendan Griffin** asked the Minister for Education and Skills his position on the EU Commission case involving outdoor education centres involved in commercial activity; if he recognises the valuable educational contribution and future role of these centres (details supplied); and if he will make a statement on the matter. [27042/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A complaint has been made to the European Commission regarding the funding that my Department provides to Outdoor Education Centres, operated by a number of Vocational Education Committees, on the basis that it is unlawful. The Commission is currently in the process of establishing the facts in this matter and my Department is in ongoing correspondence with the Commission in this regard.

### Education Grants

203. **Deputy Brendan Griffin** asked the Minister for Education and Skills his position on grant aid (details supplied); and if he will make a statement on the matter. [27043/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department has no plans to review the grant payable under the Remote Area Grant scheme.

### School Staffing

204. **Deputy Michael Creed** asked the Minister for Education and Skills if he will consider the case of a person (details supplied), a teacher who has held their current position since 1995, has had their pay reduced since 2010, arising from an administrative decision at that stage to switch the payment of their salary from their school to the Department of Education and Skills and the subsequent failure of the Teaching Council to recognise their qualifications for registration as a second level teacher; if he will consider this decision in the context of other teaching posts which this person holds in the area of further education where they continue to be paid at the correct qualified rate; if in the circumstances he considers it necessary to amend the legislation establishing the Teaching Council to provide for a grandmother clause to cater for such circumstances; and if he will make a statement on the matter. [27059/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly I wish to advise the Deputy that only teachers with qualifications appropriate to the sector and suitable to the post for which they are employed and who are registered with the Teaching Council are entitled to payment at the qualified rate. It is a matter for the Teaching Council to determine the individual's suitability in this regard. Enquiries in relation to Teaching Council registration should be made directly to the Teaching Council by telephone on LoCall 1890 224224 or +353 (0)1 651 7909 or by email to [primaryregistration@teachingcouncil.ie](mailto:primaryregistration@teachingcouncil.ie).

Section 30 of the Teaching Council Act, which is not yet commenced, will require everyone in publicly funded teaching posts to be registered with the Teaching Council in order to be paid from the Exchequer. The only exception to this will be in very limited, short-term circumstances where a registered teacher is not available. The recent enactment of the Education (Amendment) Act 2012 will facilitate section 30 becoming law. My Department and the Teach-

ing Council have issued information to teachers and schools informing them of the forthcoming legal requirements. Further consideration can be given by my officials to the case referred to by the Deputy once the qualifications of the teacher in question have been assessed by the Teaching Council.

### **FÁS Training Programmes**

205. **Deputy Brendan Griffin** asked the Minister for Education and Skills his views on a matter (details supplied) in County Kerry; and if he will make a statement on the matter. [27127/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** This is a day to day operational matter for FÁS. FÁS liaises actively with the Department of Social Protection's local Employment Services Office and the Local Partnership Companies to determine demand and responds accordingly. The current Training Centre based in Tralee also services North Kerry and the Dingle peninsula which have higher unemployment figures.

FÁS currently have an active training provision for the Killarney catchment although demand has declined recently compared to some other areas. Over the last 5 years FÁS have run courses in the KTI (Killarney Technology Innovation Centre) Technology Park in two dedicated computer rooms. However the walk-in multimedia training room in Killarney has ceased operation due to decreased demand. Night and evening training courses will continue to be offered in various Killarney venues. A range of courses are also provided from FÁS' on-line/blended suite of courses for the whole of County Kerry.

The Deputy will be aware that the Further Education and Training sector is currently undergoing major structural reform. When established SOLAS will have strategic responsibility for further education currently delivered by Vocational Education Committees (VECs) and training currently delivered by FÁS. This rationalisation will also see the establishment 16 Local Education and Training Boards (LETBs).

### **Special Educational Needs**

206. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding a multiple disabled visually impaired unit at a school (details supplied) in Dublin 9 [27173/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports, including the approval of special classes. The NCSE operates within my Department's criteria in allocating such support. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie). I have arranged for a copy of the Deputy's correspondence to be forwarded to the NCSE for consideration and for engagement directly with the school.

### **School Enrolments**

207. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide a statistical breakdown detailing the counties that are home to children who are attending a school (details supplied) in Dublin 24. [27179/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The National School Annual Census does not collect information on the home addresses of pupils. Hence the information requested is not available.

### **Schools Refurbishment**

208. **Deputy Billy Timmins** asked the Minister for Education and Skills the position in relation to a school (details supplied) in County Wicklow which has applied for additional funding to carry out the necessary work; if this can be allocated as a matter of urgency; and if he will make a statement on the matter. [27186/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** School authorities are responsible for managing the delivery of their devolved building projects and ensuring that the project is delivered within the approved budget. The school referred to by the Deputy was allocated devolved funding for the provision of a mainstream classroom and a multi-purpose room under my Department's Additional Accommodation Scheme in 2011.

In April 2012 the school authority wrote to my Department requesting additional funding for a number of additional items to the original approved project. When re-assessing the schools application it emerged that the school had changed the scope of works for which the funding had originally been approved. The school authority have been advised that the application for additional funding was unsuccessful and that the Department was satisfied that the grant provided was sufficient to provide the level of accommodation approved. The school were advised to consider reducing the scope of works to that approved by the Department so as to keep within the original budget of approved funding. I am sure the Deputy will appreciate that there are many competing demands on my Department's capital resources and in this context it must prioritise applications for the provision of much needed additional mainstream classroom accommodation.

### **Special Educational Needs**

209. **Deputy David Stanton** asked the Minister for Education and Skills the number of applications submitted to his Department for July provision in 2010, 2011 and 2012 respectively; the number approved and refused each year or still awaiting a decision this year; the number of appeals submitted as a result; and if he will make a statement on the matter. [27187/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The July Education Programme is available to all special schools and mainstream primary schools with special classes catering for children with autism who choose to extend their education services through the month of July. My Department also provides for a July Programme for pupils with a severe/profound general learning disability. Where school based provision is not feasible, home based provision may be grant aided. Home based July Provision:

In 2010 a total of 2315 applications were approved and 39 applications were refused. In 2011 a total of 2799 applications were approved and 65 applications were refused. The 2012 figures are not yet finalised.

#### *Schools participating in July Provision:*

In 2010 a total of 130 schools participated in the school based programme. In 2011 a total of 149 schools participated in the school based programme. The 2012 figures are not yet finalised. The number of applications appealed is not readily available in my Department.

### State Examinations

210. **Deputy David Stanton** asked the Minister for Education and Skills the number of applications submitted to the State Exams Commission for reasonable accommodation in this year's leaving certificate examinations; the numbers approved and the number refused; the number of appeals submitted to the Reasonable Accommodation Independent Appeals Committee; the number of successful and unsuccessful appeals; if he will provide a breakdown of the types of reasonable accommodation sought by applicants and the grounds on which they were seeking same; and if he will make a statement on the matter. [27188/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations. They have in place criteria for reasonable accommodation including an independent appeals system. In view of this I have forwarded your query to the State Examinations Commission for direct reply to you.

### Higher Education Grants

211. **Deputy Sandra McLellan** asked the Minister for Education and Skills if a person studying nursing in the UK currently on unpaid work placement is entitled to grant aid; and if he will make a statement on the matter. [27204/12]

**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. Under my Department's student grant scheme, eligible candidates may receive funding provided they are attending an approved course at an approved institution as defined in the scheme. Students who are attending undergraduate courses in an EU Member State, can apply for a maintenance grant in respect of an approved course which is being pursued in an approved institution.

The Deputy will appreciate that in the absence of all of the relevant details that would be contained in an individual's application form, including those relating to nationality, residency, previous academic attainment and means, it would not be possible for me to say whether or not a student would qualify for a grant or what level of grant would be appropriate. Where a grant application is refused, the reason for the refusal is given by the grant awarding authority. An applicant may appeal the decision to the relevant awarding authority. Where the appeals officer decides to reject the appeal, the applicant may appeal this decision to my Department or the independent appeals board, as appropriate.

### Departmental Staff

212. **Deputy Michael Conaghan** asked the Minister for Education and Skills the level of employment control framework credits that has been provided to each body under the aegis of his Department; and their current staffing level in terms of ECF. [27209/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Details of the ceilings in the Government's Employment Control Framework for bodies under the aegis of my Department are provided in the attached table, together with details of the latest available staffing levels.



[Deputy Ruairí Quinn.]

Department of Education and Skills

Employment Control Framework (ECF) for Aegis Bodies

Name of Body	ECF for end 2012	Staffing numbers at end March 2012*
	Whole Time Equivalent	Whole Time Equivalent
FÁS	1,073	1,112
State Examinations Commission (excl temporary clerical staff)	153	142
National Council for Special Education	103	104
NQAI/FETAC/HETAC**	85	83
Higher Education Authority and Research Councils	58	60
Teaching Council	32	26
Residential Institutions Redress Board and Commission to Inquire into Child Abuse	28	28
National Council for Curriculum and Assessment	25	25

\*Note — Staffing numbers at a particular point in time may include vacancies waiting to be filled. Numbers do not include staff on career breaks.

\*\*Note — These three organisations will shortly be amalgamated to form the new Qualifications and Quality Assurance Authority of Ireland.

*Question No. 213 answered with Question No. 167.*

**Special Educational Needs**

214. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will ensure funding cuts are not applied to a school (details supplied) in Dublin 13 for their July provision from three weeks to two weeks. [27255/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to clarify that there have been no cuts made to the allocation for July Provision within my Department's budget. Therefore, any decision by an individual school to reduce the level of July Provision offered is a matter for each school. Any such decision has not been brought about by reductions in the level of available resources by the Department of Education and Skills.

The Deputy will be aware that participation in the scheme is an option for all special schools and mainstream primary schools with special classes catering for children with autism or severe to profound general learning disability that choose to extend their education services through the month of July. Home based tuition of 10 hours per week for the four weeks is provided to children who attend schools that choose not to participate in the scheme. Schools can decide to participate for part of the month of July and accordingly the children in question are allocated home based tuition for the remaining period. My Department's preference is that the home based tuition is undertaken by a fully qualified teacher. However where parents have difficulties in sourcing fully qualified teachers my Department accepts some tutors with alternative qualifications and modifies the rate of payment accordingly.

**Schools Building Projects**

215. **Deputy Seán Conlan** asked the Minister for Education and Skills the position in relation to the proposed extension to a school (details supplied) in County Cavan; when this extension will be built; and if he will make a statement on the matter. [27273/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The proposed building project to extend and refurbish Virginia Mixed National School, County Cavan has recently been authorised to proceed to Stage 2a of architectural planning. To ensure that every child has access to a school place, the delivery of projects to meet the increasing demographic demands will be the main focus for capital investment over the next 5 years, particularly in those areas where it has been identified that most future demographic growth will be concentrated. The project for the school referred to by the Deputy, although not included in the 5 year construction programme, will continue to progress through the design stages of architectural planning within the context of available funding. However, due to competing demands on my Department's capital budget, it is not possible at this time to progress the project to tender and construction stage.

### **Schools Refurbishment**

216. **Deputy Dan Neville** asked the Minister for Education and Skills the position regarding extra funding for classroom accommodation in respect of a school (details supplied) in County Limerick; and if he will make a statement on the matter. [27280/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department approved a devolved grant in April last to the school, referred to by the Deputy, for the provision of one mainstream classroom. The school has appealed this decision and is seeking increased funding for additional school accommodation. This proposal is currently being considered and a response will be conveyed to the school authority as soon as this process has been completed.

217. **Deputy Dan Neville** asked the Minister for Education and Skills the position regarding funding in respect of a school (details supplied) in County Limerick; and if he will make a statement on the matter. [27281/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school, referred to by the Deputy, has applied to my Department for large scale capital funding. In view of the need to prioritise available funding for the provision of additional school accommodation, the delivery of major school projects required to meet future demographic demand will be the main focus for capital investment in the coming years. I wish however to advise the Deputy that my Department approved funding on a devolved basis earlier this year to enable the school address some necessary health and safety works. My Department will also be in further contact with the school authorities shortly in relation to any immediate accommodation needs.

218. **Deputy Billy Timmins** asked the Minister for Education and Skills the position regarding additional funding in respect of a school (details supplied) in County Wicklow; and if he will make a statement on the matter. [27283/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to confirm to the Deputy that my Department has received correspondence from the school in question in relation to the matter to which he refers. A response will issue to the school authority as soon as the matter has been considered by my Department.

219. **Deputy Dara Calleary** asked the Minister for Education and Skills when he expects an emergency funding application in respect of a school (details supplied) in County Donegal to be approved; and if he will make a statement on the matter. [27347/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy submitted an application for funding under my Department's Emergency Works

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Scheme for a roof replacement in 2010. This application was refused as the scope of works for which funding was sought was outside the terms of the scheme. This decision was appealed and the school authority were informed that the project still remained outside the scope of the scheme. A further appeal has recently been received and is currently being examined by my Department. The school authority will be notified of the decision as soon as possible.

### School Staffing

220. **Deputy Michael McGrath** asked the Minister for Education and Skills if he provides any guidance or instructions to primary schools on the way to distribute the teaching resources among the school's enrolment, particularly to ensure that class sizes in the school remain broadly consistent; and if he will make a statement on the matter. [27348/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The staffing schedule is the mechanism used for the allocation of classroom teachers to all primary schools. It operates in a clear and transparent manner and treats all similar types of schools equally irrespective of location. The configuration of classes and the deployment of classroom teachers are done at local school level. My Department publishes annual statistics on class size data for each school. The most recent statistics are for the 2010/11 school year. The national average class size is 23.9 pupils. However, with over 20,600 classes in over 3,100 primary schools throughout the country there will always be variations in class sizes at individual school level. My Department's guidance to local school management is that such variations should be kept to the minimum.

### Regulatory Bodies

221. **Deputy Jim Daly** asked the Minister for Education and Skills if he has satisfied himself that the current annual fee of €90 for the teacher registration council is a necessary fee; if the amount charged every year represents good value for money for members of the teaching profession; the amount of moneys collected under this heading annually; what these moneys are used for; and if he will make a statement on the matter. [27377/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Teaching Council is a self funding body with income generated by way of teacher registration and renewal fees. Currently more than 70,000 teachers are registered and 7,500 teachers apply for registration each year. Under Section 23 of the Act, the Council has statutory authority to charge a fee and in this regard the annual teacher registration fee has been set at €90 per teacher per year.

You may wish to note, however, that the outgoing Teaching Council reviewed its financial statements for 2011 and budget for 2012 and decided to recommend that the annual teacher registration renewal fee be reduced from €90 to €65 with effect from 1 January 2013. I have indicated my support for this. The total income from Registration and Assessment Fees for 2011 was €6,783,163.

The Council's income is necessary to meet its statutory obligations. While it is accepted that the Council is not yet in a position to fully discharge its legal functions it is my intention to implement the remaining sections of the Act as soon as is practicable.

### Educational Disadvantage

222. **Deputy Patrick Nulty** asked the Minister for Education and Skills the number of whole-time equivalent teaching posts that DEIS secondary schools in the City of Dublin Vocational Education Area will lose in September 2012, in tabular form, taking account of reductions in

so called legacy posts, language support teachers, special needs assistants and the integration of guidance teaching hours; and if he will make a statement on the matter. [27382/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** This Government has protected education as much as it can. Far greater reductions in expenditure and in the number of public servants are being made in other sectors relative to those in schools. But there are limits to the level of expenditure on education and the number of teaching posts we can afford. The Budget 2012 measures in relation to the post-primary sector are set out in the documentation that was published by my Department last December. This envisages a net overall reduction of about 450 posts at post-primary level between the current school year and the 2012/13 school year. This net reduction in posts takes account of the impact of the budget measures, demographics and the budget decision to shelter all the DEIS post-primary schools through a reduced staffing schedule of 18.25:1. This is a 0.75 point reduction compared to the existing PTR of 19:1 that applies in non fee-paying second-level schools.

My Department has published Circular 0009/2012 to inform all post primary school management and staff of the staffing arrangements for post-primary schools for the 2012/13 school year, including in particular, the requirements to manage guidance from within the standard allocation. The circular is available on the Department website.

Schools will have autonomy on how best to prioritise its available resources to meet its requirements in relation to guidance and the provision of an appropriate range of subjects to its students. Decisions on how this is done will be taken at school level and I am confident that schools will act in the best interest of students when determining precisely how to use the teaching resources available to them.

The final staffing position for all schools at post primary level will ultimately not be known until the Autumn. At that stage the allocation process will be fully completed and all appeals to the Staffing Appeal Board will have been considered.

The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating 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 which now includes a requirement for them to have regard to the overall cap on numbers.

Schools have been advised to make applications to the NCSE for resource teaching and SNA support for the 2012/13 school year by 16th March, 2012. Schools will subsequently be advised by the NCSE of their allocation for the 2012/13 school year, based on the number of valid applications received and in the case of SNA support, the extent of the care needs of qualifying children.

In considering applications for SNA support for the new school year, the NCSE will take into account the individual care needs of all qualifying children, supports freed up due to any school leavers, and the identified care needs of newly enrolled children with special educational needs.

The NCSE will advise schools of their SNA allocation for the 2012/13 school year shortly.

### **FÁS Training Programmes**

223. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the procedure that is currently used by FÁS in selecting persons and assessing their suitability to undertake courses in horticulture as part of reskilling; if FÁS have engaged with representatives of the horticultural industry in terms of candidate selection and course contents; if, as part of the

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creation of SOLAS, he will require the horticulture industry to be consulted in the re-design of any new courses; and if he will make a statement on the matter. [27389/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The selection of participants for FÁS 'reskilling' courses is currently a matter for the Department of Social Protection.

Within its Adult Training provision, FÁS currently offers two Horticulture Programmes. One leads to a FETAC Award at Level 4 and the other a FETAC Award at Level 5. These major awards were led by TEAGASC in their development as they are the Authority in Ireland for agriculture and food development, including horticulture.

The forthcoming SOLAS legislation will provide for the dissolution of FÁS and the establishment of SOLAS as a new statutory authority to oversee the Further Education and Training sector. When it is established SOLAS will have strategic responsibility for further education currently delivered by Vocational Education Committees (VECs) and training currently delivered by FÁS. At the present stage of development full details of the day to day operation of SOLAS are still under consideration however, the envisaged remit of SOLAS will include the requirement to consult with the relevant industries for which courses are provided.

### **Institutes of Technology**

224. **Deputy Stephen S. Donnelly** asked the Minister for Education and Skills if his attention has been drawn to a new policy of the Dublin Institute of Technology in relation to job vacancies which states, if you have a current or previous employment relationship in a non-permanent capacity with the Institute, you will not be deemed eligible to apply for this post; his views on whether this complies with the spirit of the European Employment Directive; if it is related as claimed to the employment control framework; if he is concerned about the implications for sustainability of existing research investment by the State and their ability to further invest in niche research expertise at the DIT; if he is further concerned that this will reduce the competitiveness of research in the DIT/ third-level sector; and if he will make a statement on the matter. [27441/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, Institutes of Technology are autonomous bodies and it is a matter for each institution to ensure that their policies and procedures are compliant with employment law. In that regard, I have been informed by Dublin Institute of Technology that it is satisfied that its policy as referred to in the Deputy's question is in accordance with employment law.

I would also like to clarify that the employment control framework operating in the higher education sector at present does not place any restrictions on the number of research posts provided the posts are fully funded from a particular research funding stream.

The Government remains committed to investing in research and innovation. Our higher education institutions have already developed significant research strengths, and through the implementation of the recently published research prioritisation report the Government aims to further enhance our capacity and competitiveness internationally.

### **Special Educational Needs**

225. **Deputy Clare Daly** asked the Minister for Education and Skills his views on the case of a person (details supplied) in County Dublin regarding their special needs [27442/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that my Department provides for a range of placement options and supports for schools which have



enrolled pupils with special educational needs in order to ensure that, wherever a child is enrolled, s/he will have access to an appropriate education.

The enrolment of a child in a school is a matter in the first instance for the parents of the child and the Board of Management of a school. My Department has no role in relation to processing applications for enrolment to schools.

The National Council for Special Education (NCSE) Special Education Needs Organisers (SENOs) can assist parents to identify appropriate educational placements for children with special educational needs.

Parents may contact their local SENO directly to discuss their child's special educational needs and to seek assistance in identifying placement options, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

The National Educational Welfare Board (NEWB) can also assist parents who are experiencing difficulty in securing a school place for their child. The NEWB will try to help parents to find a school placement if their child has been unable to secure a school placement to date. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to the Secretary General of my Department. Only where an appeal under Section 29 is upheld, may the Secretary General of my Department direct a school to enrol a pupil.

I can also advise that children are eligible for transport under the Department's School Transport Scheme for Children with Special Educational Needs where they have special educational needs arising from a diagnosed disability in accordance with the designation of high and low incidence disability set out in Department of Education and Skills (DES) Circular 02/05 and where they are attending the nearest recognised: mainstream school, special class/special school or a unit, that is or can be resourced, to meet their special educational needs.

### **School Transport**

**226. Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of students who will be affected by changes to the primary school transport system which will require students to attend their nearest school in order to avail of free transport from September 2012; and if he will make a statement on the matter. [27453/12]

**227. Deputy Charlie McConalogue** asked the Minister for Education and Skills the amount of money he is intending to save through changes to the primary school transport rules which requires children to attend their nearest school from September 2012 in order to avail of free transport; and if he will make a statement on the matter. [27454/12]

**228. Deputy Charlie McConalogue** asked the Minister for Education and Skills if he will reverse his plans to change primary school transport rules restricting free transport to only those students travelling to their nearest school which in many cases will lead to families being divided and students having to break parish boundaries in order to avail of free transport; and if he will make a statement on the matter. [27455/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 226 to 228, inclusive, together.

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Changes to the Primary School Transport Scheme were announced in Budget 2011 and derived from recommendations in the Value for Money Review of the Scheme. These changes are being applied equitably on a national basis.

Firstly, I wish to clarify that a school transport charge for eligible primary children was introduced with effect from September 2011. Children who hold valid medical cards (GM scheme) are exempt from paying a charge. The charge applying in the coming school year is €100 or a family maximum of €220.

The Deputy will be aware that from September 2011, the distance criterion of 3.2 kilometres was applied nationally to all children travelling under the primary school transport scheme, including those travelling under the 'Closed School Rule'.

The second element of the change is scheduled to take effect in September 2012 and will apply only in the case of children commencing their primary education from that date. This second element will restrict school transport eligibility for children entering in September 2012, to those children who meet the distance eligibility criterion and are travelling to their nearest school.

The number of children who may be affected by this second change, and the savings to be achieved as a consequence of the combination of the changes, will not be known until all applications for school transport have been received and assessed by Bus Éireann. However, sample surveys undertaken by Bus Éireann show that the majority of children are in fact attending their nearest school, so this change will not have any practical impact on the majority of children.

Existing eligible children, who are not attending their nearest school, will retain their school transport eligibility for the duration of their primary education cycle provided there are no changes to their current circumstances.

Siblings of these children, who wish to attend the same school, or other children who are not eligible for transport, may apply for concessionary transport subject to a number of terms and conditions.

In this regard, it is worth noting that the annual charge for concessionary tickets will be reduced to €100 for the 2012 school year which is the same charge that applies for eligible tickets.

*Question No. 229 answered with Question No. 167.*

### **Schools Building Projects**

230. **Deputy Michael McGrath** asked the Minister for Education and Skills the position regarding an extension to a secondary school (details supplied) in County Cork; and if he will make a statement on the matter. [27470/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project referred by the Deputy was included in the 5 year construction programme announced in March and is scheduled to commence construction in 2013.

A stage 2(b) submission was received in the Department in April and following a review by the Department a letter issued to the Design Team. The Department is currently awaiting a response from the Design Team.

The next stage for this project will be progression to tender and construction.

### Regulatory Bodies

231. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will explain the purpose of the €11 million that has been generated as surplus by the Teaching Council; the amount of interest this accrues on an annual basis; the way the interest is spent; the number of teachers this might pay per annum; and the reason the Teaching Council accumulates such a large sums of money. [27473/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Teaching Council's annual accounts for 2011 show a surplus of c. €11m. Of this amount, €4m has been set aside by the Council to cater for contingencies. Interest on funds in 2011 amounted to €252,000 (2010 — €146,000). This interest forms part of the overall income of the Council.

The surplus finance will be used to meet the increased costs of the Council as it expands its role. As is often the case when legislation is introduced, it is on a phased basis. Some of the main functions of the Teaching Council have not yet been commenced. For example, in relation to Fitness to Teach; while this function is not yet commenced, there has been a huge amount of preparatory work done in advance so that the Council will be in a position to undertake this work when the relevant legislative provision is made. This function, along with others such as Probation, Induction and Continuous Professional Development will lead to a significant increase in Council expenditure and staffing needs in the future. I hope to be in a position to commence a number of further sections of the Act within the next 12 months.

The Deputy will be aware that I have publically indicated my support for a recent decision by the Teaching Council to reduce the cost of its registration fee from €90 to €65.

The average cost of hiring a teacher is approximately €60,000.

232. **Deputy Seán Crowe** asked the Minister for Education and Skills the criteria that was met in order to qualify for the recently appointed position of Director of the Teaching Council; the salary paid to the Director of the Teaching Council; and the level of consultation there was between his Department and teachers on this appointment. [27474/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The recent recruitment of the Director of the Teaching Council was by way of open competition and was carried out in accordance with good human resources practice.

The post of Director of the Teaching Council was advertised on the Public Appointments Service website and also in the National Press.

The salary scale for Post of Director is: €90,355-€110,844 (or as appropriate to the employee's employment history, modified pay scale (€85,957-€105,429).

A comprehensive set of criteria for the post of Director was set out as outlined below:

- A proven track record in a senior management role.
- Experience of developing and sustaining critical relationships with other public sector bodies.
- An understanding of the role and responsibilities of a regulatory body in a complex environment.
- A thorough knowledge of the Irish education system.
- An appreciation and understanding of the role and work of the Teaching Council.

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- A career record that demonstrates a high level of competence in conceptual and analytical thinking, financial management and corporate governance.
- The capacity to promote the relevance of the Teaching Council among the teaching profession.

As is the norm in public sector recruitment, consultation took place with my Department and the Department of Public Expenditure and Reform in advance of the process and in relation to the appointment arrangements.

233. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide the figures relating to the number of executive directors who sit on the Teaching Council and to list their individual salaries. [27475/12]

234. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will list the non-elected members of the Teaching Council who are in receipt of and are members appointed by him receiving a salary from the Teaching Council. [27476/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 233 and 234 together.

There are thirty seven members appointed to the Teaching Council. Under the Teaching Council Act 2001 twenty two members are either directly elected teachers or nominated by teacher trade unions. No salary is paid for being a member of the Council. However, members are entitled to and receive expenses in accordance with Public Service Travel and Subsistence Regulations.

235. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will confirm that there is no facility for teachers to directly contact their elected representative on the Teaching Council. [27477/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Teaching Council is an independent statutory body established by the Teaching Council Act 2001 and my Department is not involved in the day to day affairs of the Council.

The membership of the Council is as set out in the Act. There are 16 elected teachers on the Council. The Council is subject to the normal corporate governance arrangements applicable to public bodies. Neither the Act nor the corporate governance code confers a representative role on individual members. Members of the Council are expected to bring their expert knowledge and professional understanding to the deliberations of the Council.

Communication and consultation with teachers and the public generally is a matter for the Council. It is of course open to any teacher to write to the Council at any time on matters related to Council work.

236. **Deputy Seán Crowe** asked the Minister for Education and Skills the way the permanent staff of the Teaching Council were first selected and chosen for that position; his views in the views that the Teaching Council should be run by teachers as they are best placed to understand the issues directly affecting members of the teaching profession. [27478/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Staff including the original appointees, are recruited by way of open competition, in accordance with norms, procedures and practices which generally apply to appointments to public sector posts.

The composition of the Council provides for teacher representation. Of the 37 member Council, 16 are elected teachers and a further 6 members are nominated by teacher unions. The Council is independent in the discharge of its functions and in its role as regulator of the teaching profession.

237. **Deputy Seán Crowe** asked the Minister for Education and Skills the reason payment from teachers to the Teaching Council have to be paid in a one off payment and should an option of paying by instalments be available to financially stressed teachers. [27479/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Teaching Council is an independent body established under the Teaching Council Act. Section 33 of the Teaching Council Act deals with the renewal of registration. Renewal of registration involves an application and payment of the renewal fee. The Council is responsible for the administrative arrangements in this matter.

I understand that the Council has in the past provided the option for the payment of the membership subscription through regular deductions from salary. Difficulties arose in the operation of this arrangement which potentially could give rise to questions concerning the registration status of individual teachers. In the light of the planned commencement of Section 30, it was decided to cease the arrangement.

It should be noted that the Council has proposed that the renewal fee will be reduced from €90 to €65 per annum from 1 January 2013 onwards. Where hardship cases arise, these are dealt with on a case by case basis. It is also worth noting that teachers can avail of tax relief on this fee.

238. **Deputy Seán Crowe** asked the Minister for Education and Skills the way the establishment and the current operation of the Teaching Council benefits teachers, pupils and the citizenry of the Irish State as a whole; if the stated aim of the Teaching Council is to professionalise teaching here; if it is his view that prior to the establishment of the Teaching Council the cohort of teachers was substandard. [27480/12]

240. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will provide evidence of the benefit of the Teaching Council since its inception with particular reference to teachers standards of teaching and the results of students results since its establishment. [27482/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 238 and 240 together.

The Teaching Council is the professional standards body for the teaching profession. The Council seeks to set and uphold high professional standards for teaching and teachers. It does this in the interests of pupils and the public good but equally for the reputation and status of the profession. Quality of teaching has been determined as the single most influential factor towards achieving good educational outcomes for students. The work of the Council is focused towards the maintenance and improvement of the standards of teaching and includes:

- Developing and implementing a ‘Continuum of Education’ which links the professional education and training needs throughout all phases of a teachers career.
- Restructuring and extending the programmes of initial teacher education in order that newly qualified teachers are better equipped for the needs of the modern day classroom.



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- Reviewing and accrediting teacher education programmes.
- Putting in place higher qualification and teacher education standards for teachers in the three sectors — Primary, Post-Primary and Further Education.
- Putting in place strict good character and Garda vetting requirements.
- Publishing a Code of Professional Conduct for teachers (which is currently being revised).
- Putting in place induction procedures for newly qualified teachers and a probation process applicable to all newly registered teachers.
- Preparing for Fitness to Teach procedures and processes when the Council's powers in this area are commenced by the Minister.
- Developing a Continued Professional Development framework for teachers. The individual teacher benefits from being a member of a fully regulated profession. The work of the Council supports teachers in the following key areas:
  - Protecting standards of entry to the profession, promoting induction processes and fostering best practice in continuing professional development.
- Reviewing and accrediting programmes of teacher education.
- Promoting research and engaging in debate and discussion on policy issues related to education.
- Dealing with complaints as to alleged professional misconduct made against teachers (when Part 5 of the 2001 Act is commenced).
- Advising Government on teaching supply and other professional issues.
- Enhancing the teacher's individual status and identity by his or her being part of a recognised, collective professional entity, with statutory authority and recognition.
- Enhancing the status of the profession and use every opportunity to promote teaching as a career.

Through all of the above the Teaching Council will help teachers to set and maintain the standards for the profession. It is the policy of my Department that all teachers paid from State funds should be registered by the Teaching Council and suitably qualified. The Education (Amendment) Act 2012 which was recently signed by the President paves the way for the commencement of Section 30 of the Teaching Council Act which is part of the progression towards a fully regulated profession.

I am confident that the work of the Council contributes to the quality of educational outcomes for our students.

239. **Deputy Seán Crowe** asked the Minister for Education and Skills in view of the fact that the Teaching Council does not fall under the terms of either the Freedom of Information legislation or the Committee of Public Accounts, the person who has oversight over the Teaching Council and to whom is it accountable. [27481/12]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Teaching Council Act includes provisions governing membership, funding, accountability and the council's relationship with the Department. The legislation provides for the appointment of a 37 member council. The council has responsibility for operationalising the provisions of the Act and the development of the necessary organisational and collaborative strategies and structures for the effective regulation of the teaching profession. It is responsible for the conduct of its affairs and meeting any obligations arising in this regard.

As a public body, the Teaching Council complies with a range of Government policies and requirements applicable to public bodies generally, including policies on employee numbers and remuneration and corporate governance. Under the Act, the council is a self-funding body but is subject to independent audit and required to publish its accounts, together with its annual report, which are lodged in the Houses each year.

A number of other obligations fall on the Teaching Council which enhance its accountability. It is required to implement the Department's policies on teacher education, probation, qualifications, professional conduct and so on. The approval of the Department is required for the drawing up of regulations in areas such as the election of members, the charging of fees and the registration of teachers. The council is required to provide the Minister with information and advice on matters relating to its functions having regard to resource implications and other relevant matters. In certain circumstances, members of the council may be removed.

Aside from the formal provisions, there is ongoing contact and communication between my Department and the Teaching Council at official level. I meet the Council as required and I am satisfied that the accountability of the council is in order, both in terms of regulation and in practice.

The Council is covered by Freedom of Information legislation. Because of the self funding position of the Council, the terms of reference of the PAC do not extend to it.

*Question No. 240 answered with Question No. 238.*

### **School Transport**

241. **Deputy Seán Conlan** asked the Minister for Education and Skills the reason the school bus inspector refuses to allow pupils attending their parish school to travel on the school bus as their house is located 200 meters outside the catchment area (details supplied) [27488/12]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Under the terms of my Department's Primary School Transport Scheme children are eligible for transport where they reside not less than 3.2 kilometres from and are attending their nearest national school, having regard to ethos and language.

Bus Éireann, which operates the school transport schemes on behalf of my Department, has advised that they are not aware of the issue referred to by the Deputy and that all eligible children attending the school in question have a service within guidelines.

If the Deputy wishes to provide more detailed information I will request Bus Éireann to investigate further.

### **Public Sector Remuneration**

242. **Deputy Maureen O'Sullivan** asked the Minister for Public Expenditure and Reform if he will direct the Paymaster General to calculate and publish the amount of tax revenue directed in each calendar year since 2007, and the amount budgeted in 2012, for payment of increments to civil and public servants whose remuneration comes entirely from the public purse; if he will

[Deputy Maureen O’Sullivan.]

direct that the figures be published in tabular form, showing the particular cost incurred per year in respect of increments by grade as follows, higher executive officer, assistant principal officer, principal officer, assistant secretary, secretary general, city or county manager, CEO of a State agency and all equivalent or comparable grades, also any grade the title of which includes one of the following words, senior, specialist, chief, registrar, consultant, inspector, general or advisor, head, director, stiúrthóir, first, governor, principal or manager; and if he will make a statement on the matter. [26177/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I refer to my replies to Question Nos. 40820/12, 1075/12 and 1076/12 of 11 January 2012.

### **Pension Provisions**

243. **Deputy Terence Flanagan** asked the Minister for Public Expenditure and Reform in view of the fact that there is currently no pension solvency protection for workers, if there is a possibility that responsibility for pension deficits will be passed to the new employers in charge of State assets — leaving them with the decision on whether or not to make up the shortfall or cut the benefits of the members; and if he will make a statement on the matter. [26896/12]

244. **Deputy Terence Flanagan** asked the Minister for Public Expenditure and Reform the likely impact of pension deficits on the sale of State assets and indicate if the cost of rectifying these deficits will be deducted from the sale price prior to the proceeds being divided up between debt repayment and stimulus measures, or if they will be dealt with before being put up for sale; and if he will make a statement on the matter. [26897/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 243 and 244 together.

The inter-departmental Steering Groups established in respect of each of the State companies listed in the asset disposals programme are taking account of, inter alia, the possible impact of pension deficits on the outcomes of the programme. However, the State is not liable for pension fund deficits arising in commercial state companies. Responsibility for addressing any funding difficulties rests with the trustees of the schemes, the members of the schemes and the companies themselves. I should also point out that these schemes have to meet the minimum funding standard set down by the Pensions Board. As regards the funding standard and its application to individual pension funds or the question of pension solvency protection, these are matters for my colleague the Minister for Social Protection.

### **Freedom of Information**

245. **Deputy Patrick Nulty** asked the Minister for Public Expenditure and Reform if legislation will be brought forward to extend the remit of the Freedom of Information Act to include the National Asset Management Agency; and if he will make a statement on the matter. [27490/12]

265. **Deputy Dominic Hannigan** asked the Minister for Public Expenditure and Reform when he expects to publish his revised Freedom of Information Act; the way it differs to the previous amended Act; and if he will make a statement on the matter. [27339/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 245 and 265 together.

The restoration and extension of Freedom of Information (FOI) aims, in line with the Programme for Government commitment, to reverse the substantive restrictions to FOI introduced in 2003 and to extend FOI to all public bodies, including the administrative functions of the Garda Síochána (subject to security exceptions) as well as to non-statutory bodies in receipt of significant funding from the Exchequer.

The current position is that significant work has been undertaken by my Department to examine and assess the key next steps and priorities relating to the implementation of these commitments. My Department is currently considering the responses it has received from other government departments in respect of proposals in this area. It is planned to bring proposals to Government in the coming weeks to secure approval to draft amending FOI legislation. Extension of the remit of the Freedom of Information Act to include the National Asset Management Agency will be considered by Government in this context.

### **Ministerial Staff**

246. **Deputy Billy Kelleher** asked the Minister for Public Expenditure and Reform the names of each special advisor whom he approved a pay increase in excess of the Government cap and the amount involved in each case; and if he will make a statement on the matter. [26196/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I have appointed Anne Byrne and Ronan O'Brien as special advisors. The salary for both special advisors has been 83,337 and 114,000 respectively per annum since their appointment. No salary increases have been requested in respect of either appointment.

### **Property Valuations**

247. **Deputy Anne Ferris** asked the Minister for Public Expenditure and Reform when revaluations of commercial properties for the purpose of commercial rates will take place in County Wicklow; if there is a pilot revaluation scheme using the self assessment approach in place; if it has been possible to outsource some of the work; when legislation is due to be published on the Valuation (Amendment) Bill; and if he will make a statement on the matter. [26272/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** As I informed the Deputy in a previous reply, the Commissioner of Valuation is independent in the performance of his functions under the Valuation Act, 2001 and the making of valuations for rating is his sole prerogative. The statute does not accord me as Minister for Public Expenditure and Reform any function in this regard.

In accordance with the Act, a revaluation programme which began in November 2005 in the greater Dublin area is ongoing, the current emphasis being in the Dublin City Council area which commenced in May, 2011 involving the valuation of approximately 25,000 properties and which is expected to be completed in 2013.

As part of the roll-out of the revaluation programme to other local authority areas, the Commissioner signed the valuation orders for Waterford City, Waterford County and Dungarvan Town Council areas on 12th December, 2011 and Limerick City and County on 29th March, 2012. The Waterford and Limerick revaluations will be completed in 2013 and 2014 respectively. It is intended to extend the revaluation programme to further local authority areas as soon as it is practicable to do so but it is not possible at present to say where these areas will be.

[Deputy Brendan Howlin.]

The Commissioner had indicated that, with the intention of speeding up the revaluation work, two pilot schemes were to be undertaken on outsourcing some of the work and exploring the introduction of a self-assessment scheme. The enabling provisions to allow for the start-up of these schemes were included in legislative proposals approved by Government on 6th December, 2011 and as a consequence, planning for their initiation is currently underway in the Valuation Office.

Significant work has already been done on the formulation of amending legislation to streamline and improve the valuation system and the Heads of a Bill, having been approved by Government, are now with the Office of the Parliamentary Counsel for drafting of the Bill with a view towards its publication as part of the Government's legislative programme at the earliest opportunity.

### State Property

248. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform the position regarding a proposal by a local community to utilise a closed Garda station for alternative purposes (details supplied); when a decision will be made on same; and if he will make a statement on the matter. [26287/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works (OPW) is currently assessing the property options arising in respect of the recently closed Garda Station in Castletownshend, County Cork.

This assessment will include other potential State uses for the property. If the property is considered surplus to requirements, the OPW will consider options including disposal on the open market and consideration of any viable local proposals in the matter.

### Public Sector Remuneration

249. **Deputy Derek Keating** asked the Minister for Public Expenditure and Reform if he will provide in tabular form the number of civil servants employed in the State who are earning less than €30,000 per annum; the number of civil servants in the State who are earning less than €20,000 per annum; the number of public servants in the State and of these the number of these who are earning less than €60,000, €40,000 and less than €30,000 per annum; and if he will make a statement on the matter. [26300/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I refer to my reply to Question No. 1329/12 of 11 January 2012.

### Coastal Protection

250. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform if works (details supplied) will be considered for funding; and if he will make a statement on the matter. [26372/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works is not responsible for the maintenance of the Glosa embankments at Cromane, which are located at the south — east end of the Cromane spit.

However, it is open to Kerry County Council to submit a funding application under the OPW's Minor Flood Mitigation Works and Coastal Protection Scheme for works at this location. Any application received will be considered by OPW under the scheme eligibility criteria and having regard to the availability of resources.



### **Croke Park Agreement**

251. **Deputy Micheál Martin** asked the Minister for Public Expenditure and Reform if he will report on any meetings he or his officials attended on the Croke Park Agreement recently; and if he will make a statement on the matter. [21420/12]

252. **Deputy Micheál Martin** asked the Minister for Public Expenditure and Reform the role his Department has in relation to implementation of the Croke Park agreement both internally and across all other Governments Departments; and if he will make a statement on the matter. [21302/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 251 and 252 together.

The Implementation Body for the Public Service Agreement was established in July 2010 to oversee progress on implementation of the agreed reform and flexibility measures across all sectors of the public service and to ensure that robust and verifiable reforms are secured, which lead to sustainable savings in the cost of public service delivery. I have been in contact with the Body on number of occasions since I became Minister, and the secretariat is provided by my Department.

The secretariat supports the Body in carrying out its remit including co-ordination of the progress reporting required by the Body from the various sectors of the Public Service. The Body also comprises of nominees from Public Service Management, which are represented by officials from my Department.

Both I and officials of my Department regularly meet with senior management from other Departments, sectoral representatives and staff representatives regarding the implementation of commitments under the Agreement.

The Implementation Body is currently carrying out its second Annual Review of the Croke Park Agreement. I expect to receive the final report from the Body later this month and, following its consideration by Government, it will be published and laid before the Houses of the Oireachtas.

### **EU Funding**

253. **Deputy Thomas P. Broughan** asked the Minister for Public Expenditure and Reform if he will report on his recent meeting with the European Investment Bank; if any proposals for new public private partnerships were discussed at the meeting; and if he will make a statement on the matter. [25623/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Both myself and my colleague the Minister for Finance, Michael Noonan, met with officials of the European Investment Bank in Brussels recently to discuss a range of issues. Those talks were very successful and we made good progress on many grounds. The EIB were very positive towards Ireland and made a firm commitment to continue to support Irish infrastructure projects. Following these discussions, officials of my department are continuing to engage with the EIB and other potential investors in order to secure additional funding for Irish infrastructure projects in order to supplement the €17bn Exchequer capital framework. Since coming into office, the current Government has been working on a range of measures to create employment and help stimulate economic growth and investment in infrastructure is just one area through which this will be achieved.

### Croke Park Agreement

254. **Deputy Seán Crowe** asked the Minister for Public Expenditure and Reform if he will provide an update on proposals to change the sick leave entitlements of public servants, including teachers; and his views on whether these proposals, if implemented, include a significant reduction in the availability of uncertified and certified leave. [25784/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** As part of the Croke Park Agreement management and staff representatives have agreed to work together to deliver increased productivity and maximise efficiencies in the delivery of public services. It is estimated that the direct cost of sick leave across the public service is over €500m. The State is no longer in a financial position to be able to sustain the cost of the existing sick leave. It is the view of public service management that a reduction in the amount of paid sick leave across the public service will result in increased productivity, a reduction in the cost of sick leave and improved morale. Therefore management has made proposals to reduce the arrangements for paid sick leave across the public service, including the arrangements for teachers.

The Labour Relations Commission is facilitating discussions between the management side and public service unions on proposals to change sick leave provisions across the public service, including teachers. Discussions are ongoing.

### State Procurement Process

255. **Deputy Peadar Kirby** asked the Minister for Public Expenditure and Reform if he will outline further steps that he intends to take to ensure that small and medium enterprises can fully engage with the State procurement process [20904/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I am very aware that public procurement can be an important source of business for local enterprises. Current guidelines (Circular 10/10) issued by my Department require public bodies to promote participation of small and medium-sized enterprises in the award of public contracts. These guidelines set out positive measures that contracting authorities are to take to promote SME involvement in a manner that is consistent with the principles and rules of the existing public procurement regulatory regime. The guidance also highlights practices that are to be avoided because they can unjustifiably hinder small businesses in competing for public contracts. The key provisions of the guidance include:

- supplies and general services contracts with an estimated value of €25,000 or more to be advertised on the *www.etenders.gov.ie* website;
- less use of “restrictive” tendering procedures and greater use of “open” tendering;
- ensuring that the levels set by contracting authorities for suitability criteria are justified and proportionate to the needs of the contract;
- sub-dividing larger requirements into lots where this is practical and can be done without compromising efficiency and value for money.

Circular 10/10 has been in place for almost two years. It is clear that there is a need to ensure greater consistency in relation to the implementation of this circular. In this regard, the National Procurement Service (NPS) recently established a Working Group on Small and Medium Enterprises to respond to public procurement issues arising for SMEs. The Working Group consists of representatives from the NPS, the Health Service Executive, the Irish Business and Employers Federation, the Irish Small and Medium Enterprises Association, Cham-

bers Ireland, and the Small Firms Association. The Working Group will develop measures to highlight the scope that contracting authorities have under circular 10/10 to encourage SME participation in public procurement processes.

### **Flood Relief**

256. **Deputy Olivia Mitchell** asked the Minister for Public Expenditure and Reform if funds will be made available to South Dublin County Council for the replacement of the footbridge (details supplied) destroyed by recent flooding; and if he will make a statement on the matter. [26605/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works received an application in April this year from South Dublin County Council under the Minor Flood Mitigation Works Scheme for funding of €100,000 to undertake works to the bridge concerned.

Following an assessment of the application, it was determined that the condition of the structure does not give rise to a flood risk. As such, the project was deemed ineligible for funding under the Scheme and South Dublin County Council was advised accordingly on 15th May, 2012.

### **Legislative Programme**

257. **Deputy Patrick Nulty** asked the Minister for Public Expenditure and Reform the current position regarding the Construction Contracts Bill; and if he will make a statement on the matter. [26621/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Programme for Government contains a commitment to introduce new legislation to protect small building subcontractors that have been denied payments from bigger companies. In this regard, my colleague Minister of State Brian Hayes is working with Senator Feargal Quinn to develop the Senator's private member's Construction Contracts Bill into a robust piece of legislation. The Bill is now at Second Stage in the Dáil.

During the Second Stage reading of the Bill, Minister Hayes signalled to the House his intention to bring proposals to Government on Committee Stage amendments dealing with the following issues:

#### **Thresholds:**

In order to ensure that the legislation applies to the majority of Construction Contracts the scope of the legislation will be broadened by reducing or removing the current monetary thresholds contained in the Bill.

#### **Adjudication:**

This issue of making adjudication awards binding for both the public and private sectors is a complex issue. It is important to strike the right balance between giving this legislation the necessary enforcement provisions, whilst ensuring that the application of the legislation is equitable and the taxpayer is safeguarded.

#### **Supplies:**

Proposals are being developed to broaden the scope of the legislation to include bespoke construction supply contracts. However, as I understand it this is likely to be difficult to define in a manner that is easy to interpret.

[Deputy Brendan Howlin.]

When these and a number of other technical issues have been examined, Minister Hayes will bring proposals to Government in advance of Committee Stage. This is an important piece of legislation aimed at creating a more level playing field between contractor and subcontractor in the construction sector. Therefore it is essential that these complex issues are properly assessed so as to avoid imposing unnecessary regulatory or cost burdens on parties in dispute, the State or others.

### **Departmental Funding**

258. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26636/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** My Department does not have any capital projects. My Department has a 2012 capital budget of €500,000 which is for normal expenditure on new and replacement hardware to expand and maintain the countrywide Government Network infrastructure that is used for communications by all of the public service. This budget will be drawn down as required over the course of the year.

### **National Monuments**

259. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform the new arrangements being made regarding opening times of the national heritage sites to facilitate tour coaches trying to showcase as much as possible in a short timeframe; and if he will make a statement on the matter. [21678/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works is responsible for the care and management of approximately 780 National Monuments and Historic Properties that are in State ownership. A guide service on a seasonal or year-round basis is provided at 70 sites. Details of the opening times and facilities on each site are available on [www.heritageireland.ie](http://www.heritageireland.ie). There have been no significant changes to the existing arrangements at guided sites.

All tour operators who are members of the tour operator voucher scheme avail of the discounted rate of admission to our heritage sites. Advance booking is necessary at sites to ensure that the tour group will have an allocated time for their visit. OPW acknowledges the importance of welcoming tour groups to the sites under its care and takes all possible steps to ensure their visit highlights Ireland's rich heritage.

### **Exchequer Savings**

260. **Deputy Alan Farrell** asked the Minister for Public Expenditure and Reform if he will provide the proposed savings to the Exchequer from the establishment of the Human Resources Shared Service Centre; and if he will make a statement on the matter. [26839/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Government recently decided to proceed with the implementation of a HR Shared Service Centre (HRSSC) for the Civil Service. The HRSSC will carry out the transactional elements of HR, freeing up staff in Departments, Offices and Agencies to focus on more strategic HR activities. It currently costs the Civil Service €85.6m annually to deliver HR services to 40 bodies. It is estimated that,

once fully operational, the implementation of the Human Resources Shared Service Centre (HRSSC) will result in annual savings of €12.5m.

The Civil Service wide Human Resources Shared Service Centre is a key priority and a significant milestone in achieving the Government's commitment to introduce the Shared Service model in a number of areas. This initiative will result in the provision of a high quality and professional HR function at significantly reduced cost and will free up staff in Departments, Offices and Agencies to focus on providing key services. The Government is committed to realising the significant benefits that can be achieved using the shared service model and there will be a keen focus on realising these benefits for the taxpayer.

### State Property

261. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform following the recent closure of Geashil Garda Station, County Offaly his plans to make available the former Garda Station to local community groups in the Geashil area. [26875/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works (OPW) is currently assessing the property options arising in respect of the recently closed Garda Station in Geashill, County Offaly.

This assessment will include other potential State uses for the property. If the property is considered surplus to requirements, the OPW will consider options including disposal on the open market and consideration of any viable local proposals in the matter.

### Ministerial Appointments

262. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26960/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I have not made any staff appointments in my Department since last March.

### Industrial Relations

263. **Deputy Clare Daly** asked the Minister for Public Expenditure and Reform his views on the vetoing by his Department of the terms of a settlement successfully brokered by the Labour Relations Commission between staff and management at the National Museums of Ireland compensating low paid staff for rostering changes; if there are any precedents of compensatory arrangements honoured by employers in the civil and public service which fall outside the terms of the Croke Park agreement. [27030/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The issue raised by the Deputy is a matter more appropriately addressed by my colleague, the Minister for Arts, Heritage and the Gaeltacht under whose remit the National Museum of Ireland falls and in conjunction with whom internal industrial relations concerning that body are dealt with in the first instance.

### Ombudsman for Children

264. **Deputy David Stanton** asked the Minister for Public Expenditure and Reform his views on increasing the remit of the Ombudsman and the Ombudsman for Children; and if he will make a statement on the matter. [27205/12]



**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Deputy will be aware that the Programme for Government contains a commitment to extend the remit of the Ombudsman to ensure that all statutory bodies, and all bodies significantly funded from the public purse, are covered. The next steps in implementing this commitment will be the development of specific proposals relating to the extension of the remit of the Ombudsman in line with the Programme for Government commitment. The remit of the Ombudsman for Children is a matter for my colleague, the Minister for Children and Youth Affairs.

*Question No. 265 answered with Question No. 245.*

### **Public Sector Remuneration**

266. **Deputy Patrick Nulty** asked the Minister for Public Expenditure and Reform the number of public sector workers earning less than €20,000, €30,000, €40,000, €50,000, €60,000, €70,000, €80,000, €90,000 and €100,000 per annum and earning more than €100,000 per annum, in tabular form; and if he will make a statement on the matter. [27379/12]

267. **Deputy Patrick Nulty** asked the Minister for Public Expenditure and Reform the number of public sector workers who received an annual increment payment in 2011 earning less than €20,000, €30,000, €40,000, €50,000, €60,000, €70,000, €80,000, €90,000 and €100,000 per annum, in tabular form; and if he will make a statement on the matter. [27380/12]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 266 and 267 together.

I refer to my replies to Question Nos. 1329/12, 40820/12, 1075/12 and 1076/12 of 11 January 2012.

### **National Monuments**

268. **Deputy Brendan Griffin** asked the Minister for Public Expenditure and Reform if he will enter into negotiations with the landowner regarding the future of the birthplace of Daniel O'Connell at Caherciveen, County Kerry; and if he will make a statement on the matter. [27408/12]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works is responsible for the care, conservation and management of 768 National Monuments that are in State ownership. The birthplace of Daniel O'Connell is not a National Monument designated under the National Monuments Acts and OPW has no plans to engage with the landowner regarding the acquisition of this property.

The acquisition of National Monument sites is a matter for the Department of Arts, Heritage and the Gaeltacht

### **Prompt Payments System**

269. **Deputy Ciarán Lynch** asked the Minister for Jobs, Enterprise and Innovation the strategies in place to speed up payments due to small and medium enterprises from Government Departments; and if he will make a statement on the matter. [26766/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Since 2009, Central Government Departments have been improving their respective payment times, so as to assist the cash flow of businesses, and are obliged to pay their suppliers within 15 days of receipt of a valid invoice. This 15 day prompt payment rule was introduced by Government on an administrative basis.

Departments are required to report quarterly to my Department on their performance in meeting this target. To date, 11 sets of Quarterly returns have been published on my Department's website [www.djei.ie](http://www.djei.ie). The returns for the first Quarter of 2012 were published on the 3rd of May. These Returns show that in value terms 88% of invoices were paid within 15 days for that quarter.

The ongoing publication of these composite returns by my Department provides clarity in relation to the performance of individual Departments in meeting the terms of the Government Decision.

As part of the commitments in the EU/IMF Programme for Ireland, the 15 day prompt payment rule was extended beyond central Government Departments and rolled out to the Health Service Executive, the Local Authorities, State Agencies, and all other Public Sector Bodies, (excluding Commercial Semi-State bodies), in respect of valid invoices received, on or after, 1 July 2011.

As part of this new extended arrangement, parent Departments are required to publish on their respective websites Quarterly composite reports covering those bodies under their aegis. The individual bodies covered by this arrangement are also required to publish their own Quarterly reports on their websites.

These new reporting arrangements should ensure that all Ministers will be able to monitor the performance of the bodies under their aegis and will enable them to address any issues with those bodies who are not meeting these obligations.

Any Small Businesses experiencing difficulties in securing payments should, in the first instance, approach the Government Department or State body concerned. Any failures to comply with the initiative can also be brought to the attention of the relevant Minister with responsibility for the body concerned.

Under Key Actions Points Nos. 3.44 and 7.13.2 of the Action Plan for Jobs, and to support compliance with the new 15 day Prompt Payment requirement for all public sector bodies and agencies (excluding commercial Semi-State bodies), the Department of Jobs, Enterprise and Innovation published the Prompt Payment Official Notice on its website on the 20 March 2012.

Small Businesses can attach this Official Notice of the new payment requirements to relevant invoices. Small businesses themselves should refer instances of non-adherence to the relevant Government Department, public sector body and State Agency. Copies of this Notice are also available on the Department of Jobs, Enterprise and Innovation website.

### **Employment Rights**

**270. Deputy Éamon Ó Cuív** asked the Minister for Jobs, Enterprise and Innovation his views on whether there is a need to address rigidities in the market by reducing the degree of employment protection for permanent jobs. [26903/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** It is important to maintain an appropriate balance in terms of labour market flexibility and protection of employees and this is something that is constantly under review.

The most recent evidence supporting the view that Ireland is among the least rigid labour markets is available from the OECD's most recent report on the subject of employment protection and the extent of its rigidity across OECD member states. Entitled "Legislation, Collective Bargaining and enforcement: Updating the OECD employment protection indicators (<http://www.oecd.org/dataoecd/36/9/43116624.pdf>), the report ranks Ireland among those member states with the least stringent employment protection systems. On a scale of 0-6, where

[Deputy Richard Bruton.]

0 was the least stringent and 6 the most stringent system, Ireland scored 1.39 overall. This indicator was made up of three sub-indicators:

1. Protection of permanent workers against (individual) dismissal.
2. Specific requirements for collective dismissal.
3. Regulation on temporary forms of employment.

There have been no changes to Irish legislation governing either of the first two sub-indicators (unfair dismissal or collective redundancies) in the period since the OECD report was published in 2008.

In respect of the third OECD sub-indicator (legislation governing temporary employment), the Protection of Employees (Temporary Agency Work) Act, enacted last month, transposes an EU Directive to provide equal treatment between agency workers and directly recruited workers in terms of basic pay and employment conditions.

Even allowing for this legislative change since 2008, I am not convinced that Ireland's rigidity score would be significantly impacted relative to other OECD members, many of whom, as EU Members, were also obliged to transpose the Directive on Temporary Agency Work.

The OECD's analysis that Ireland is not excessively rigid in the application of employment protections is further supported by the report of the World Competitiveness Rankings for 2012 (<http://www.imd.org/research/publications/wcy/upload/scoreboard.pdf>), released last week by the Swiss Business School, IMD. This report ranked Ireland as Number One globally for the flexibility and adaptability of its workforce. In my view, this is recognition that Ireland is maintaining an appropriate balance between flexibility and protection in our labour market regulation.

I am aware that some EU member states, particularly Scandinavian countries, have pursued a "flexicurity" model, whereby greater flexibilities are available for employers in the termination of staff contracts. However, such a system is only viable where there are complementary balancing measures. Typically a feature of such models is significantly enhanced social protection measures, including generous and sustained income supports, an option that is not feasible in an Irish context in the current economic climate.

### **National Minimum Wage**

271. **Deputy Éamon Ó Cuív** asked the Minister for Jobs, Enterprise and Innovation his views on whether the minimum wage should be reduced; and if he will make a statement on the matter. [26904/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The current Programme for Government contained a commitment to reverse the €1 per hour reduction in the National Minimum Wage introduced by the previous Government on 1 February 2011.

The increase was provided for in the Social Welfare and Pensions Act 2011 and effected by the National Minimum Wage Act 2000 (Section 11) (No. 2) Order 2011 on July 1st 2011.

The restoration of the National Minimum Wage to €8.65 per hour represents a significant commitment by the Government to protect the lowest paid and most vulnerable workers. The Government does not have any plans for further adjustments to the National Minimum Wage.

### Departmental Funding

272. **Deputy Finian McGrath** asked the Minister for Jobs, Enterprise and Innovation the supports or grants available to a business (details supplied) in Dublin 1. [27194/12]

**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. The role of Dublin City Enterprise Board as part of the network of CEBs is to develop indigenous potential and stimulate economic activity at a local level primarily through the provision of financial and technical support for the development of small and micro-enterprises.

The promoter may therefore initially wish to contact Dublin City Enterprise Board to discuss what options may be available to them and their proposed business venture. Dublin City Enterprise Board is located on 5th Floor, O'Connell Bridge House, D'Olier Street, Dublin 2; Phone No: 01 6351144, Fax No: 01 6351811; Email: [info@dceb.ie](mailto:info@dceb.ie) Website: [www.dceb.ie](http://www.dceb.ie)

### Departmental Agencies

273. **Deputy Jim Daly** asked the Minister for Jobs, Enterprise and Innovation if Enterprise Ireland has a vested interest in a company (details supplied); if this is compliant with competition regulations with reference to other similar trading companies competing for similar business; and if he will make a statement on the matter. [27407/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The company concerned is a client company of Enterprise Ireland and the company have been supported as part of the enterprise development agenda of the agency. I am informed by the agency that the supports provided to the company are fully compliant with Irish legislation and EU State Aid rules.

### Enterprise Support Services

274. **Deputy Patrick O'Donovan** asked the Minister for Jobs, Enterprise and Innovation if she will consider providing a financial package access to credit which would assist in the set up costs for persons in receipt of social welfare who want to start up a business; and if he will make a statement on the matter. [27584/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Programme for Government details a commitment to establish a Microfinance Loan Fund targeted at start-up, newly established or growing micro-enterprises across all industry. The Action Plan for Jobs reconfirms this commitment. It is generally accepted that lack of credit severely restricts opportunities to create and support micro enterprises and in so doing help reduce unemployment.

When viewed in a macroeconomic context, microfinance is a very cost effective job creation/protection mechanism generating a high rate of return. In many cases the business promoters and any other staff hired come from the unemployed ranks and are therefore drawing State benefits. Existing employees who choose the entrepreneurial route and set up their own business are also likely to create a residual employment opportunity in their previous organisation.

The Microfinance Fund is designed to stimulate lending to sustainable microenterprises and is targeted at start-up, newly established, or growing micro enterprises across all industry sectors, employing not more than 10 people. It will provide loans of up to €25,000 for commercially

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viable proposals that do not meet the conventional risk criteria applied by commercial banks. This is part of the Government response to the unmet demand in Ireland for micro-finance.

The Government has approved the allocation of €10 million as seed capital for the Fund. It is anticipated that the Fund will supplement this seed capital by leveraging further funding from private sources, including the banks.

The €10m allocation, supplemented by €15m bank borrowing in tranches of €5m over years 2,3 and 4, will generate €40m in loan expenditure and create 3,800 jobs over a 5 year period. This is based on €8.8m of loan demand and 20% Bad Debts and will greatly assist employment in the microenterprise sector. Finalisation of the required legislation to establish the Fund is on-going and subject to completion of all administrative and corporate governance requirements, it is anticipated that the Loan Fund will become operational in Quarter 3 of this year.

Furthermore, I would bring the Deputies attention to self-employment supports from the Department of Social Welfare. People who are getting social welfare payments can keep all or part of their payment for a time after becoming self-employed if they take part in one of the Enterprise Allowance schemes. There are two schemes: the Back to Work Enterprise Allowance Scheme and the Short-Term Enterprise Allowance Scheme.

Approval normally involves an interview to assess the viability of the proposed project and to provide advice on funding, start your own business courses or other relevant aspects of self-employment.

### **Employment Rights**

275. **Deputy Seán Kyne** asked the Minister for Jobs, Enterprise and Innovation while recognising the very positive measures contained in the proposals to create a world-class Workplace Relations Service, whether the absence of legal advice or representation for claimants might mitigate against the principles of fairness, balance and equality which ought to underpin such a service. [26148/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The position in relation to legal advice or representation for complainants will not be changed in any way on foot of the reform.

The Workplace Relations Commission (WRC) will, among other matters, incorporate the proactive information functions, currently discharged by the National Employment Rights Authority (NERA), in relation to informing employers and employees in respect of employment rights and responsibilities with a particular emphasis on complying with employment law and avoiding and resolving disputes.

As is currently the case the provision of such information will not extend to the merits or otherwise of individual complaints or cases. It would not be appropriate for a body which also has an adjudicative role to provide advice to individual complainants.

The Equality Authority (and its proposed successor the Irish Human Rights and Equality Commission) will continue to provide advice and advocacy to individuals in relation to equality matters.

The position in relation to representation at hearings of the WRC and Labour Court will be in line with existing arrangements and provisions insofar as the Rights Commissioners, Equality Tribunal, Employment Appeals Tribunal and Labour Court are concerned in that parties will be free to represent themselves or be represented by a person of their choosing.



My aim is to ensure that hearings are conducted in a fair and balanced manner to the highest standards.

### Proposed Legislation

276. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation if he sees any merit in introducing a Media Mergers Bill separate from the Competition Bill: if he will detail his meetings with the Department of Communications, Energy and Natural Resources on the matter; the dates of the meetings; the discussions that took place; and if he will make a statement on the matter. [26246/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I see no merit in proceeding with stand-alone legislation on media mergers. Following a Government decision, the Consumer and Competition Bill is currently being drafted which will give effect to, *inter alia*, the recommendations of the Advisory Group on Media Mergers. The media mergers provisions will complement the overall merger and acquisition provisions which will be updated in this Bill.

Discussions have taken place between officials in my Department and in the Department of Communications, Energy and Natural Resources whilst I have been in written communication with my colleague the Minister for Communications, Energy and Natural Resources on the matter.

### Job Creation

277. **Deputy Willie O'Dea** asked the Minister for Jobs, Enterprise and Innovation if he will provide in tabular form the number of jobs created by Enterprise Ireland and the Industrial Development Agency sponsored companies in each year since 1997; and if he will make a statement on the matter. [26247/12]

280. **Deputy Willie O'Dea** asked the Minister for Jobs, Enterprise and Innovation the projected number of jobs created by the Industrial Development Agency and Enterprise Ireland backed companies in 2012; the projection for 2012 this time last year; the projection for 2013; the numbers created in each of the years 2008, 2009, 2010 and 2011; and if he will make a statement on the matter. [26537/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 277 and 280 together.

Figures in respect of the number of jobs created in firms assisted by IDA Ireland and Enterprise Ireland are published each year in the Annual Report for those agencies and are available on the websites [www.idaireland.ie](http://www.idaireland.ie) and [www.enterprise-ireland.com](http://www.enterprise-ireland.com) respectively. In 2011, 11,594 jobs were created in IDA Ireland assisted companies and 9,038 were created in Enterprise Ireland assisted companies.

In 2012, the projection for new jobs to be created in IDA Ireland assisted companies is 12,500 and the projection for new jobs to be created in Enterprise Ireland assisted companies is 10,300. These projections are broadly similar to those made for 2012 at this time last year.

The Government's Action Plan for Jobs has set a target of supporting the creation of 100,000 net new jobs over the period 2012 to 2016, with the longer term objective of having 2 million people at work by 2020. I recently announced the progress which has been made in this regard so far this year. Meanwhile, I am already getting suggestions and proposals in relation to preparing the Action Plan for 2013, which I am examining and will bring to Government later this year.

### Public Service Contracts

278. **Deputy Maureen O’Sullivan** asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn the fact that Dun Laoghaire Rathdown libraries have stopped their contract with a company (details supplied) and awarded the contract to an English company; if he acknowledges that this will possibly result in job losses as well as further jeopardising Irish writers published in Ireland; his plans to implement incentives which seek to help protect the Irish publishing industry from tenders sought abroad; and if he will make a statement on the matter. [26251/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** It would not be appropriate for me to comment on specific contracts in the procurement process. Any issues or queries concerning the award of a particular contract should be addressed by the company in question to the procuring authority.

Public procurement policy is primarily a matter for the Minister of State at the Department of Public Expenditure and Reform with special responsibility for the Office of Public Works, Mr. Brian Hayes, T.D.

Public procurement policy is aimed at ensuring that all public sector purchasing is carried out in a manner that is legal, transparent, and secures optimal value for money for the taxpayer. It is a basic principle of public procurement that a competitive process should be used. As a Member State of the EU, we are also obliged to observe the principles of the free movement of goods and services within the Single Market.

Under EU Directives, contracting authorities are obliged to advertise contracts valued above certain thresholds in the Official Journal of the European Union. The threshold for supplies and general services is currently €125,000. In addition, national guidelines in Ireland stipulate that all contracts for supplies and general services with an estimated value of €25,000 and upwards are to be advertised on the national tenders website, [www.etenders.ie](http://www.etenders.ie). It is open to any interested party to submit a tender for consideration in response to advertisements at EU or national level.

Ultimately, the award of any particular contract is a matter for the procuring authority in question, having regard to the content of the tenders received and the criteria under which they are assessed.

### Work Permits

279. **Deputy Regina Doherty** asked the Minister for Jobs, Enterprise and Innovation if he will consider lifting working visa restrictions for skilled non-EU nationals (details supplied); and if he will make a statement on the matter. [26367/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Government has no plans at present to lift employment permits restrictions for non-EU nationals nor does it see that the current policy impedes inward investment. Visas are a matter for my colleague the Minister for Justice and Equality.

It is current Government policy to issue new employment permits in respect of jobs requiring key skills and where there is a recognised scarcity of suitably skilled workers. The issue of any employment permit is predicated on a job offer from a prospective Irish employer who has made every effort to recruit an Irish or EEA national for the post. In considering applications the Department takes cognisance of applications submitted with the support of the IDA.

For specified highly skilled and strategically important occupations, where a skills shortage exists, Green Card employment permits may be issued. The Green Card permit is issued to

the employee and allows his or her employment in the State by the named employer in the occupation specified on the permit. It may be issued for a period of two years. The employee may apply for immediate family re-unification and an application for long-term residence may be made after two years. No labour market needs test (e.g. newspaper and FÁS/EURES advertising) is required prior to making an application. Sensibly, it is a requirement that no more than 50% of staff employed by a company in Ireland may be employment permits holders.

The Department also operates an Intra-Company Transfer (ICT) scheme. This scheme is designed to facilitate the transfer of senior management, key personnel or trainees who are foreign nationals from an overseas branch of a multinational corporation to its Irish branch. Only 5% of the workforce may have ICT Permits. However for startups this may be waived on a case by case basis for an initial period. No labour market needs test is required in respect of an application for an Intra-Company Transfer permit. Certain criteria apply in the case of ICTs.

Application forms and information in relation to the criteria that apply in the case of all employment permit types including green cards and ICTs are available on my Department's website.

*Question No. 280 answered with Question No. 277.*

### **International Conventions**

281. **Deputy Gerald Nash** asked the Minister for Jobs, Enterprise and Innovation if he intends, in view of the requirement under the International Labour Organisation's constitution to submit adopted conventions to national parliaments within one year of their adoption by the organisation, to submit convention 189 on the rights of domestic workers to Dáil Éireann before 16 June; and if he will make a statement on the matter. [26612/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I welcome the successful outcome of discussions at the International Labour Conference (ILC) in June 2011 that led to the adoption of a new International labour standard aimed at ensuring Decent Work for Domestic Workers.

The final text of the draft Convention was one that the Irish Government was in a position to support and the Convention on Decent Work for Domestic Workers has become ILO Convention No. 189, supplemented by a Recommendation.

The question of ratification by Ireland of this — or indeed any — international Convention must be considered from the perspective of any amendments that may be required to existing domestic legislation, as well as the cost implications for both the State and private enterprise, if any, arising from ratification, including enforcement arrangements.

My Department is in the process of assessing the implications of the Convention from these perspectives, including any amendments that may be necessary to existing employment rights legislation which numbers in excess of thirty Statutes, together with associated Regulations and Statutory Instruments.

The date to which the Deputy refers derives from Article 19 of the ILO Constitution which provides that Member States “*should bring the Convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action*”. It is not yet clear that legislation will be required in this case and therefore the question as to whether there will be a legislative role for the Houses of the Oireachtas is not certain.

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Nevertheless, I intend to communicate in the near future with the Chairman of the Joint Committee on Jobs Enterprise and Innovation in order to apprise the Committee of the content of the Convention and to provide an update on the process to date.

However, it is important to note that, in the meantime, domestic workers are protected by virtue of the fact that the full suite of employment rights legislation, including that of redress for violations of their employment rights, apply to domestic workers in the same way as they apply to other categories of employees in Ireland.

A voluntary Code of Practice for Persons Employed in Other People's Homes was developed under the Industrial Relations Act 1990. The Code sets out certain employment rights and practices for persons employed in other people's homes and encourages good practice and compliance with the law in such employment situations. In any proceedings before a court, or a workplace relations dispute resolution body, a code of practice shall be admissible in evidence and any provision of the code which appears to the court, body or officer concerned to be relevant to any question arising in the proceedings shall be taken into account in determining that question.

It is also worth pointing out that NERA has carried out a programme of inspections involving domestic workers, as well as continuing to respond to any complaints it receives from domestic workers.

### **Departmental Funding**

282. **Deputy Niall Collins** asked the Minister for Jobs, Enterprise and Innovation the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26634/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Capital funding allocated to my Department's Vote is primarily expended through various agencies under the remit of my Department, including IDA Ireland, Enterprise Ireland, Science Foundation Ireland, Shannon Development, Inter Trade Ireland, the National Standards Authority of Ireland and the 35 City and County Enterprise Boards. Capital funding of €10 million has also been allocated for expenditure by my Department in 2012 in respect of the Micro Finance Loan Fund.

The funding provided to the agencies is used to operate programmes that provide a range of grants, supports and financial facilities to clients. Capital funding also covers the maintenance and development of the agencies' buildings and upgrading of equipment. The funding provided in respect of the Microfinance Loan Fund will provide loans to start-up, newly established, or growing microenterprises.

The Gross Exchequer Capital Allocation for 2012 for the Department and these agencies is set out in the Table overleaf. Expenditure across all Subhead lines is closely monitored by my Department; at the end of April €102 million had been expended from the Capital budget and I anticipate that the 2012 allocation will be spent in full at year end, bearing unforeseen timing issues that may arise with regard to particular projects.

The operation of programmes funded through capital expenditure in my Department's Vote is a day-to-day matter for the agencies concerned. Details of the programmes and projects, which involve many hundreds of clients, are available in the agencies' Annual Reports and on their websites.

## Capital Allocation 2012

Agency	2012 Capital Allocation €000
IntertradeIreland	6,000
IDA — Grant to Industry	85,000
IDA — Building Operations	1,000
EI — Grant to Industry	69,500
EI — Capital	1,000
SFADCo	5,000
S and T Development Programmes	291,200
Programme for Research in Third Level Institutions (PRTLII)	26,800
County Enterprise Development	15,000
INTERREG Enterprise Development	3,000
NSAI — Capital	500
Micro Finance Loan Fund	10,000
Total	514,000

**Industrial Development**

283. **Deputy Gerald Nash** asked the Minister for Jobs, Enterprise and Innovation the number of Industrial Development Agency sponsored site visits to locations in Drogheda, County Louth, including the IDA Business Park, Drogheda, County Meath in 2009, 2010 and 2011 respectively; and if he will make a statement on the matter. [26640/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I am informed by IDA Ireland that statistics in relation to site visits by potential investors are maintained on a county by county basis only. In the three year period 2009 to 2011 inclusive, there have been a total of 83 IDA sponsored site visits by potential investors to County Louth. The number of such visits paid in each of those years is set out in the attached tabular statement.

The global economy and, in particular, the European economy, which is the primary target market for foreign direct investment (FDI) clients in Ireland, is in a low growth phase. The challenge for IDA is to win FDI in this low growth environment. In addition, there is the intense and continual international competition to win this FDI, which is mainly dominated by Metro City Regions with populations in excess of 1 million people i.e. London, Manchester, Boston, Los Angeles etc. Ireland has only one Metro Region, the Greater Dublin area.

In order to achieve balanced regional development IDA focuses on marketing Gateway locations within each Region as the areas of critical mass. IDA also highlights the opportunities provided by Hub locations, which are within commuting distances of these Gateways. In addition, IDA will promote other locations as part of its marketing efforts in response to specific client requirements and enquiries on an opportunistic basis. With the improved infrastructure now in place, a significant number of people commute within the North East Region, of which Dundalk is the Gateway, and IDA considers a project win in one town in the region to have a positive impact on the other surrounding areas due to the close proximity of all main locations.

IDA has 21 client companies in County Louth employing in the region of 1,500 people. So far this year there have been two job announcements for County Louth with the potential to create a further 1,200 jobs over the coming 3/4 years which will almost double the numbers employed in IDA client companies. In April, Diaceutics, an international business consulting



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and software application firm specialising in personalised medicine, announced the creation of 20 new jobs over 3 years in Dundalk, while in February, PayPal, the leading global online payments company, announced the creation of 1,000 jobs over the next four years at its new European Operations Centre also in Dundalk. This new Centre will open in July 2012.

This achievement by IDA in securing these investments has to be recognised as an enormous boost for the economy of the Region as a whole.

Table showing the number of IDA sponsored site visits by potential investors to County Louth in each of the 3 years 2009, 2010 and 2011

Year	Number of site visits
2009	33
2010	27
2011	23

### Industrial Relations

284. **Deputy Mary Mitchell O'Connor** asked the Minister for Jobs, Enterprise and Innovation his views on the deliberate failure by companies to abide by Labour Court judgements; if he intends to take any action in relation to these cases.; and if he will make a statement on the matter. [26720/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The system of industrial relations in Ireland is essentially voluntarist in nature with the terms and conditions of employment of workers being determined in the main by a process of voluntary negotiation and agreement without the direct intervention of the State.

In general, Irish law does not try to impose a solution on parties to an industrial relations dispute, but rather is designed to help support the parties in resolving their differences. The State takes a supportive role, by providing a framework and institutions through which good industrial relations can prosper, rather than an interventionist one. Institutions such as the Labour Court and the Labour Relations Commission were established to assist in the resolution of disputes between employers and workers.

The experience and expertise of the State's industrial relations machinery offers the best avenue for resolving issues in dispute. It is expected that the parties to a dispute come to the process in good faith and consequently are prepared to give serious consideration to the decisions or recommendations made.

Recommendations of the Labour Court are not legally binding. Neither the Labour Court, nor I, can compel a company to comply with such recommendations. Ultimately, responsibility for the settlement of a trade dispute rests with the parties involved.

### Employment Rights

285. **Deputy Patrick Nulty** asked the Minister for Jobs, Enterprise and Innovation if he will confirm that a company (details supplied) in Dublin 6 must ensure that workers are paid their entitlements back-dated to the 5 December in line with the company's obligations under the Temporary Agency Work Directive; and if he will make a statement on the matter. [26745/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Protection of Employees (Temporary Agency Work) 2012 Act transposed EU Directive 2008/104/EC on

Temporary Agency Work into Irish law. The Act provides for equal treatment in terms of basic working and employment conditions for agency workers, as defined in the Act, as if they were employees recruited directly by the Hirer to do the same or similar job. The Act covers

- (a) Basic pay.
- (b) Working time.
- (c) Rest periods.
- (d) Rest breaks during the working day.
- (e) Night work.
- (f) Overtime.
- (g) Annual leave.
- (h) Public holidays.
- (i) Access to collective facilities and amenities (e.g. canteen, childcare and transport facilities).
- (j) Access to information on vacancies in the hirer company.

The provisions in relation to “pay” for agency workers on assignment on 5 December 2011 have retrospective effect to 5 December, 2011 (the date of transposition of the Directive). In respect of agency workers that commenced assignment after 5 December 2011 but before the Act came into effect, the provisions in the legislation relating to “pay” have effect from the date of assignment.

The Act provides a derogation from the principle of equal treatment in relation to ‘pay’ in respect of agency workers who hold a permanent contract of employment with an employment agency. For this derogation to apply:

- The agency worker must be notified of the implications of the derogation in writing in advance of signing their contract of employment.
- The contract of employment must include a statement to that effect.
- The agency worker must be paid between assignments at a rate of no less than half of the pay they were entitled to in respect of their most recent assignment (not less than the National Minimum Wage).

In relation to all other entitlements, the legislation is effective from the date of enactment of the Act. “Pay” is defined in the Act as basic pay, and any pay in excess of basic pay in respect of, shift work, piece work, overtime, unsocial hours worked or hours worked on a Sunday but does not include sick pay, payments under any pension scheme or arrangement, occupational social security schemes or financial participation schemes.

The Act does not prescribe the rate of pay other than to require that the rate of pay for the agency worker should be the same as that which applies to a direct employee of the hirer recruited to the same or a similar job. This must have regard for established pay scales, collective agreements, terms and conditions of employment etc. that apply in enactments, collective agreements or any arrangements that apply generally in respect of employees or to a class of employees. The Act specifically allows for the application of arrangements whereby agency

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workers are entitled to conditions that are better than the basic working and employment conditions provided in the Act.

The hirer is obliged to provide relevant information to allow the Agency to comply with the legislation. Should proceedings in relation to a contravention of the Act be brought by the employee against the agency and the contravention is attributable to the failure by the hirer to provide information as prescribed then the hirer shall indemnify the employment agency in respect of any loss incurred by agency that is attributable to such failure.

Complaints in respect of contraventions of the Act may be presented to the Rights Commissioners within 6 months of the date of the contravention and up to 18 months where reasonable cause for not presenting the case is shown.

### Job Creation

286. **Deputy Alan Farrell** asked the Minister for Jobs, Enterprise and Innovation the total number of jobs created since March 2011 as a result of investment and initiatives provided by his Department; and if he will make a statement on the matter. [26843/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The figures in respect of jobs in Enterprise Development agency-supported companies and those supported by the County and City Enterprise Boards (CEBs) are compiled in the Forfás Annual Employment Survey and the CEB Annual Employment Survey respectively. As the information is compiled on an annualised basis, the figures in respect of 2011 as a whole are set out in the table accompanying this reply.

No. of Jobs Created in 2011 in Companies supported by the Enterprise Development agencies and the County and City Enterprise Boards

Enterprise Ireland	IDA Ireland	Shannon Development	County and City Enterprise Boards
9,038	11,594	406	7,253

### County Enterprise Boards

287. **Deputy Alan Farrell** asked the Minister for Jobs, Enterprise and Innovation his plans for the County Enterprise Board structure, including its staff, premises and operations; and if he will make a statement on the matter. [26851/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Government has approved the restructuring of the existing micro and small enterprise support mechanisms with a view to creating an enhanced national enterprise support model. The Minister for Jobs, Enterprise and Innovation will remain responsible for national enterprise policy and budgets but under the new model, enterprise supports will be delivered at local level by a network of Local Enterprise Offices (LEOs), situated in the Local Authorities .

As agreed by Government, the CEBs will be dissolved in their current legal format and their functions, assets and liabilities transferred to Enterprise Ireland (EI). EI is being mandated to work with the Local Authorities to develop benchmarks for service delivery and enterprise supports as well as appropriate structures and delivery models for the LEOs. In this regard, a detailed formal Service Level Agreement (SLA) will be put in place between Enterprise Ireland and the Local Authorities which will set out how the new enterprise support model

will operate in practice. The existing staff of the CEBs will be an integral part of the new arrangements.

An Implementation Working Group (IWG) has been set up under the auspices of my Department for the purpose of directing the practical implementation of the Government decision. The IWG will be comprised of all key stakeholders including the City and County Managers Association (CCMA), the CEBs, Enterprise Ireland (EI), the Department of the Environment, Community and Local Government (DECLG), the Department of Public Expenditure and Reform (DPER) and my own Department. In conjunction with this, my Department is engaging with the Office of the Attorney General regarding the legal and legislative aspects of giving effect to the new arrangements.

### **Work Permits**

288. **Deputy Nicky McFadden** asked the Minister for Jobs, Enterprise and Innovation when a decision may be expected on the work permit appeal in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [26865/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I wish to advise the Deputy that this Spousal/Dependant Permit application was refused on the 14th March 2012 on the grounds that it appeared that the proposed employee had already been working in the company without having a valid employment permit. Furthermore, additional information requested from the applicant had not been provided and there appeared to be a discrepancy in the information provided in relation to the numbers of EEA and non-EEA nationals currently employed.

An appeal in respect of this decision was received in the Employment Permits Section on the 5th April 2012. The Appeals Officer is currently examining appeals received on the 2nd April 2012 and this appeal will be examined in sequence.

### **Job Protection**

289. **Deputy Kevin Humphreys** asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn to a company (details supplied), if he will detail if he or his Department have had any discussions with the company regarding the future of the jobs currently located here; and if he will make a statement on the matter. [26899/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Neither I myself nor any officials in my Department have had any discussions with this company in relation to the future of their operation here. In addition, in relation to IDA Ireland, while that Agency welcomed the decision of the company to locate in Ireland, it was not IDA policy to target gambling related companies through grant aid at that time. IDA has had no contact with the company since.

### **Industrial Disputes**

290. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation the steps he will take to ensure that there will never be a repeat of the treatment that the workers in the Vita Cortex plant in Cork had to endure for nearly six months and that no workers in Ireland should ever be put through this situation again; and if he will make a statement on the matter. [26940/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I welcome the fact that a mutually acceptable resolution was found to bring an end to the long running dispute at

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the Vita Cortex factory. I am conscious of the toll that the events have taken on the workers and their families since 16 December 2011 when 32 workers began the sit-in at the factory arising from a dispute with their former employer over extra-statutory redundancy payments.

The system of industrial relations in Ireland is essentially voluntarist in nature with the terms and conditions of employment of workers being determined in the main by a process of voluntary negotiation and agreement without the direct intervention of the State.

In general, Irish law does not try to impose a solution on parties to an industrial relations dispute, but rather is designed to help support the parties in resolving their differences. The State takes a supportive role, by providing a framework and institutions through which good industrial relations can prosper, rather than an interventionist one. Institutions such as the Labour Court and the Labour Relations Commission were established to assist in the resolution of disputes between employers and workers.

The experience and expertise of the State's industrial relations machinery offers the best avenue for resolving issues in dispute. It is expected that the parties to a dispute come to the process in good faith and consequently are prepared to give serious consideration to the decisions or recommendations made.

Even what often appears to be the most intractable of disputes is capable of resolution where both sides engage constructively and in good faith in this voluntary process. The principle of good faith implies that both sides in a dispute make every effort to reach an agreement and endeavor, through genuine and constructive negotiations, to resolve their differences.

Ultimately, responsibility for the settlement of a trade dispute rests with the parties involved, which was the case in the Vita Cortex dispute.

### **Ministerial Appointments**

291. **Deputy Robert Troy** asked the Minister for Jobs, Enterprise and Innovation if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26958/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I assume that the Deputy is referring to appointments to my private Office. I confirm that I have made no such appointments in the period since March 2012.

292. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide details of the full annual remuneration of the chief executive officer of Science Foundation Ireland. [27016/12]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** The salary sanctioned by the Minister for Public Expenditure and Reform for the Director General of Science Foundation Ireland, Professor Mark Ferguson, is €189,115 gross per annum. This includes a personal pension contribution rate. Professor Ferguson commenced in the post on 16th January 2012.

### **Industrial Development**

293. **Deputy Frank Feighan** asked the Minister for Jobs, Enterprise and Innovation the action he is taking in conjunction with the Industrial Development Agency Ireland to promote and market Industrial Development Agency site in Roscommon town as a superb location for



investment of manufacturing centre based on recent upgrade and investment in infrastructure, broadband and other services. [27118/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The provision of property and infrastructural solutions is a key element of IDA Ireland's offerings to potential investors to the regions. The strategy of developing and maintaining lands and property solutions in advance of securing new mobile investments has been a fundamental differentiator in IDA's marketing efforts with overseas clients.

I am informed by IDA that its Roscommon Business and Technology Park, which is located on Racecourse Road, extends to approximately 13 Ha, of which in the region of 7 Ha remains available for promotion. The Park is fully Masterplanned and is maintained to a Flagship Standard with on-going landscape maintenance contracts in place. The Park is available not only to facilitate Foreign Direct Investment (FDI) and investments made by indigenous industry supported by Enterprise Ireland, but is also potentially available to facilitate other investments and to act as a catalyst for employment generation in the region. Such investments need not necessarily be supported by either IDA or Enterprise Ireland.

There is intense and continual international competition to win FDI, which is mainly dominated by Metro City Regions with populations in excess of 1 million i.e. London, Manchester, Boston and Los Angeles. Ireland has one Metro Region, the Greater Dublin area. In order to achieve regional economic development, IDA focuses on marketing Gateway locations within each Region as the areas of critical mass and highlights the opportunities provided by Hub locations which are within commuting distances of these Gateways. IDA's Midlands Region consists of the counties of Roscommon, Westmeath, Offaly, Laois and Longford. With the improved infrastructure now in place, a significant number of people commute within the Midlands Region and IDA considers a project win in one Midlands town to have a positive impact on the other surrounding areas due to the close proximity of all main locations.

IDA also promotes Roscommon town to potential overseas investors through its network of overseas offices and in response to specific client requirements but, in the final analysis, it is the investor who decides in all cases where to locate.

Meanwhile, we must not lose sight of the fact that at present there are 900 people employed in IDA supported companies in County Roscommon.

### **Work Permits**

294. **Deputy Regina Doherty** asked the Minister for Jobs, Enterprise and Innovation if he will review the application for work permits (details supplied) in County Meath; and if he will make a statement on the matter. [27197/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I wish to advise the Deputy that this Work Permit application was refused on the 9th February 2012. An appeal was received in respect of this decision on the 1st March 2012 and the decision to refuse this application was upheld on 2nd May 2012.

As the application has now been refused on appeal there is no further action that can be taken in this instance. However, it is possible for the applicant to apply again including supplementary arguments as to how the granting of employment permits would result in additional employment.

### **Job Creation**

295. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the

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total number of new jobs created in the economy in the past 18 months; the way this compares with earlier periods since 2008; if he will indicate the skills levels required for these jobs; if he is satisfied regarding the competitiveness of the economy and the sustainability of the jobs so far created; and if he will make a statement on the matter. [27512/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The figures in respect of jobs in Enterprise Development agency-supported companies and those supported by the County and City Enterprise Boards (CEBs) are compiled in the Forfás Annual Employment Survey and the CEB Annual Employment Survey respectively on an annualised basis.

The figures in respect of jobs created in Enterprise Development agency-supported companies and those in companies assisted by the CEBs are set out in Table 1 accompanying this reply. As there are no figures available in respect of jobs created in CEB-supported companies prior to 2011, details of jobs existing in those companies from 2008 to 2010 inclusive are set out in Table 2. There is no information available specific to skills requirements.

The jobs created with agency and CEB assistance contribute greatly to the development of local economies throughout the country and, in addition, the agencies and CEBs work closely with their clients both in the early start-up stages of businesses and also to ensure the sustainability of those businesses through on-going support, advice and mentoring.

The National Competitiveness Council (NCC) has pointed out that Ireland has become significantly more cost competitive since 2008. The World Economic Forum rankings showed Ireland's position holding steady last September (where we stayed at 29th out of 134 countries), with the Institute for Management Development (IMD) World Competitiveness Yearbook released last week showing Ireland's headline position recovering back into the top 20 (up from 24th in 2011, out of 59 countries). The IMD places Ireland in the top 10 in relation to our business efficiency. This mirrors our 10th position overall in the World Bank's "Doing Business" listings (out of 183 countries). Both of these are a good foundation to build on in seeking, as I have regularly outlined in recent months, our Government's ambition to make Ireland the "Best small country in which to do business". We have jumped ahead of a number of other small countries in the latest results, such as Belgium and New Zealand. We need to make sure that we tackle those remaining areas where we can best support our enterprises and our people.

To make that happen, we need companies, employers, entrepreneurs and innovators who are all viable and thriving, and an enterprise environment that is supportive of their efforts, allowing enterprise and creativity to flourish and quality employment opportunities to be grown and maintained. Many of the actions which we are pursuing through the "Action Plan for Jobs 2012" are aimed at improving Ireland's overall competitiveness — reducing costs and ensuring that the enterprise environment (regulation, infrastructure, availability of skills) are all supportive of those companies which can sustain and create jobs.

Table 1

No. of Jobs Created between 2008 and 2011 in Companies supported by the Enterprise Development agencies and the County and City Enterprise Boards

Year	Enterprise Ireland	IDA Ireland	Shannon Development	County and City Enterprise Boards
2008	13,885	9,203	576	—
2009	8,463	5,239	260	—
2010	10,966	9,075	347	—

Year	Enterprise Ireland	IDA Ireland	Shannon Development	County and City Enterprise Boards
2011	9,038	11,594	406	7,253

Table 2

Year	2008	2009	2010
Jobs existing in CEB-supported companiesBased on CEB Annual Employment Survey	33,811	30,726.5	32,910

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296. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the full extent of foreign direct investment here on a quarterly basis in each of the past three years to date in 2012; the total likely number of jobs to arise therefrom; the main considerations by foreign investors when investing here; the likely trends in the future; if he is satisfied regarding the competitiveness of the Irish economy for the future; and if he will make a statement on the matter. [27298/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Statistics relating to foreign direct investment ( FDI) are reported on an annual basis and are published in the IDA's Annual Report. The number of FDI investments won for this country , together with the number of new jobs created in IDA client companies in each of the years 2009, 2010 and 2011 is set out on the tabular statement below.

When deciding on investment locations, Foreign Direct Investors look at the entire business environment in a country, for example: Competitiveness, Market access, Education and skills, Infrastructure, Political and regulatory environment and tax rates. On a global scale, Ireland scores extremely well in many of the key areas of importance to investors. In addition to political stability and a highly attractive corporate tax rate, Ireland has a young, well educated workforce, growing levels of R&D activity, a modern internationally trading enterprise base and a long track record as a successful location for overseas investment.

2011 saw a strong performance in the level of FDI won by Ireland. IDA Ireland client companies created over 13,000 new jobs despite the current global economic situation and a strong increase in international competition. In accordance with the Government's Action Plan for Jobs, IDA Ireland is working to target another 144 new FDI investment projects in 2012, which will create 12,500 new jobs with an associated 8,750 in the wider economy, giving a total impact of 21,250 this year. Up to the end of May 2012, there have been 44 IDA announcements with in excess of 5,000 jobs.

The National Competitiveness Council has pointed out that Ireland has become significantly more cost competitive since 2008. The World Economic Forum rankings showed Ireland's position holding steady last September (where we stayed at 29th out of 134 countries), with the IMD Work Competitiveness Yearbook released last week showing Ireland's headline position recovering back into the top 20 (up from 24th in 2011, out of 59 countries). We are now ranked:

- 1st for skilled labour and for flexibility and adaptability.
- 2nd for lack of protectionism and for foreign investors.
- 3rd for labour productivity and for exports of commercial services.

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- 4th for real corporate taxes.
- 5th for inward investment flows.
- 10th for business efficiency, up 8 places from 2011.

The Taoiseach has set the ambition that by 2016 Ireland will be the best small country in the world in which to do business, and the Government has started to implement our plan to deliver on this. Through the Action Plan for Jobs, we are implementing a raft of changes to reduce costs to business, improve access to finance and encourage greater innovation and in the coming months I will be developing a list of areas in which Ireland's performance is lagging internationally and a plan to address this.

Many of the actions which we are pursuing through the “Action Plan for Jobs 2012” are aimed at improving Ireland's overall competitiveness — reducing costs and ensuring that the enterprise environment (regulation, infrastructure, availability of skills) are all supportive of those companies which can sustain and create jobs.

Table showing the number of investments won and new jobs created in IDA supported companies in each of the years 2009, 2010 and 2011

Year	Jobs Created	Number of Investments won
2009	3,568	125
2010	11,224	126
2011	13,068	148

297. **Deputy Seamus Kirk** asked the Minister for Jobs, Enterprise and Innovation his plans to examine the labour intensive sectors of the economy; his further plans to stimulate employment in this area; and if he will make a statement on the matter. [27306/12]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The 2012 Action Plan for Jobs identifies a number of key economic sectors which the Government will focus on to promote employment opportunities. These sectors include Construction, Manufacturing, Wholesale and Retail, and Tourism, all of which are labour intensive.

The Action Plan identifies a number of specific actions to facilitate the development of these sectors.

Among the key actions identified for the Construction sector is the development of a National Strategy to 2015, which will outline the opportunities, challenges and actions needed to realise the potential of the sector. Work has already commenced on this Strategy, and initial consultations have taken place with key stakeholders.

In relation to Manufacturing, the Government has committed to establishing a Manufacturing Development Forum to assist in identifying the needs of manufacturing enterprises and to progress a transformation agenda in the sector. The Government will also develop a long term vision for the Manufacturing sector and put in place a strategic plan to deliver this vision.

A number of measures have already been introduced by the Government to support the Tourism sector, including a reduction in VAT rates from 13.5% to 9% on many hospitality services to the end of 2013, and the launch of The Gathering, which will take place in 2013 and will be Ireland's biggest ever tourism initiative.

The Action Plan for Jobs also includes a range of measures which will impact positively on the retail and wholesale sectors, including the reform of statutory wage setting mechanisms, simplification and extension of the Employer Job (PRSI) Incentive Scheme, as well as the implementation of a number of the recommendations of the Advisory Group on Small Business.

Progress on the specific deliverables under the Action Plan for Jobs will be published on a Quarterly basis. I anticipate that some of the measures I have outlined above will lead to further initiatives being undertaken in 2013 in relation to the sectors in question. Any such initiatives will be included in the 2013 Action Plan for Jobs.

### **Social Welfare Appeals**

298. **Deputy Pat Deering** asked the Minister for Social Protection when a decision will issue in respect of persons (details supplied) in County Carlow who have applied to become guardians of their grandchild. [26427/12]

**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 8th September 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### **Employment Support Services**

299. **Deputy Billy Timmins** asked the Minister for Social Protection her views on correspondence regarding the jobbridge scheme (details supplied); and if she will make a statement on the matter. [26978/12]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme was launched on 1st July 2011. It provides internship opportunities of either 6 or 9 months for unemployed individuals at all skills levels. The aim of JobBridge is to assist individuals in breaking the cycle where they are unable to get a job without experience. It provides them with an opportunity to gain valuable experience, relevant knowledge and skills within a working environment. The Scheme is open to organisations in the private, public and community or voluntary sectors.

The Scheme has made significant progress to-date. As at 24th May 2012, 7,316 internship placements have commenced since the launch of the Scheme in July 2011. There are currently 4,825 interns undertaking internship placements. In addition, there are in excess of 1,800 internship posts currently advertised on the JobBridge website [www.jobbridge.ie](http://www.jobbridge.ie)

The eligibility to access the National Internship Scheme is based on the overall objective of labour market policy in ensuring a pathway to appropriate employment, training and education opportunities.

Given the scale of the unemployment crisis, the key objective of labour market policy and of the NEAP will be to keep those on the Live Register close to the Labour Market and prevent the drift into long-term unemployment. This will ensure that individuals availing of



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activation measures such as the National Internship Scheme will, while retaining social welfare unemployment payments and a top up allowance of €50, get an opportunity to engage in the workplace, get work experience and so be in a position to avail of employment opportunities as the economy improves.

For these reasons, it has been proposed as a matter of public policy that eligibility for the scheme be targeted at those in receipt of a Live Claim (Jobseekers Allowance/Jobseekers Benefit/One Parent Family Payment/Disability Allowance/Signing for Credits) for 78 days of the last 6 months. Time spent of certain government sponsored training may also be taken into account when calculating eligibility. As such, the policy objective is to prioritise scarce resources to those in receipt of a Live Claim or on the Live Register so as to increase their chances of leaving it thereby ensuring a reduction in Exchequer costs over time.

It is not currently proposed to broaden the eligibility criteria of the scheme beyond the current requirements. My Department will however continue to monitor all aspects of the Scheme on an ongoing basis.

### **Redundancy Payments**

300. **Deputy Jim Daly** asked the Minister for Social Protection further to Parliamentary Question No. 282 of 7 March 2012, when a person (details supplied) will be paid their redundancy payment which was due at the end of the month of April; and if she will make a statement on the matter. [26140/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned has been awarded and a cheque payment has issued.

### **Social Welfare Benefits**

301. **Deputy Charles Flanagan** asked the Minister for Social Protection if her attention has been drawn to the fact that the carer's allowance section at present is only dealing with applications lodged last July or August; her plans to deal with the backlog with a view to speeding up the process in view of the difficult financial situation many persons find themselves in; and if she will make a statement on the matter. [26150/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is committed to delivering the best possible service to its customers. In the interests of fairness and equity applications are processed in order of the date on which they were received in the Department.

A major service delivery modernisation project is underway to address the large increase in the claim-load and to improve the efficiency of administration of the carer's allowance scheme. This involves the development of information technology functions and associated business process re-organisation. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This essential focus of certain staff resources will continue until the completion of the modernisation project when all existing carer's allowance claims will be transferred onto the new processing system.

Accurate processing time figures are not available at present as applications are still being processed on both the old and the new computer systems. The average time to award an application at present is estimated at around 28 weeks. There are currently approximately 8,670 new applications registered and awaiting a decision and approximately 360 new applications

are received each week. I acknowledge that this is unsatisfactory but I am satisfied that the Department is taking all steps available to it to resolve the issue.

In addition to the deployment of new systems, the Department is allocating additional resources in the form of overtime working and temporary staff to help reduce backlogs that have built up. However, it is expected to be a number of months before the backlog is reduced to an acceptable level.

In the meantime, if a person's means are insufficient to meet their needs while awaiting a decision on an application, they may apply for a means-tested supplementary welfare allowance payment from their local community welfare officer.

### **Social Welfare Appeals**

302. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision on a jobseeker's benefit appeal will issue in respect of a person (details supplied) County Kerry; and if she will make a statement on the matter. [26151/12]

**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 available evidence disallowed the appeal of the person concerned by way of an oral hearing.

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.

Following the submission of additional evidence, the file has been requested to be returned to the Social Welfare Appeals Office. On receipt of this file, the Appeals Officer will review the case. The person concerned will be contacted when the review of his appeal has been finalised.

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.

303. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision will issue on an appeal of outstanding jobseeker's allowance payments in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [26152/12]

**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 23rd September 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

304. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection if she will she re-examine the case of a person (details supplied) in County Offaly who has had their rent allowance withdrawn; and if she will make a statement on the matter. [26157/12]

**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 3rd March 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers

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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 and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

305. **Deputy Colm Keaveney** asked the Minister for Social Protection if she will confirm a date on which the Department plan to conclude the review for a disability payment appeal in respect of a person (details supplied) in County Galway. [26163/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the disability allowance claim of the person concerned was disallowed following an assessment by a Medical Assessor who expressed the opinion that he was medically unsuitable for the allowance. An appeal was registered on 21st February 2012 and in accordance with the statutory procedures the relevant department papers and the comments of the Deciding Officer on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out.

The Social Welfare Appeals Office functions independently of the Minister for Social and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Code**

306. **Deputy Simon Harris** asked the Minister for Social Protection the reason domiciliary care allowance ceased without any notice or review in respect of a person (details supplied); and if she will make a statement on the matter. [26168/12]

**Minister for Social Protection (Deputy Joan Burton):** The age limit for receipt of domiciliary care allowance (DCA) is 16 years. As the child in question reached the age of 16 years in December 2011, DCA was no longer payable. A letter issued in September 2011 advising that payment of the allowance was due to end in December and that the person concerned could apply for disability allowance in their own right.

### **Social Welfare Appeals**

307. **Deputy Colm Keaveney** asked the Minister for Social Protection when a person (details supplied) in County Galway may expect a decision in relation to an appeal in respect of an over payment of social welfare for qualified children. [26173/12]

**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 13th December 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### Education Schemes

308. **Deputy Seán Conlan** asked the Minister for Social Protection if any person in the State has ever received back to education allowance to study theology; and if she will make a statement on the matter. [26178/12]

**Minister for Social Protection (Deputy Joan Burton):** The back to education scheme (BTEA) covers a large range of full-time courses of education in approved colleges spanning basic foundation courses to third level courses across all disciplines, including, *inter alia*, theology mentioned in the question. Courses may be pursued up to and including a higher diploma level in any discipline [level 8 in the national framework of qualifications (NFQ)] or to a professional diploma in education (primary and secondary teaching; level 8 in NFQ ).

Data on individuals who availed of BTEA to study theology is not available.

### Social Welfare Benefits

309. **Deputy Eric Byrne** asked the Minister for Social Protection the position regarding the non-payment of rental allowance in respect of a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [26180/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned failed to collect a number of rent supplement payments during the period 20 January 2012 to 2 March 2012. Her claim was suspended and subsequently closed. In order to determine if she has an entitlement to an arrears payment for this period and to determine her current entitlement to rent supplement, she must submit verification of the cessation of her participation on the CE Scheme that she had been attending.

### Community Employment Schemes

310. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding a community employment scheme in respect of a person (details supplied) in County Clare; if they will be facilitated; and if she will make a statement on the matter. [26181/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is currently on a TUS Programme. At present, time spent on TUS does not count as being eligible for Community Employment (CE). Consequently, the person concerned will have to be signing on for a social welfare payment for one year before he is eligible for CE.

### Social Welfare Benefits

311. **Deputy Sean Fleming** asked the Minister for Social Protection when a carer's allowance will be granted in respect of a person (details supplied) in County Laois; and if she will make a statement on the matter. [26192/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. In the interest of fairness and equity all applications are dealt with in order of date of receipt in the department.

On completion of the necessary investigations a decision will be made and the person concerned will be notified directly of the outcome.

### Social Welfare Appeals

312. **Deputy Sandra McLellan** asked the Minister for Social Protection when a decision will

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issue on an oral hearing held over two weeks ago in respect of a person (details supplied); and if she will make a statement on the matter. [26197/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of this case took place on 3rd May 2012. The Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer's decision when the appeal has been determined.

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.

### Community Employment Schemes

313. **Deputy Mattie McGrath** asked the Minister for Social Protection if there is any truth in the reports that there are plans to withdraw community employment participants from working at GAA and soccer pitches, sports complexes and so on; and if she will make a statement on the matter. [26204/12]

**Minister for Social Protection (Deputy Joan Burton):** There are no plans to withdraw Community Employment participants from working at GAA, Soccer or any sports pitches or complexes. The number of places available for CE will remain at 23,300 which is the same level as 2011.

### Social Welfare Appeals

314. **Deputy Paschal Donohoe** asked the Minister for Social Protection when a person (details supplied) in Dublin 3 will receive their domiciliary care allowance following the decision of the Independent Social Welfare Appeals Office to grant the appeal; if payment be backdated; and if she will make a statement on the matter. [26209/12]

**Minister for Social Protection (Deputy Joan Burton):** Domiciliary Care Allowance has been paid to the person concerned and all arrears due were issued on 10th May 2012.

315. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the position regarding an appeal for carer's allowance in respect of a person (details supplied) in County Donegal and when a decision will issue. [26241/12]

**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 17th April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

316. **Deputy Pat Breen** asked the Minister for Social Protection when a decision on a domiciliary allowance appeal will issue in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [26259/12]



**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 8th October 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 6th January 2012 advising of the decision.

The person concerned subsequently lodged an appeal against this decision. As part of the appeal, her application along with the additional information she provided, was reviewed by a second Medical Assessor on 25th May 2012. The application was again deemed to be medically ineligible.

The file will now be returned to the Social Welfare Appeals Office for the next stage of the appeals process where an Appeals Officer will review the case.

### **Social Welfare Benefits**

317. **Deputy Heather Humphreys** asked the Minister for Social Protection if her attention has been drawn to the fact that rent supplement is not being granted to separated couples unless they have instigated legal proceedings against each other in order to obtain a legal separation or divorce; her views on the fact that some women who are victims of domestic violence have taken a huge step to actually leave the family home and need time to come to terms with this before they would be in a position to consider legal proceedings; and if she will make a statement on the matter. [26261/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of the rent supplement scheme is to provide short-term support to eligible persons living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from another source. The overall aim is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer.

To qualify for rent supplement a person must be residing in private rented accommodation or accommodation for homeless persons (or any combination of these) for a period of 183 days within the preceding 12 months of the date of claim for rent supplement. A person may also qualify for rent supplement where an assessment of housing need has been carried out within the 12 months preceding the date of claim and the person is deemed by a local authority to be eligible for and in need of social housing support.

In all other cases, a person who wishes to apply for rent supplement is referred, in the first instance, for an assessment of eligibility for social housing support by a housing authority. Only when the person has been assessed as being eligible for and in need of social housing support, does the person become eligible for consideration for rent supplement.

However where a claimant's safety and wellbeing are at risk due to domestic violence Department officials operating the rent supplement scheme have discretionary powers to expedite the award of a payment to the person in question.

Policy in relation to the assessment of housing need is a matter for the Minister for the Department of Environment, Community and Local Government.

### **Departmental Staff**

318. **Deputy Clare Daly** asked the Minister for Social Protection the nature of the human disability evaluation training which she stated that medical assessors of the domiciliary care allowance receive: in relation to the nature of the training, by whom is it given; if it is a certifiable course; the content of the course; and is refresher training. [26274/12]

**Minister for Social Protection (Deputy Joan Burton):** There is a formal induction period of training for new Medical Assessor recruits, this runs from 6-8 weeks and covers all illness-related schemes, including DCA. Medical Assessors education is continuously updated and enhanced by frequent case presentations and discussion, attendance at in-house and external conferences which are addressed by relevant specialists, including child and adolescent psychiatrists. There is continuous refreshment of Medical Assessors training to comply with their Continuous Professional Development as required by the Irish Medical Council which is subject to audit.

### **Social Welfare Appeals**

319. **Deputy Clare Daly** asked the Minister for Social Protection if the social welfare appeals office has discretion in its decision making with respect to the prescribed limits placed on rent supplement in budget 2012, when assessing supplementary welfare allowance appeals. [26276/12]

327. **Deputy Joan Collins** asked the Minister for Social Protection under the proscribed limits on rent allowance appeal process, the level of discretion the appeals officers have; the guidelines they are working under in relation to going beyond the proscribed limits. [26346/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 319 and 327 together.

I am advised by the Social Welfare Appeals Office that Appeals Officers are statutorily appointed by the Minister for Social Protection and exercise their functions in a quasi-judicial manner.

Entitlement to social welfare payments is subject to satisfying conditions which are provided for in the Social Welfare Acts and in Regulations made under those Acts. Appeals Officers must have regard to these Acts and Regulations in arriving at their decisions in cases appealed to that Office.

In relation to rent supplement, the legislation sets maximum rent limits for particular family circumstances. These limits change from county to county and are based on the local market rate for accommodation appropriate to the needs of the appellant.

The Regulations covering the scheme, however, also provide discretionary powers to award a rent supplement in exceptional cases where it appears that the circumstances of the case so warrant. While the Department provides its own determining officers with guidelines as to the circumstances in which this discretion may be used, Appeals Officers consider each case on its own merits.

### **Social Welfare Benefits**

320. **Deputy Jack Wall** asked the Minister for Social Protection when rent allowance will be re-instated in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26277/12]

**Minister for Social Protection (Deputy Joan Burton):** Rent supplement can be reinstated for the person concerned when the Department has verified that she is not working full time. The Department has only been provided with one payslip to suggest the person concerned is not working full time. Further clarification has been sought in order to ensure an accurate reassessment can be carried out on the file.

321. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding the length of time it takes to process carer's allowance; the average waiting time; the number of persons waiting three months or longer to have their applications processed; and if she will make a statement on the matter. [26285/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is committed to delivering the best possible service to its customers. In the interests of fairness and equity applications are processed in order of the date on which they were received in the Department.

A major service delivery modernisation project is underway to address the large increase in the claim-load and to improve the efficiency of administration of the carer's allowance scheme. This involves the development of information technology functions and associated business process re-organisation. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This essential focus of certain staff resources will continue until the completion of the modernisation project when all existing carer's allowance claims will be transferred onto the new processing system.

Accurate processing time figures are not available at present as applications are still being processed on both the old and the new computer systems. The average time to award an application at present is estimated at around 28 weeks. There are currently approximately 8,670 new applications registered and awaiting a decision and approximately 360 new applications are received each week. I acknowledge that this is unsatisfactory but I am satisfied that the Department is taking all steps available to it to resolve the issue.

In addition to the deployment of new systems, the Department is allocating additional resources in the form of overtime working and temporary staff to help reduce backlogs that have built up. However, it is expected to be a number of months before the backlog is reduced to an acceptable level.

In the meantime, if a person's means are insufficient to meet their needs while awaiting a decision on an application, they may apply for a means-tested supplementary welfare allowance payment from their local community welfare officer.

### **Tax Code**

322. **Deputy Pearse Doherty** asked the Minister for Social Protection if she will provide an update on the work of the Tax and Social Welfare Commission, in particular the issue of self-employed and their entitlements has been examined by the group. [25631/12]

328. **Deputy Thomas Pringle** asked the Minister for Social Protection when the Advisory Group on Tax and Social Welfare will conclude; if she will provide in tabular form the time frame for each of the modular reports to be published and the areas covered in each report; and if she will make a statement on the matter. [26363/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 322 and 328 together.

Creating jobs and tackling poverty are two of the key challenges that Ireland now faces. It is essential, therefore, that our tax and social protection systems play their part in addressing these issues and ensuring work is worthwhile. To this end, last year I established an Advisory Group on Tax and Social Welfare with the aim of harnessing expert opinion and experience in order to address a number of specific issues. These include making cost-effective proposals for

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improving employment incentives and achieving better poverty outcomes, particularly child poverty outcomes.

In its terms of reference, the Group has been asked to examine a number of specific issues and make recommendations on them, including child and family income supports, working age income supports, the appropriate unit of assessment in both the tax and social welfare codes, the interaction of the tax and social welfare codes, issues concerning social insurance for self-employed people and any other issues that may be referred to the Group, which includes the Budget 2012 proposals concerning Disability Allowance and Domiciliary Care Allowance.

The Group's overall method of working is based on producing modular reports on the priority areas identified in the terms of reference. Where possible, the aim is to provide recommendations that can be acted upon in time for the annual budget, estimates and legislative cycle and to allow the Government to best address its commitments under the EU-IMF Programme of Financial Support. Decisions in respect of publishing reports of the Group will be made at the appropriate time.

The Group commenced its work programme by prioritising the area of family and child income supports. The report of the Group's examination of this issue is currently receiving my consideration and it is my intention to publish this report in due course.

Among the other issues that the Advisory Group is currently progressing are the issue of social welfare entitlements for the self-employed and the Budget 2012 proposals concerning Disability Allowance and Domiciliary Care Allowance. The Group will revert to me with its reports on these issues once their examination of the various issues is completed. Thereafter, I expect that the Group will address the other issues provided for in its terms of reference in a time frame to be determined and agreed by the chairperson, in consultation with the members of the Group, with a view to concluding its work programme as expeditiously as possible.

Given the nature of the information, I do not propose to provide this information in tabular form at this time.

### **Social Welfare Appeals**

**323. Deputy Patrick O'Donovan** asked the Minister for Social Protection if a decision not to award the household benefits package may be appealed in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [26291/12]

**Minister for Social Protection (Deputy Joan Burton):** Deserted wife's benefit is a payment made to a woman deserted by her husband. Entitlement to payment is based on social insurance contributions paid by the wife or her husband. The deserted wife's benefit scheme was closed to new applications with effect from 2 January 1997, when the one-parent family payment was introduced.

The purpose of the household benefits package is to facilitate older people, people with disabilities living alone and carers to participate more fully in society. In general, people under 66 who do not have a disability related payment are not entitled to household benefits. Deserted wife's benefit is therefore not a qualifying payment. Likewise, one parent family payment, which replaced deserted wife's benefit in 1997 for new applicants, is not a qualifying payment. A person in receipt of deserted wife's benefit who is over 66 may be eligible for household benefits.

As the household benefits are non-statutory, it is not possible to appeal to the Social Welfare Appeals Office.

### Private Rented Accommodation

324. **Deputy Pat Deering** asked the Minister for Social Protection if she will consider reviewing recent cuts in rent allowance for single persons as it is impossible to rent a property in Carlow for €350 per month. [26329/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of the rent supplement scheme is to provide short-term income support to assist with reasonable accommodation costs of eligible people living in private rented accommodation who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from another source. The overall aim is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer. There are currently approximately 94,000 persons in receipt of rent supplement, with €436m provided in 2012.

New maximum rent limits came into force on 1 January 2012 and are in place until June 2013. These new limits are in line with the most up to date market data available. The emphasis of the rent limit review was to ensure that maximum value for money for tenants and the taxpayer was achieved whilst at the same time ensuring that people on rent supplement are not priced out of the market for private rented accommodation.

For all counties, major urban population centres were tested as part of the review to ensure that rent supplement applicants can access temporary housing arrangements whilst seeking employment opportunities. Analysis of the Carlow market shows that there are a limited number of rental properties available to single persons in comparison to other larger properties available in the area. However, accommodation is available, including shared accommodation, for single persons within the prescribed limits. Department officials dealing with rent supplement tenants will continue to ensure that their accommodation needs are met and that the residence is reasonably suited to their residential and other needs.

It should be stressed however, that there will be no case of homelessness from this measure. The Department will continue to monitor rent levels throughout the country but at this stage there are no plans to revise the existing rent limits.

*Question No. 325 withdrawn.*

### Social Welfare Appeals

326. **Deputy Brendan Griffin** asked the Minister for Social Protection if all the evidence provided in a domiciliary care allowance appeal in respect of a person (details supplied) in County Kerry was taken in account when making the decision on this case. [26337/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received from the person in question on 28th July 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 5th October 2011 refusing DCA. The person concerned subsequently lodged an appeal against the decision. He was informed by the Social Welfare Appeals Office on 11 May 2012 that the appeal had been disallowed. All of the information supplied in support of the DCA application was considered both by the Medical Assessor and the Appeals Officer.

The decision/appeal process for this application is now complete. If the person concerned has additional information which was not made available to the Deciding Officer and the Appeals Officer when they made their decision, it is open to him to re-apply.



*Question No. 327 answered with Question No. 319.*

*Question No. 328 answered with Question No. 322.*

329. **Deputy Michelle Mulherin** asked the Minister for Social Protection the position regarding an appeal against a refusal of a disability allowance application in respect of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [26373/12]

**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 12th December 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

330. **Deputy Ciarán Lynch** asked the Minister for Social Protection when an appeal for jobseeker's benefit will be decided in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [26377/12]

**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 27th March 2012. 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 and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

331. **Deputy Nicky McFadden** asked the Minister for Social Protection when a decision will be expedited on a supplementary welfare allowance appeal in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [26380/12]

**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 28th November 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

332. **Deputy Charlie McConologue** asked the Minister for Social Protection the position regarding a domiciliary care allowance application in respect of a person ( details supplied) in County Donegal; and if she will make a statement on the matter. [26393/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 12th September 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 15th November 2011 advising of the decision.

On 18th April 2012, the person concerned requested a review of the decision and the case has been forwarded to another of the Department's Medical Assessors for further consideration. Upon receipt of the Medical Assessor's opinion, the person concerned will be notified of the decision.

### Departmental Expenditure

333. **Deputy Kevin Humphreys** asked the Minister for Social Protection the amount spent on rental deposits on an annual basis since 2006 through supplementary welfare officers; the amount on an annual basis recovered at the end of each tenancy; the amount not recovered; and if she will make a statement on the matter. [26400/12]

**Minister for Social Protection (Deputy Joan Burton):** Under the supplementary welfare allowance (SWA) scheme, an exceptional needs payment (ENP) may be made to help meet an essential once-off cost, such as a payment of a rent deposit, which the applicant is unable to meet out of his/her own resources.

There is no automatic entitlement to an exceptional needs payment and each application is determined by the person administering the scheme based on the particular circumstances of the case, taking account of the nature and extent of the need. Such payments are confined to occurrences which the person administering the scheme considers to be unexpected, unforeseen or exceptional.

The tabular statement below shows the expenditure on exceptional needs payments in respect of rent deposits in each year from 2006 to date. Multiple rent deposits are not generally paid to the same person and every effort is made to ensure that only one payment is made. If the landlord or tenant terminates the tenancy, the tenant can use the returned deposit to secure a new tenancy. Statistics are not available on deposits recovered or not recovered at the end of each tenancy.

Year	Expenditure
	€
2006	4,805,000
2007	4,549,000
2008	7,218,000
2009	6,598,000
2010	4,500,000
2011	3,780,000
2012 (Jan-April)	860,000

### Social Welfare Appeals

334. **Deputy Gerry Adams** asked the Minister for Social Protection the number of appellants of social welfare decisions in Counties Louth and Meath that are awaiting oral hearing; the

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timeframe for getting oral hearing; the number of cases awaiting a medical assessor; the number of medical assessors there are for the Louth/Meath region and the hours they work in appeals section. [26405/12]

**Minister for Social Protection (Deputy Joan Burton):** I have been advised by the Social Welfare Appeals Office that statistics are not maintained on a county-by-county basis. Therefore, it is not in a position to supply the information sought by the Deputy in relation to counties Louth and Meath. Based on figures for the first four months of 2012, the overall average waiting time for appeals was 40.5 weeks for those appeals that required an oral hearing. These average processing times are calculated from the registration date of the appeal to the date of its finalisation. They include all activities during this period, including time spent in the Department for comments by the Deciding Officer on the grounds of appeal put forward by the appellant, and any further investigation, examination or assessment by the Department's Inspectors and Medical Assessors that is deemed necessary.

By its nature and its quasi-judicial nature, the processing of appeals takes some time. By definition, the appeal process cannot be a quick one. A considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process. Medical Assessors perform in-person assessments on illness-related cases involving Illness Benefit and Disablement Benefit. While there are no Medical Assessors permanently assigned for in-person assessment work solely in the Louth-Meath region, this region is frequently serviced by a pool of nine Medical Assessors based in the Dublin area. Medical centres in highly populated areas in this region such as Drogheda, Navan and Dundalk are frequently selected for scheduling for in-person assessment, often two weeks out of every four for Drogheda and Navan and one week in every three or four for Dundalk.

The weekly travel itinerary or caseload for in-person assessments provided to each Medical Assessor is based on an up-to-date appraisal of which centres need to be visited. That, in turn, is based on the current number of outstanding referrals, including appeals referrals, the frequency of recent visits to centres and an up-to-date assessment of available building, medical assessor and nurse resources for each centre. Cases for schemes such as Illness Benefit at the initial stage, Disability Allowance, Invalidity Pension, Carers Allowance and Benefit, Respite Care Grant and Domiciliary Care Allowance are all assessed by Medical Assessors on-line at desk. If the cases pertaining to these schemes progress to appeal stage (except Illness Benefit cases), they are also assessed on-line and at desk. However, all outstanding cases for desk assessment work including those for customers based in the Louth-Meath region, can be accessed and performed on line by Medical Assessors based in Dublin, Longford, Cork, Kilkenny and Donegal. In appeals cases pertaining to all schemes, a different Medical Assessor from the Medical Assessor who performed the original assessment must be assigned.

### **Social Welfare Code**

335. **Deputy Brendan Ryan** asked the Minister for Social Protection the number of persons refused an application for jobseeker's allowance in January, February, March and April of this year solely for failing to meet the habitual residence condition; and if she will make a statement on the matter. [26420/12]

**Minister for Social Protection (Deputy Joan Burton):** The number of jobseeker's allowance applications that were disallowed between 1 January 2012 and 30 April 2012 on the basis of a failure to satisfy the habitual residence condition was 609. The monthly breakdown of this figure is as follows: January, 138; February, 189; March, 158; and April, 124.

### Social Welfare Benefits

336. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26533/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been awarded rent supplement in full from the commencement of her tenancy and is in receipt of her full entitlement to rent supplement based on her household circumstances.

### Social Welfare Appeals

337. **Deputy Jack Wall** asked the Minister for Social Protection if a person has an appeal lodged with the appeals office for invalidity pension is it longer possible for them to make a claim for jobseeker's allowance while they are awaiting a decision on their invalidity pension appeal; and if she will make a statement on the matter. [26535/12]

**Minister for Social Protection (Deputy Joan Burton):** Any person who has an appeal lodged on an Invalidity Pension claim is entitled to make a claim for Jobseeker's Benefit or Jobseeker's Assistance pending the appeal decision. It should be borne in mind, however, that the primary focus of the Invalidity and Jobseeker's schemes is fundamentally different and as a result they have different qualification conditions. Invalidity Pension is a payment focused towards people who are permanently incapable of work because of an illness or incapacity. To qualify for payment, the person concerned must satisfy both the medical and social insurance (PRSI) conditions of the scheme. Jobseeker payments are focused towards unemployed persons and to qualify for payment the person concerned must be capable of work and genuinely seeking employment. They must also satisfy other eligibility criteria such as a minimum level of social insurance (PRSI) conditions in the case of Jobseeker's Benefit and a maximum level of means in the case of Jobseeker's Assistance. A critical factor in these circumstances is whether the person concerned is capable of work. If the person has had their application for Invalidity Pension disallowed on the grounds that they were considered by a Medical Assessor to be not permanently incapable of work, they would automatically be considered as fulfilling the 'capability' condition of the Jobseeker schemes. In addition to a possible entitlement to a Jobseeker Payment, a person who is disallowed Invalidity Pension may, have an entitlement to Illness benefit or Disability allowance. They can also apply for a Supplementary Welfare Allowance payment if they urgently need income support.

### Employment Support Services

338. **Deputy Robert Dowds** asked the Minister for Social Protection if consideration will be given to allowing participants on internship programmes to complete three years in their placement in view of the fact that most companies seek three years experience in a field from prospective employees; and if she will make a statement on the matter. [26536/12]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme was launched on 1 July 2011. It provides internship opportunities of either 6 or 9 months for unemployed individuals at all skills levels. The aim of JobBridge is to assist individuals in breaking the cycle where they are unable to get a job without experience. It provides them with an opportunity to gain valuable experience, relevant knowledge and skills within a working environment. The Scheme is open to organisations in the private, public and community or voluntary sectors. The Scheme has made significant progress to date. As at 24 May 2012, 7,316 internship placements have commenced since the launch of the Scheme in July 2011. There are currently

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4,825 interns undertaking internship placements. In addition, there are in excess of 1,800 internship posts currently advertised on the JobBridge website, [www.jobbridge.ie](http://www.jobbridge.ie). Our records indicate that almost 40% of the finishers to date have progressed directly into employment on immediate completion of their internship with either their JobBridge Host Organisation or another company. It is important to note that this data does not take account of an intern who may have secured employment in the subsequent weeks or months after completing their internship. A picture of the career paths of JobBridge interns will become clearer following the independent evaluation of the scheme which is being undertaken by Indecon International Economic Consultants. Given the successes to date of the Scheme including the encouraging levels of progression into employment within the six or nine month internships period, it is not currently proposed to extend the duration of the Scheme beyond the current durations. My Department will continue to monitor all aspects of the Scheme on an ongoing basis.

### Social Welfare Code

339. **Deputy Brendan Griffin** asked the Minister for Social Protection her plans to recognise and adequately support self employed persons with social welfare entitlements in view of the benefit to employment and to the Exchequer their business provide. [26538/12]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed people 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). Ordinary employees who have access to the full range of social insurance benefits pay Class A PRSI at the rate of 4%. In addition, their employers make a PRSI contribution of 10.75% in respect of their employees, resulting in the payment of a combined 14.75% rate per employee under full-rate PRSI Class A. For employees earning less than €356 per week, the rate of employer's PRSI is 4.25%. Any changes to the PRSI system to extend the full range of social insurance benefits to self-employed people 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. I established the Advisory Group on Tax and Social Welfare last year to meet a commitment made in the programme for Government. Among the issues the Advisory Group is considering is the question of providing social insurance cover for self-employed people to establish whether such cover is technically feasible and financially sustainable. In addition, the Actuarial Review of the Social Insurance Fund, which is due to be completed in the next few weeks, will examine this matter. Self-employed individuals who fall on hard times or are without work for some time may establish entitlement to assistance-based payments. Those who have been previously self-employed can apply for the means-tested jobseeker's allowance if their business ceases 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 12 months in determining their expected income for the following year and, in the current climate, account is taken of the downward trend in the economy. As in the case of a non-self-employed claimant for assistance-based payments, the means of husband/wife, civil partner or cohabitant will be taken into account in deciding on entitlement to a payment.

### Social Welfare Benefits

340. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26608/12]



**Minister for Social Protection (Deputy Joan Burton):** The person concerned has no entitlement to rent supplement at the present moment as he has currently obtained full-time employment. The Department will be in a position to reassess his rent supplement claim in the future if the terms of this employment change.

341. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when a decision will issue in relation to an application for carer's allowance in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [26619/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### Departmental Funding

342. **Deputy Niall Collins** asked the Minister for Social Protection the amount of funding committed to in her Department for capital projects; if she will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down. [26637/12]

**Minister for Social Protection (Deputy Joan Burton):** The total capital budget for the Department of Social Protection in 2012 is €10.5 million. This is provided for under three administration sub-heads, as follows:

#### Sub-head (v): Office Equipment and External IT Services

Capital spent to 5th June 2012	Total (V) Capital Budget	Amount remaining as of 5th June 2012
€425,708	€5,050,000	€4,624,292

This capital expenditure provision is to cover the purchase of Information and Communications Technology equipment required for the delivery of the social welfare services. This includes the purchase of computer hardware and software, data storage, desktop equipment such as PCs, printers, faxes, laptops and a range of network infrastructure equipment such as telephone switchboards and routers. It also includes the purchase of photocopiers and other non-IT office machinery and related supplies such as inserters, guillotines and other mailroom equipment and the replacement of out of date equipment.

#### Sub-head (vi): Office Premises Expenses

Capital spent to 5th June 2012	Total (vi) Capital Budget	Amount remaining as of 5th June 2012
€53,574	€5,000,000	€4,946,426

This capital element of this Subhead provides for the costs of new buildings and the refurbishment of other buildings. The timing of the drawdown of this budget is determined by the progress made by the Office of Public Works in acquiring new local office accommodation and in placing contracts for refurbishment of existing offices.

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Sub-head (ix): eGovernment Related Projects

Capital spent to 5th June 2012	Total (ix) Capital Budget	Unspent at 5th June 2012
€59,363	€450,000	€390,637

This Subhead caters for eGovernment projects which have an impact beyond the Department itself. The Capital element is for expenditure arising on the Standard Authentication Framework Environment (SAFE) Project and the Public Service Card project. The purpose of the SAFE Project is to deliver the capability to issue and manage the new Public Services Card. The purpose of the Public Service Card project is to develop the capability to register the Department's customer to the various SAFE levels and to issue requests for Public Services Cards to the third party service provider selected under the SAFE Project. The related capital expenditure is on cameras, scanners and software including photo matching software. It is anticipated that all of the remainder of the Department's capital budget will be drawn down by the end of the year.

### Pension Provisions

343. **Deputy Regina Doherty** asked the Minister for Social Protection if the windup of pension schemes will be addressed in the forthcoming study on the level and transparency of pension charges associated with different forms of private pension arrangements; and if she will make a statement on the matter. [26641/12]

354. **Deputy Regina Doherty** asked the Minister for Social Protection if the current Departmental study with regard to pension schemes will include an examination of the wind-up costs for deferred member; her views on whether a chargeable search through the Revenue or her Department would not only bring in extra money into the State but would reduce the cost to pension schemes; and if she will make a statement on the matter. [26707/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 343 and 354 together.

My Department, in conjunction with the Pensions Board and the Central Bank, and with assistance from PricewaterhouseCoopers, is undertaking a study on the level of pension charges and expenses associated with different forms of private pension arrangements. The study includes the range of pension arrangements: funded defined benefit pension arrangements; defined contribution occupational pension schemes (insured and non-insured) including Additional Voluntary Contributions in Public Sector Schemes; Retirement annuity contracts and Personal Retirement Savings Accounts. The focus of the study is on those charges or expenses that have the effect of reducing members' or employers' contributions or investment returns. The study does not include the costs associated with the wind-up of a scheme. The study will provide information which had not been available previously and will provide an initial benchmark in relation to the level and transparency of charges. This will be important in informing policy and in determining whether any further measures are required. Pension schemes are obliged to make every effort to trace all members of a scheme when their entitlements become due. My Department supports this by providing a mail hosting service for pension schemes that are unable to locate scheme members. This service operates by sending a letter to a person's last known address asking them to make contact with their pension company. A group chaired by my Department and comprising representatives from the Pensions Board and the Revenue Commissioners has considered ways of facilitating a more enhanced

pension tracing facility. As a result, my Department is working closely with the Revenue Commissioners to put in place an automated solution to capture the required data which will facilitate a person to trace his or her accrued pension rights in former employment. A decision on whether to charge for this service has yet to be made.

### **Social Welfare Appeals**

344. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the reason for the delay on a disability allowance appeal in respect of a person (details supplied); and if she will make a statement on the matter. [26653/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the disability allowance claim of the person concerned was disallowed following an assessment by a Medical Assessor who expressed the opinion that he was medically unsuitable for the allowance. An appeal was registered on 22nd May 2012 and in accordance with the statutory procedures the relevant department papers and the comments of the Deciding Officer on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out.

The Social Welfare Appeals Office functions independently of the Minister for Social and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Employment Support Services**

345. **Deputy Joanna Tuffy** asked the Minister for Social Protection the entitlements to education, training and work experience recipients of lone parents allowance have; if further entitlements are planned; and if she will make a statement on the matter. [26659/12]

**Minister for Social Protection (Deputy Joan Burton):** My Department offers a range of training opportunities and employment support services that are designed to encourage and to support social welfare recipients of working age, including lone parents, to reduce their dependency on social welfare payments, to improve their qualifications and skills base, and to return to work. The relevant supports for which lone parents can apply are:

- Community Employment (CE);
- the Back-to-Work Enterprise Allowance (BTWA) scheme;
- the Back-to-Education Allowance (BTEA) scheme;
- the Job Club programme;
- the Rural Social Scheme (RSS), and
- the JobBridge national internship scheme.

In addition, the Department of Education and Skills will support some 457,400 training and education places in 2012. Lone parents are eligible to apply for these supports through:

- FÁS training provision,
- the Vocational Training and Opportunities Scheme (VTOS), and
- Springboard.

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My Department liaises with the Department of Education and Skills on an ongoing basis in relation to ensuring the appropriateness of activation supports for social welfare recipients of working age, including lone parents.

### **Social Welfare Appeals**

346. **Deputy Simon Harris** asked the Minister for Social Protection the current waiting time for rent supplement appeal decisions; and if she will make a statement on the matter. [26662/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that statistics on Rent Supplement appeals are not maintained. Rent Supplement comes under the Supplementary Welfare Allowance scheme. The current average times taken to process Supplementary Welfare Allowance appeals is 12.8 weeks for appeals decided by summary decision and 17 weeks for those requiring an oral hearing.

These processing times are calculated from the registration date of the appeal to the date of its finalisation and include all activities during this period including time spent in the Department for comments by the Deciding Officer on the grounds of appeal put forward by the appellant and any further investigation by the Department's Inspectors, that is deemed necessary.

A considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process.

347. **Deputy Dominic Hannigan** asked the Minister for Social Protection the reason a person (details supplied) in County Meath is still waiting for their appeal to be decided; and if she will make a statement on the matter. [26673/12]

**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 11 April 2012. 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. When received, the appeal in question will be referred in to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

348. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection the position regarding a carer's allowance appeal in respect of a person (details supplied) in Dublin 3; if she will expedite the matter; and if she will make a statement on the matter. [26675/12]

**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 on 22nd October 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.

Since the appeal was decided, the appellant, through his representative, has requested an oral hearing. However, where the facts of a case are clear from the file, there is little point in

arranging an oral hearing. In this case, one of the grounds for disallowance is that the appellant is working more than 15 hours per week outside the home and accordingly, does not meet one of the conditions governing eligibility for this payment.

Should his circumstances change, it is open to the appellant to re-apply for the allowance.

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.

349. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal will be expedited for carer's allowance and social welfare allowance in respect of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [26693/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeals from the person concerned were referred to an Appeals Officer who proposes to hold an oral hearing in these cases on 31st May 2012. The person concerned has been notified of the arrangements for the 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.

350. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on a carer's allowance appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [26696/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that there is no Carers Allowance appeal registered in that office for the person concerned.

The Social Welfare Appeals Office has advised me that an Illness Benefit appeal by the person concerned was registered in that office on 20th October 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### **Redundancy Payments**

351. **Deputy Thomas Pringle** asked the Minister for Social Protection when a redundancy payment will be granted in respect of a person (details supplied). [26703/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned has been awarded and a cheque payment has issued.

352. **Deputy Thomas Pringle** asked the Minister for Social Protection when a redundancy payment will be granted in respect of a person (details supplied). [26704/12]



**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned has been awarded and a cheque payment recently issued to the person's home address.

353. **Deputy Thomas Pringle** asked the Minister for Social Protection when a redundancy payment will be granted in respect of a person (details supplied). [26705/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned has been awarded and a cheque payment recently issued to the person's home address.

*Question No. 354 answered with Question No. 343.*

### **Social Welfare Appeals**

355. **Deputy Michael McCarthy** asked the Minister for Social Protection when a decision will issue on a rent allowance appeal in respect of a person (details supplied); and if she will make a statement on the matter. [26712/12]

**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 18 April 2012. 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 8th May and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### **Redundancy Payments**

356. **Deputy Tom Hayes** asked the Minister for Social Protection when a decision on a redundancy claim will issue in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [26713/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned has been awarded and a cheque payment issued directly to the person's home address in February 2012.

### **Social Welfare Appeals**

357. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision will issue on a carer's allowance appeal in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [26714/12]

**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.

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.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

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.

358. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding a decision on an appeal for rent allowance in respect of a person (details supplied); and if she will make a statement on the matter. [26719/12]

**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 28th February 2012. 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on documentary evidence presented or, if required, hold an 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.

359. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue on an invalidity pension appeal in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [26728/12]

**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 28th April 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When received, the case in question will be referred to an Appeals Officer who will make a summary decision on the appeal based on documentary evidence presented or, if required, hold an 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 Benefits**

360. **Deputy Patrick Nulty** asked the Minister for Social Protection if she will expedite an application for jobseeker's payment in respect of a person (details supplied) in Dublin 15; when the claim will go into payment and arrears issue; the reason for the delay; and if she will make a statement on the matter. [26749/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for jobseeker's allowance effective from 4 May 2012. He was requested to provide accounts regarding his self-employment, and a bank statement from March to May 2012. The requested information and documents were received in the local office this week.

The claim is currently with the Social Welfare Inspector for a means assessment. The Inspector will be in contact with the person concerned in relation to his claim. Once the Inspector has finalised the means assessment, the Deciding Officer in the local office will make a decision on his claim.

The person concerned will be notified directly of the decision.

### Social Welfare Appeals

361. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection if she will expedite an appeal of an application for disability allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26750/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that there is no Disability Allowance appeal registered in that office for the person concerned.

The Social Welfare Appeals Office has advised me that an Invalidity appeal by the person concerned was registered in that office on 10th May 2012. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Deciding Officer on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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 Benefits

362. **Deputy Gerry Adams** asked the Minister for Social Protection the average timeframe it takes to process applications for domiciliary care allowance; the percentage of applications for domiciliary care allowance that are rejected. [26767/12]

**Minister for Social Protection (Deputy Joan Burton):** Currently, the average time to process an application for Domiciliary Care Allowance from receipt to decision is 7 weeks. In terms of the percentage of cases that are rejected, in 2009, the refusal rate on new applications at initial decision stage was 63%, in 2010 it was 61% and, in 2011, it was 62%.

363. **Deputy Ann Phelan** asked the Minister for Social Protection the number of families in receipt of domiciliary care allowance this year in comparison with the previous years 2010 and 2011; and if she will make a statement on the matter. [26768/12]

**Minister for Social Protection (Deputy Joan Burton):** There were 24,148 parents/guardians in receipt of Domiciliary Care Allowance (DCA) in respect of 25,924 children at 30th April 2012. This compares to:

- 24,101 parents/guardians in receipt of DCA in respect of 25,914 children on 31st December 2011; and
- 23,428 parents/guardians in respect of 25,234 children on 31st December 2010.

364. **Deputy Ann Phelan** asked the Minister for Social Protection the current rate of refusals in respect of domiciliary care allowance applications within her Department; if it is higher than average and if so, the reasons her Department attribute to such a rate of refusals; and if she will make a statement on the matter. [26774/12]

**Minister for Social Protection (Deputy Joan Burton):** The refusal rate in respect of the initial decisions on new domiciliary care allowance (DCA) applications in the period February to April 2012 was 60%. This refusal rate is consistent to that of previous years.

In 2009, the refusal rate on new applications was 63%, in 2010 it was 61% and in 2011 it was 62%. The most common reason for disallowance is a failure to meet the medical criteria for the scheme.

365. **Deputy Gerry Adams** asked the Minister for Social Protection the date on which her Department received an application for carer's allowance in respect of a person (details supplied); the reason for the delay in processing this application; the steps she will take to expedite the application; and if she will make a statement on the matter. [26778/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance was received from the person in question on 26 October 2011. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

The average time taken to process a claim for carer's allowance through to completion is circa 28 weeks at present.

### **Social Welfare Appeals**

366. **Deputy Dominic Hannigan** asked the Minister for Social Protection when exactly a person (details supplied) will have their appeal decided upon; and if she will make a statement on the matter. [26791/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that no appeal has been received by that office in respect of the person concerned.

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**

367. **Deputy Dan Neville** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [26794/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

368. **Deputy Dan Neville** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied) in County Limerick [26801/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### **Community Employment Schemes**

369. **Deputy Brendan Griffin** asked the Minister for Social Protection the position regarding

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funding for a community employment scheme (details supplied); and if she will make a statement on the matter. [26803/12]

**Minister for Social Protection (Deputy Joan Burton):** The community employment (CE) scheme referred to is being funded in line with the funding levels announced in Budget 2012 of €500 per participant per annum for materials and training, pending the outcome of the review into CE materials and training funding.

### Social Welfare Benefits

370. **Deputy Patrick Nulty** asked the Minister for Social Protection if she will expedite an application for rent allowance in respect of persons (details supplied) in Dublin 1; when the claim will go into payment and arrears issue; the reason for the delay; and if she will make a statement on the matter. [26804/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was in receipt of rent allowance when she lived at her previous address. This payment is currently suspended as she no longer lives at this address.

As she is now living in temporary accommodation, she currently would not qualify for the rent allowance payment. To qualify for rent allowance, a person needs to provide relevant documents and evidence to prove that they are living in a permanent residence.

It is open to the person concerned to contact the Homeless Persons Unit, Oisín House, 212-213 Pearse St, Dublin 2 regarding her possible entitlement to financial assistance. Appointments must be arranged in advance. She should contact the Freephone number 1800 724 724 to arrange an appointment.

In addition the person concerned could contact Dublin City Council, Central Placement Service, 69 Capel Street, Dublin 1, Tel: 1800 707707 regarding the provision of emergency accommodation.

### Employment Support Services

371. **Deputy Dominic Hannigan** asked the Minister for Social Protection if she has any projections on the average number of times a person will have to visit the new employment and entitlement office a month under the new pathways to work scheme who is in receipt of job seeker's benefit or allowance; if her Department has statistics on the average number of times a person will have to visit the new employment and entitlement office a month under the new pathways to work scheme who is in receipt of the one family payment; if she has statistics on the average number of times that a person will have to visit the new employment and entitlement office a month under the new pathways to work scheme who is in receipt of back to work allowance; and if she will make a statement on the matter. [26813/12]

**Minister for Social Protection (Deputy Joan Burton):** The 'Pathways to Work' initiative has been developed to deliver a new approach to the provision of services to unemployed people. The key objective is to deliver a service that supports people who are unemployed to find a pathway back to employment and thereby reduce both the average duration of unemployment and the number of people who are long-term unemployed.

Pathways to Work is a central component in the establishment of a new National Employment and Entitlements Service (NEES), as provided for in the Programme for Government. It is important to note that NEES will not be a stand-alone agency or service but will be an integrated element of the Department's service provision for people of working age.



It is not possible to state the average number of times a customer will visit a NEES office. As set out in the Pathways to Work document the number and regularity of visits will depend on individual circumstances. It is intended that each customer will receive a service tailored to their needs.

### Social Welfare Benefits

372. **Deputy Martin Ferris** asked the Minister for Social Protection when a decision on carer's allowance will issue in respect of a person (details supplied) in County Kerry and if same will be expedited. [26815/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### Employment Support Services

373. **Deputy Simon Harris** asked the Minister for Social Protection if she will provide an update on the technical employment support grant; the number of persons who availed of this scheme for each of the years 2007 to date in 2012; the maximum funding available; the relevant qualifying criteria; if there is an appeals mechanism which may be in place; and if she will make a statement on the matter. [26829/12]

**Minister for Social Protection (Deputy Joan Burton):** The technical employment support grant (TESG) can be made available to jobseekers who have registered with the Employment Service and undertaken a guidance process leading to an agreed career plan, and who are in receipt of certain specified welfare payments, primarily jobseekers' and lone parent payments as well as payments related to disability and long-term illness. TESG is designed to support a person to overcome identified barriers in progressing from unemployment to employment. The grant can be used to purchase of training (where this cannot be provided by a state provider within a reasonable time) or for certain other expenditures such as purchase of tools, travel costs to job interviews. Training, with limited exceptions, must be on certified courses. TESG meets the full costs of these supports up to €500 per jobseeker. If, following the provision of the reason for a decision, a person, or service provider, remains dissatisfied with the decision and explanation, a review of the decision may be sought in which case the application is re-examined by a more senior officer not involved in the original decision. Information on the number of persons who availed of the TESG in each of the years 2007 to date in 2012 is set out in the table below.

TABLE: TESG Applications for the period 2007 to end May 2012

Year	2007 <sup>1</sup>	2008 <sup>1</sup>	2009 <sup>2</sup>	2010	2011	2012 <sup>3</sup>
Approved	5,000	5,400	12,300	13,719	13,659	6,590
Completed	5,000	5,400	9,777	10,285	9,855	2,996
Expenditure	€2.87m	€3.11m	€5.81m	€5.57m	€3.13m	€1.13m

<sup>1</sup>The number of grants approved and completed in 2007 and 2008 was not recorded in a central database. The figures stated are estimates based on actual expenditure and a review of the programme at that time.

<sup>2</sup>From 2009 TESG reporting has been on the basis of the number of grants approved and completed (subsequently availed of) as individuals may have received more than one grant up to the maximum grant amount available.

<sup>3</sup>Figures for 2012 relate to the period to the end March 2012.

### Social Welfare Appeals

374. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding an occupational injuries benefit disablement appeal in respect of a person (details supplied) in County Cork. [26832/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 and 2011 when the intake rose to 32,432 and 31,241 respectively. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

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.

### Departmental Expenditure

375. **Deputy Alan Farrell** asked the Minister for Social Protection if she will provide the funding made available each year from her Department for lone parent financial support; and if she will make a statement on the matter. [26845/12]

**Minister for Social Protection (Deputy Joan Burton):** The one-parent family payment (OFP) is made up of a personal rate for the parent and of extra amounts for dependent children. The payment rate for 2012 remains unchanged from 2011 and amounts to €188 per week — with a further €29.80 for each additional qualified child. The cost of the OFP scheme in 2010 and in 2011 was €1.11 billion — up from €751 million in 2005 and €480 million in 2000. This represents an expenditure increase of 57% on the scheme over the last decade. The cost of the scheme is estimated to be €1.06 billion in 2012.

### Social Welfare Benefits

376. **Deputy Alan Farrell** asked the Minister for Social Protection the savings made each year by her Department through the follow up of maintenance payments and the percentage of parents in receipt of both maintenance and lone parent support; and if she will make a statement on the matter. [26846/12]

378. **Deputy Alan Farrell** asked the Minister for Social Protection her proposals to assist one parent families in seeking maintenance payments; and if she will make a statement on the matter. [26852/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 376 and 378 together.

In cases where a One-Parent Family Payment (OFP) is awarded, the Department seeks to trace the other parent (liable relative) in order to ascertain whether s/he is in a financial position to contribute towards the cost of the payment.

This follow-up activity takes place as soon as possible after the award of payment. However, certain categories of liable relative are not pursued due to personal circumstances, such as age or allegations of violence or because they have low incomes. The method of assessment of the liable relative's ability to pay is set out in regulations (SI 571 of 2006 and SI 142 of 2007) and the assessment is based on net income with certain allowances being deducted.

All liable relatives assessed with maintenance liability are contacted by the Department and are issued with a Determination Order setting out the amount of contribution assessed. In 2011, details in relation to 12,657 liable relatives were recorded and Determination Orders were issued in 1,856 (14.66%) of the cases examined.

As a result, 489 liable relatives commenced making payments/additional payments to the lone parent(s) in 2011. A further 25 liable relatives started paying the Department directly. The Department is following-up with the remainder of cases with a view to securing payment as quickly as possible.

It is estimated that this work resulted in savings of €3.8m in 2011.

According to the Department's records, approximately 31% of those in receipt of OFP are also in receipt of maintenance.

The issue of maintenance payments is first and foremost a private matter for the persons concerned or if they cannot resolve the problem, for the courts through family law provisions.

**377. Deputy Alan Farrell** asked the Minister for Social Protection the number of one-parent families in receipt of financial assistance from her Department; the number of these families who are in receipt of a maintenance payment from the second parent; and if she will make a statement on the matter. [26847/12]

**Minister for Social Protection (Deputy Joan Burton):** The number of one-parent families that are in receipt of the one-parent family payment (OFP) stood at 89,905 on 2 June, 2012. The number of these one-parent families that are also in receipt of a maintenance payment from the second parent stood at 27,983 on 2 June, 2012 — representing some 31% of one-parent families.

*Question No. 378 answered with Question No. 376.*

**379. Deputy Michelle Mulherin** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied); and if same will be expedited. [26863/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. In the interest of fairness and equity and unless there are exceptional circumstances, applications are dealt with in order of date of receipt in the department.

In the meantime, if a person's means are insufficient to meet his or her needs while awaiting a decision on a claim, he or she can apply for a means tested supplementary welfare allowance payment from their local community officer.

On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### **Redundancy Payments**

**380. Deputy Noel Coonan** asked the Minister for Social Protection when a redundancy appli-

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cation will be finalised in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [26880/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned has been awarded and payment will issue in the coming weeks.

### **Social Welfare Benefits**

381. **Deputy Michael Creed** asked the Minister for Social Protection when a person (details supplied) in County Cork will receive a decision on their carer's allowance application; and if she will make a statement on the matter. [26887/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### **Social Welfare Appeals**

382. **Deputy Seán Kenny** asked the Minister for Social Protection the position regarding an appeal against the disallowance of an invalidity benefit claim in respect of a person (details supplied) in Dublin 5. [26894/12]

**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 3 October 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 and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### **Redundancy Payments**

383. **Deputy Dessie Ellis** asked the Minister for Social Protection the date on which an application for redundancy payment for a person (details supplied) in County Louth will be processed; the date the redundancy payment will be issued; and if she will make a statement on the matter. [26919/12]

**Minister for Social Protection (Deputy Joan Burton):** A redundancy lump sum claim in respect of the person concerned was received on 18 April 2012. The claim is pending and it is expected that the claim will be finalised in June 2012.

### **Social Welfare Benefits**

384. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the current timeframe for dealing with applications for carer's allowance; her plans to increase staffing levels within this section to reduce the length of time applicants are waiting before a decision is made. [26924/12]

**Minister for Social Protection (Deputy Joan Burton):** The Department is committed to delivering the best possible service to its customers. In the interests of fairness and equity applications are processed in order of the date on which they were received in the Department.

A major service delivery modernisation project is underway to address the large increase in the claim-load and to improve the efficiency of administration of the carer's allowance scheme. This involves the development of information technology functions and associated business process re-organisation. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, the project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department. This essential focus of certain staff resources will continue until the completion of the modernisation project when all existing carer's allowance claims will be transferred onto the new processing system.

Accurate processing time figures are not available at present as applications are still being processed on both the old and the new computer systems. The average time to award an application at present is estimated at around 28 weeks. There are currently approximately 8,670 new applications registered and awaiting a decision and approximately 360 new applications are received each week. I acknowledge that this is unsatisfactory but I am satisfied that the Department is taking all steps available to it to resolve the issue.

In addition to the deployment of new systems, the Department is allocating additional resources in the form of overtime working and temporary staff to help reduce backlogs that have built up. However, it is expected to be a number of months before the backlog is reduced to an acceptable level.

In the meantime, if a person's means are insufficient to meet their needs while awaiting a decision on an application, they may apply for a means-tested supplementary welfare allowance payment from their local community welfare officer.

### Ministerial Appointments

385. **Deputy Robert Troy** asked the Minister for Social Protection if she will outline all staff appointments she has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if she will make a statement on the matter. [26961/12]

**Minister for Social Protection (Deputy Joan Burton):** Since March I have appointed Irene Martin my Personal Secretary, as a temporary civilian driver, to cover a sick leave absence. I subsequently appointed Elaine Dooley as a temporary Personal Secretary. Their salary details are as follows:

	€
Irene Martin	631.75 Weekly
Elaine Dooley	456.50 Weekly

Neither of these appointees are former retired public servants.

### Employment Support Schemes

386. **Deputy Heather Humphreys** asked the Minister for Social Protection the back to work support schemes (details supplied) available to self-employed persons who have lost their job; and if she will make a statement on the matter. [26963/12]



**Minister for Social Protection (Deputy Joan Burton):** The eligibility criteria for Tús, community employment and similar activation and training schemes require that the applicant is in receipt of a jobseekers' or other defined payment from the Department of Social Protection. I am aware that these eligibility conditions impose restrictions of previously self-employed people who now find that they have lost their business and are out of work and not in receipt of a payment from my Department. Self-employed workers are not insured for short-term benefits such as illness and jobseeker's payments and therefore, depending on their means, may not in receipt of the specified underlying payment for access to these schemes.

In line with commitments contained in the Programme for Government, I established an Advisory Group on Tax and Social Welfare. The main rationale for the establishment of the Advisory Group is to harness expert opinion and experience to address a number of specific issues around the operation and interaction of the tax and social protection systems, recommend cost-effective solutions as to how employment incentives can be improved and better poverty outcomes achieved and to identify the specific practical institutional and administrative improvements to their operation. Among the issues that the Advisory Group is currently considering is the issue of social welfare entitlements for the self-employed.

### **Social Welfare Benefits**

387. **Deputy James Bannon** asked the Minister for Social Protection the reason for the delay in processing a transfer application for carer's allowance in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [26968/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of two applications for carer's allowance from the person in question. In the interest of fairness and equity, and unless there are exceptional circumstances, applications are dealt with in order of date of receipt in the Department.

On completion of the necessary investigations relating to all aspects of his case a decision will be made and the person concerned will be notified directly of the outcome.

### **Social Welfare Appeals**

388. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal against the decision to refuse an application for invalidity pension in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [26972/12]

**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 14 January 2012. 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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 Benefits**

389. **Deputy Barry Cowen** asked the Minister for Social Protection when a person (details

supplied) in County Offaly may expect a decision on an application for carer's allowance. [26982/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

390. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27013/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been requested to provide the Department with relevant information pertaining to their application on the 29 May 2012. When this information has been received a full and thorough assessment can be completed.

### Social Welfare Appeals

391. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding a maternity benefit payment appeal in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [27021/12]

**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 13 December 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

392. **Deputy Pat Breen** asked the Minister for Social Protection when a decision on carer's allowance will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [27024/12]

**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, has partially allowed the appeal of the person concerned by way of an oral hearing. The person concerned has been notified of the decision.

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.

### Employment Support Services

393. **Deputy Willie O'Dea** asked the Minister for Social Protection when jobseekers will be in a position to source information locally; the type of services that will be made available to jobseekers; and if she will make a statement on the matter. [27033/12]

**Minister for Social Protection (Deputy Joan Burton):** The position regarding SOLAS is a matter for my colleague, the Minister for Education and Skills.

As part of the new integrated service to customers of the Department, jobseekers will have the opportunity to engage with a case officer who will have full knowledge of the education and training facilities available locally and will be in a position to refer them to a particular course where appropriate.

### **Social Welfare Benefits**

394. **Deputy John Perry** asked the Minister for Social Protection if carer's allowance will be granted in respect of a person (details supplied) in County Sligo. [27037/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

395. **Deputy John Perry** asked the Minister for Social Protection if carer's allowance will be granted in respect of a person (details supplied). [27039/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### **Social Welfare Appeals**

396. **Deputy Michelle Mulherin** asked the Minister for Social Protection the position regarding an appeal against a refusal of a disability allowance application in respect of a person (details supplied) in County Mayo; if the application will be expedited; and if she will make a statement on the matter. [27051/12]

**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 12 December 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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**

397. **Deputy Michael Creed** asked the Minister for Social Protection if it is proposed to pay a pro-rata contributory pension to applicants whose PRSI contributions fall short of the revised requirements effective from 1 May 2012; and if she will make a statement on the matter. [27058/12]

**Minister for Social Protection (Deputy Joan Burton):** In relation to question raised by the Deputy I take it that the Deputy is referring to the changes to the rate bands which will be introduced in September 2012.

This change means that pension payments made, for new customers, will reflect PRSI payments made over a working life. Currently a person with an average of 20-47 PRSI contributions per year over their working life receives a weekly State pension of only €4.50 less than a person with a yearly average of 48 or more PRSI contributions. This is neither fair nor equitable.

From September 2012, a lower pension will be payable to new applicants for State pension who have a yearly average of less than 48 PRSI contributions which better relates to their PRSI record. This measure introduces additional rates bands for State pension (transition) and State pension (contributory) to more fairly reflect the proportionality of attachment to the workforce by the claimant.

The maximum rate will remain unchanged and the rate payable to people with an average of between 40 and 47 contributions per year will also remain unchanged. However, those who have fewer contributions will receive a lower rate of pension. This change moves somewhat closer to the total contribution approach outlined below where those who pay more, benefit more. I have set out below, for information, the new rate bands below.

Given the scale of the fiscal crisis and because spending on social protection accounts for nearly 40% of current Government expenditure, you will appreciate that savings have to be found in the social welfare system.

There is also an important long-term policy context for the proposed changes to State pension as the challenges facing the Irish pension system are significant. There are currently six people of working age for every pensioner and this ratio is expected to decrease to approximately two to one by 2050. People aged 65 years and over will account for a greater proportion of the population while the proportion of working age is expected to decline. People are living longer with healthier lives and growing numbers of people want to work, or may need to work beyond State pension age. This has obvious and significant implications in relation to the future costs of State pension provision. Therefore, the task of financing increasing pensions will fall to a diminishing share of the population.

Taking all of these factors into consideration, I introduced legislation in the Social Welfare and Pensions Act, 2011 to abolish the State pension (transition) with effect from January 2014 standardising pension age at 66 years. The State pension (contributory) age will be increased in 2021 to 67 years and to 68 years with effect from 2028.

In the future, a ‘total contributions approach’ to State pension will be adopted to replace the current averaging system. The current proposed date for its introduction is 2020. Under this system, the level of pension paid will be directly proportionate to the number of social insurance contributions made by a person over his or her working life.

The State pension is the bedrock of the Irish pension system, and these reforms are essential to address the challenges of increasing life expectancy and to ensure its sustainability.

All information relating to the changes that I have outlined here is also available on my Department’s website.

Current State Pension (Contributory) Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
20-47	€225.80	€153.50	€206.30
15-19	€172.70	€115.10	€154.70

[Deputy Joan Burton.]

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
10-14	€115.20	€76.80	€103.20

## New State Pension (Contributory) Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
40-47	€225.80	€146.00	€196.00
30-39	€207.00	€139.00	€186.00
20-29	€196.00	€130.00	€175.00
15-19	€150.00	€100.00	€134.00
10-14	€92.00	€61.00	€83.00

## Current State Pension (Transition) Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
24-47	€225.80	€153.50	€206.30

## New State Pension (Transition) — Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
40-47	€225.80	€146.00	€196.00
30-39	€207.00	€139.00	€186.00
24-29	€196.00	€130.00	€175.00

**Social Welfare Benefits**

398. **Deputy Jerry Buttimer** asked the Minister for Social Protection the reason a half rate carer's allowance has been refused to a person (details supplied) in County Cork. [27061/12]

**Minister for Social Protection (Deputy Joan Burton):** The above named is currently in receipt of Disability Allowance from my department. However, there is no record of a recent decision on carer's allowance ever having been made in respect of her entitlement to carer's allowance at half rate in conjunction with her disability allowance.

On 5 June 2012, an incomplete claim form, received from the above named was return to her for completion. Upon its completion and return to carer's allowance section, her application will be processed.



399. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a one parent family payment will be granted in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27063/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for a one parent family payment from the person concerned has been awarded. Her first payment will be available for collection on 7 June 2012.

400. **Deputy Bernard J. Durkan** asked the Minister for Social Protection under which heading overpayment is alleged in respect of a person (details supplied) in County Kildare; the information made available to them in respect of their entitlements; and if she will make a statement on the matter. [27064/12]

**Minister for Social Protection (Deputy Joan Burton):** An overpayment of jobseeker's benefit and jobseeker's allowance has been assessed in this case. A review of the overpayment is being undertaken and the person concerned will be informed of the outcome once the review is completed.

### Social Welfare Code

401. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if she will set out the criteria affecting entitlement to rent supplement in general in respect of a person (details supplied) in County Kildare who has been assessed in this context; if it is accepted that they have been repeatedly refused rent allowance, who has now been refused access to one child; if she will review the case and refer it to appeal for an oral hearing; and if she will make a statement on the matter. [27065/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The overall aim is to provide short term assistance, and not to act as an alternative to the other social housing schemes operated by the Exchequer.

There are numerous qualifying conditions for the rent supplement scheme all of which are based on legislation. For example, any person seeking a rent supplement must satisfy the Department that they have a housing need that they are unable to meet from their own resources. In addition, the Department must be satisfied that the residence is reasonably suited to the residential and other needs of the claimant. The Department must also be satisfied that the rent payable is reasonable having regard to the nature, character and location of the residence.

Entitlement to rent supplement is determined under Chapter 11 of the Social Welfare Consolidation Act 2005, as amended and under S.I. No. 412 of 2007, Social Welfare (Consolidated Supplementary Welfare Allowance) Regulations 2007, as amended. These legislative provisions are supported by staff guidelines issued by the Department.

In a case where parents have joint custody of a child, the needs of both parents to have adequate accommodation to look after the child are taken into account when an application for a rent supplement is being determined. The claim from the person concerned has previously been refused as the child is being adequately accommodated by the mother. The refusal has been upheld by the HSE appeals office.

### Social Welfare Appeals

402. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payment for disability allowance will issue in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27066/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for disability allowance on 20 May 2011.

The medical evidence supplied with the person's application was referred to one of the department's medical assessors who was of the opinion, based on the information supplied, that she was not medically suitable for disability allowance. The deciding officer accepted this opinion and disallowed the claim and the person was notified in writing of this decision.

Further medical evidence was subsequently received and this was reviewed by the medical assessor who again was of the opinion, based on the information supplied, that the person was not medically suitable for disability allowance. The deciding officer accepted this opinion and the original decision to refuse the claim remained unchanged and the person was notified in writing of this outcome.

The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 24 January 2012.

As part of the appeals process all the medical evidence received in the case has now been referred to another medical assessor for review. Following this review the deciding officer will decide if the original decision should stand or whether it should be revised. If the original decision stands, the appeal will be returned to the Appeals Officer for determination. If, following the review, the deciding officer decides that the person has an entitlement to disability allowance, the decision will be made and the person will be notified.

403. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payment of carer's allowance will issue in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27067/12]

**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 8th March 2012. 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 and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### Employment Support Services

404. **Deputy Robert Dowds** asked the Minister for Social Protection if she will provide an up to date report on her internship programme, jobbridge, and the numbers of persons availing of same. [27080/12]

405. **Deputy Robert Dowds** asked the Minister for Social Protection her views on figures on the number of persons who have transferred from internships to permanent employment. [27081/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 404 and 405 together.

The National Internship Scheme was launched on 1st July 2011. It provides internship opportunities of either 6 or 9 months for unemployed individuals at all skills levels. The aim of JobBridge is to assist individuals in breaking the cycle where they are unable to get a job without experience. It provides them with an opportunity to gain valuable experience, relevant knowledge and skills within a working environment. The Scheme is open to organisations in the private, public and community or voluntary sectors.

The Scheme has made significant progress to-date. As at 24th May 2012, 7,316 internship placements have commenced since the launch of the Scheme in July 2011. There are currently 4,825 interns undertaking internship placements. In addition, there are in excess of 1,800 internship posts currently advertised on the JobBridge website [www.jobbridge.ie](http://www.jobbridge.ie).

Our records indicate that 966 of the finishers to-date have progressed directly into employment on immediate completion of their internship with either their JobBridge Host Organisation or another company. This figure represents almost 40% of finishers to-date. It is important to note that this data does not take account of an intern who may have secured employment in the subsequent weeks or months after completing their internship. A picture of the career paths of JobBridge interns will become clearer following the independent evaluation of the scheme which is being undertaken by Indecon International Economic Consultants.

406. **Deputy Robert Dowds** asked the Minister for Social Protection if there is any evidence of companies abusing internships that is, keeping persons on as interns rather than filling the vacancy with a real employee; and if she will make a statement on the matter. [27082/12]

407. **Deputy Robert Dowds** asked the Minister for Social Protection if she has, or intends to have, a system of spot checks to ensure that the internship system is working satisfactorily for current interns. [27083/12]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 406 and 407 together.

The National Internship Scheme was launched on 1st July 2011. It provides internship opportunities of either 6 or 9 months for unemployed individuals at all skills levels. The aim of JobBridge is to assist individuals in breaking the cycle where they are unable to get a job without experience. It provides them with an opportunity to gain valuable experience, relevant knowledge and skills within a working environment. The Scheme is open to organisations in the private, public and community or voluntary sectors.

The Scheme has made significant progress to-date. As at 24th May 2012, 7,316 internship placements have commenced since the launch of the Scheme in July 2011. There are currently 4,825 interns undertaking internship placements. In addition, there are in excess of 1,800 internship posts currently advertised on the JobBridge website [www.jobbridge.ie](http://www.jobbridge.ie).

Our records indicate that almost 40% (966) of the finishers to date have progressed directly into employment on immediate completion of their internship with either their JobBridge Host Organisation or another company. It is important to note that this data does not take account of an intern who may have secured employment in the subsequent weeks or months after completing their internship. A picture of the career paths of JobBridge interns will become clearer following the independent evaluation of the scheme which is being undertaken by Indecon International Economic Consultants.

[Deputy Joan Burton.]

A variety of measures have been introduced to protect the intern and to maintain the integrity of the JobBridge scheme. In order for all applications from host organisations to be approved they must meet a number of criteria so as to ensure that the potential internships are of sufficient quality. These include the following:

- that the internship does not allow the intern to work unsupervised;
- that the internship is not displacing an employee; and
- that the intern accrues significant experience throughout the entire internship.

These checks are undertaken by staff in my Department.

In order for an internship to commence a Standard Internship Agreement must be signed by both the intern and the host organisation. This Agreement clearly stipulates the terms of the internship and states the specific learning outcomes the intern will receive over the course of their internship.

To ensure compliance with the scheme, the Department of Social Protection are monitoring internships to ensure that they are of sufficient quality and that both host organisations and interns are abiding by the spirit and the rules of the Scheme.

This involves the monitoring of monthly compliance reports that are required to be submitted by the host organisation verifying that the internship is proceeding as set out in the Standard Internship Agreement. In addition, contact with the host organisations and interns including random site visits have begun as part of this process. These visits are undertaken by staff in the Regions. In excess of 100 Monitoring visits have taken place to-date.

A ‘whistle blowing’ feature is also in place, whereby any individual who suspects that an internship may be in breach of the scheme’s criteria, including in cases of suspected displacement or poor quality, may contact the JobBridge team. All such claims are fully investigated.

It is worth noting that participation in the Scheme is voluntary and an intern may contact the JobBridge team at any stage of their internship.

I believe that these measures are currently sufficient in relation to the operation of the JobBridge scheme. However, my Department continuously monitors the scheme and will introduce additional measures if the need arises.

I have also commissioned an independent evaluation of the Scheme which is currently being undertaken by Indecon International Economic Consultants. This evaluation will assess the design, delivery and impact of the JobBridge Scheme. It will provide details of the nature of the work experience of the participants; a measurement of the relevance of that experience to the labour market and progression into employment. It will also offer an assessment of the potential displacement effect of the Scheme and the satisfaction of participants and of Host Organisations with their experience. It will also present recommendations on how the Scheme might be improved.

It should also assist my Department in making further policy decisions on the benefit of work placement programmes in the overall context of the Government’s activation policy, which is to engage with every unemployed individual to provide them with a pathway to employment and to prevent and reduce long term unemployment.

### **Social Welfare Appeals**

408. **Deputy John O’Mahony** asked the Minister for Social Protection when a decision will

be made on an appeal of an application in respect of a person (details supplied) in County Mayo on their non contributory pension; and if she will make a statement on the matter. [27138/12]

**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 24 April 2012. 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### **Community Employment Schemes**

409. **Deputy Brian Stanley** asked the Minister for Social Protection the position regarding a community employment scheme in respect of a person (details supplied) in Dublin 10; and if she will make a statement on the matter. [27152/12]

**Minister for Social Protection (Deputy Joan Burton):** A member of the Travelling Community is required to be in receipt of at least one current payment from the Department in order to be eligible to apply for a place on any Community Employment scheme. Eligibility does not automatically lead to entitlement. The candidate would be required to attend an interview with the Supervisor of the scheme in order to be deemed suitable for the place.

The person concerned is currently not in receipt of a payment from the Department. They are in receipt of credits only since 7th April 2012. Receipt of credits is not considered eligibility criteria for entry to CE. Therefore, the person concerned is not eligible to participate on CE.

### **Departmental Staff**

410. **Deputy Dessie Ellis** asked the Minister for Social Protection if there are plans to increase staffing levels in the social welfare appeals office in D'Olier House, D'Olier Street, in view of the fact that there is a backlog of several months. [27158/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that, based on figures for the first quarter of 2012, the average waiting time for appeals dealt with by summary decisions was 22.4 weeks and 40.9 weeks for those that required an oral hearing. The comparable times for 2011 were 25 weeks and 52.5 weeks.

In an effort to reduce the processing times, the Department appointed 12 additional Appeals Officers in 2010 and 2011. In addition, a further 10 Appeals Officers, formerly employed by the Community Welfare Services (CWS) of the Health Services Executive joined the Office as part of the integration of the CWS appeals services into the Social Welfare Appeals Office. This brought the total number of Appeals Officers to 39.

The matter of assigning additional Appeals Officers is kept under constant review but any consideration of extra assignments must be taken in the context of overall government policy on civil service numbers.

### **Social Welfare Benefits**

411. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection when a



[Deputy Marcella Corcoran Kennedy.]

carer's allowance application will be processed in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [27159/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of the case a decision will be made and the person concerned will be notified directly of the outcome.

### Social Welfare Appeals

412. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection the reason for the refusal to grant domiciliary care allowance to a person (details supplied) in Dublin 7 in view of the fact that there is a considerable amount of support letters and recommendations specifying the persons qualification for such allowance; if she will re-establish contact with the person in question in order that a decision be made promptly after the person has been waiting a considerable amount of time for their review to be processed; and if she will make a statement on the matter. [27161/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 22nd September 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 24th November 2011 advising of the decision.

The person concerned subsequently lodged an appeal against this decision. As part of the appeal process, the case was reviewed by a second Medical Assessor on 24th May 2012 who confirmed that the child was not medically eligible for the payment. The file will now be sent to the Social Welfare Appeals Office for consideration of the appeal.

### Social Welfare Code

413. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection if she will provide an economic breakdown of the cost to small to medium size businesses here; if changes are made to the statutory sick pay scheme; if an impact study is being done on the extra costs put on businesses which may drive them into further financial instability; and if she will make a statement on the matter. [27165/12]

**Minister for Social Protection (Deputy Joan Burton):** The question of introducing a scheme of statutory sick pay, whereby employers would directly meet the costs of sick absence for an initial period of illness, is being considered in the context of the need to reform the social welfare system to bring it into line with practices in other countries in this area; the need to address the deficit in the social insurance fund; the need to limit progression from short-term illness to long-term illness or disability; and in the wider context of enhancing the health of the workforce and addressing levels of absenteeism.

Before any decision could be taken by Government on the possible introduction of a statutory sick pay scheme, a range of complex issues need to be addressed. These include the extent of coverage; the duration of payment; the rate of payment; compensation mechanisms for employers where appropriate; and how to ensure that a scheme of statutory sick pay would be enforced and policed. The potential impact on small and medium size enterprises would be contingent on how these issues are addressed and how the scheme would ultimately be structured. A preliminary analysis based on estimates of absenteeism in the private sector indicates

that if a sick pay scheme with a duration of four weeks were to be introduced, it would add about €1 per week per employee to the costs of employment.

I hosted a consultative seminar on the feasibility and implications of introducing a scheme of statutory sick pay in February of this year. This seminar was attended by a broad range of key stakeholders, including representatives of small and medium-size employers. The report of that seminar will be published shortly and will provide the basis for more detailed consultations with key stakeholders. The analysis of the potential impacts of introducing a scheme of statutory sick pay will be developed and refined as consultation with key stakeholders progresses.

### **Social Welfare Benefits**

414. **Deputy Mary Lou McDonald** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied) in Dublin 4. [27169/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance in respect of her first care recipient on the grounds that the Department's Medical Assessor expressed the opinion that the care recipient is not so disabled as to require full time care and attention as prescribed in regulations.

On 16 January 2012, she was notified of this decision and of her right of review and/or appeal to the Chief Appeal's Officer within 21 days. Additional medical evidence was received and forwarded to the Medical Assessor for consideration. She will be notified of the outcome of the review in due course.

A second application was received from the person in question on 23 March 2012 in respect of a second care recipient.

On completion of the necessary investigations relating to all aspects of her case a decision will be made and the person concerned will be notified directly of the outcome.

### **Social Welfare Appeals**

415. **Deputy Jim Daly** asked the Minister for Social Protection her views of a carer's application taking nine months for a decision to be made on an oral hearing in respect of a person (details supplied); and if she will make a statement on the matter. [27180/12]

**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 29th October 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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 Benefits**

416. **Deputy Jim Daly** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied); when a final decision will be made; and if she will make a statement on the matter. [27181/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was awarded carer's allowance with effect from 17 November 2011. Arrangements are being made to have her carer's allowance in payment at her local post office on 14 June 2012. Arrears of allowance due for the intervening period less any other payment made on her behalf for this period and less any overpayments that have occurred will issue to her in due course.

### **Social Welfare Appeals**

417. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when an appeal will be finalised in respect of an application for jobseeker's allowance in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [27184/12]

**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 20 March 2012. 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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 Benefits**

418. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will expedite a means assessment for a person (details supplied) who has been medically approved for disability allowance in view of the circumstances of their case; and if she will make a statement on the matter. [27266/12]

**Minister for Social Protection (Deputy Joan Burton):** The deciding officer has written to the person concerned requesting further information which is required before a decision is made. When this information is received the claim will be decided and the person concerned will be notified directly of the outcome.

*Question No. 419 withdrawn.*

420. **Deputy John McGuinness** asked the Minister for Social Protection if carers allowance will be approved as a matter of urgency in respect of a person (details supplied) in County Kilkenny and if she will expedite the matter. [27295/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the department is in receipt of an application for carer's allowance from the person in question. In the interest of fairness and equity all applications are dealt with in order of date of receipt in the department.

On completion of the necessary investigations a decision will be made and the person concerned will be notified directly of the outcome.

421. **Deputy Dominic Hannigan** asked the Minister for Social Protection her plans to change the means testing of cohabiting couples where one is employed and the other is not; and if she will make a statement on the matter. [27337/12]

**Minister for Social Protection (Deputy Joan Burton):** The current means testing arrangements for social assistance schemes provide that married couples, civil partners and cohabiting couples, both same sex and opposite sex, are treated in the same manner, including where one of a couple is in employment and the other is not.

I have no plans to change these arrangements.

422. **Deputy Jack Wall** asked the Minister for Social Protection the reason rent allowance has ceased in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [27338/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has recently obtained temporary employment but has not notified the Department of details. In order to assess whether an entitlement exists, we have requested information relating to this employment. When the necessary information has been received a full and thorough reassessment can be carried out.

### Employment Support Services

423. **Deputy Dara Calleary** asked the Minister for Social Protection if school boards of management are defined as eligible organisations for participation in the jobsbridge programme; if so the specific process for boards of management applying to participate in the scheme; if they are not eligible the reason for same; and if she will make a statement on the matter. [27343/12]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme was launched on 1st July 2011. It provides internship opportunities of either 6 or 9 months for unemployed individuals at all skills levels. The aim of JobBridge is to assist individuals in breaking the cycle where they are unable to get a job without experience. It provides them with an opportunity to gain valuable experience, relevant knowledge and skills within a working environment. The Scheme is open to organisations in the private, public and community or voluntary sectors.

The Scheme has made significant progress to-date. As at 24th May 2012, 7,316 internship placements have commenced since the launch of the Scheme in July 2011. There are currently 4,825 interns undertaking internship placements. In addition, there are in excess of 1,800 internship posts currently advertised on the JobBridge website [www.jobbridge.ie](http://www.jobbridge.ie).

A host organisation participating in JobBridge must be in a position to provide a substantial commitment to their intern so as to ensure the provision of a quality internship. To this end, a clear set of rules have been developed to protect the intern and safeguard JobBridge from potential abuse. Potential host organisations can avail of the JobBridge guidelines and full eligibility criteria on the JobBridge website. The process for Host Organisations to apply and advertise positions is also clearly outlined on the website.

In relation to the more specific matter raised by the Deputy, I wish to advise that schools are currently eligible to participate in JobBridge. In this regard, I wish to advise that there are currently in excess of 250 internship placements in the Education sector. There are currently 92 internship placements across primary and secondary schools.

### Social Welfare Appeals

424. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding a supplementary welfare allowance appeal in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [27351/12]

**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 21 November 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

425. **Deputy Pat Breen** asked the Minister for Social Protection when a decision on a domiciliary care allowance appeal will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [27355/12]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received on 3rd October 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for DCA. A letter issued on 30th November 2011 refusing the allowance. The person concerned subsequently lodged an appeal against this decision.

As part of the appeal process, the case has been forwarded to another of the Department's Medical Assessors for further consideration, including a review of any new information supplied. Upon receipt of the Medical Assessor's opinion, the case will be further examined and will be forwarded for consideration by the Appeals Office, if necessary.

426. **Deputy Brendan Griffin** asked the Minister for Social Protection if a decision has been made on an appeal for jobseeker's allowance and supplementary welfare allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [27357/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that there is no current Jobseeker's Allowance appeal registered but that a Supplementary Welfare Allowance appeal by the person concerned was registered in that office on 16 May 2012. 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. When received, the appeal in question will be referred in to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### **Pension Provisions**

427. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding the proposed changes to the eligibility criteria for the state contributory pension from September, 2012; if she will confirm the details of these changes; if she will specify the changes that apply to widows; and if she will make a statement on the matter. [27366/12]



**Minister for Social Protection (Deputy Joan Burton):** The Government has made decisions on a number of changes to State pension provision including the changes to the rate bands which will come into effect from September 2012 for new customers:

Currently a person with an average of 20-47 PRSI contributions per year over their working life receives a weekly State pension of only €4.50 less than a person with a yearly average of 48 or more PRSI contributions. This is neither fair nor equitable. From September 2012, additional rates bands for State pension (transition) and State pension (contributory) will be introduced to more fairly reflect the attachment to the workforce by the claimant.

The maximum rate will remain unchanged and the rate payable to people with an average of between 40 and 47 contributions per year will also remain unchanged. However, those who have fewer contributions will receive a lower rate of pension. This change moves somewhat closer to the total contribution approach where those who pay more, benefit more. I have set out below, for information, the new rate bands below.

In relation to changes to the eligibility criteria for widow's, widower's and surviving civil partner's contributory pension, currently either the claimant or their late spouse or civil partner must have a minimum of 156 paid social insurance contributions paid to the date of death of the spouse/civil partner or before reaching pension age (currently, age 66) whichever is earlier.

Where the date of death of a spouse or civil partner is on or after 27th December 2013, the minimum number of paid social insurance contributions required will be increased to 260 paid contributions.

In addition, with effect from 6th April 2012, late claims for the State pension (transition), State pension (contributory), widow's, widower's or surviving partner's contributory pension will be limited to a maximum period of 6 months.

I would like to take this opportunity to again outline the context for these changes. Given the scale of the fiscal crisis and because spending on social protection accounts for nearly 40% of current Government expenditure, you will appreciate that savings have to be found in the social welfare system.

There is also an important long-term policy context for the proposed changes to State pension, including the forthcoming change to pension rate bands being introduced for new customers from September 2012, which is that the challenges facing the Irish pension system are significant.

There are currently six people of working age for every pensioner and this ratio is expected to decrease to approximately two to one by 2050. People aged 65 years and over will account for a greater proportion of the population while the proportion of working age is expected to decline. People are living longer with healthier lives and growing numbers of people want to work, or may need to work beyond State pension age. This has obvious and significant implications in relation to the future costs of State pension provision. Therefore, the task of financing increasing pensions will fall to a diminishing share of the population.

Taking all of these factors into consideration, I introduced legislation in the Social Welfare and Pensions Act, 2011 to abolish the State pension (transition) with effect from January 2014 thereby standardising pension age at 66. The State pension (contributory) age will be increased to 67 in 2021 and to 68 with effect from 2028.

In the future, a 'total contributions approach' to State pension will be adopted to replace the current averaging system. The current proposed date for its introduction is 2020. Under this system, the level of pension paid will be directly proportionate to the number of social insurance contributions made by a person over his or her working life.

[Deputy Joan Burton.]

The State pension is the bedrock of the Irish pension system, and these reforms are essential to address the challenges of increasing life expectancy and to ensure its sustainability.

All information relating to the changes that I have outlined here are also available on my Department's website.

Current State Pension (Contributory) Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
20-47	€225.80	€153.50	€206.30
15-19	€172.70	€115.10	€154.70
10-14	€115.20	€76.80	€103.20

New State Pension (Contributory) Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
40-47	€225.80	€146.00	€196.00
30-39	€207.00	€139.00	€186.00
20-29	€196.00	€130.00	€175.00
15-19	€150.00	€100.00	€134.00
10-14	€92.00	€61.00	€83.00

Current State Pension (Transition) Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
24-47	€225.80	€153.50	€206.30

New State Pension (Transition) — Rates of payment

Yearly average contributions	Personal Rate per week	Increase for Qualified Adult aged under 66 years Rate per week	Increase for Qualified Adult aged over 66 years Rate per week
48 or over	€230.30	€153.50	€206.30
40-47	€225.80	€146.00	€196.00
30-39	€207.00	€139.00	€186.00
24-29	€196.00	€130.00	€175.00

**Social Welfare Benefits**

428. **Deputy Peadar Tóibín** asked the Minister for Social Protection the number of appli-

cation for carer's allowance; the number of applications approved; the number of applications that a request for additional information was sought, on a month by month basis over the past 14 months. [27375/12]

**Minister for Social Protection (Deputy Joan Burton):** The information requested is contained in the table below, apart from the information in relation to the number of applications that a request for additional information was sought. This information is not routinely collated and is therefore unavailable at this time.

Month	Numbers Registered	Numbers Approved
March 2011	1,243	620
April 2011	1,908	616
May 2011	1,374	589
June 2011	1,074	411
July 2011	1,482	900
August 2011	168	564
September 2011	2,836	633
October 2011	2,232	634
November 2011	1,435	559
December 2011	935	589
January 2012	1,056	644
February 2012	2,240	507
March 2012	1,185	547
April 2012	980	473

429. **Deputy Peadar Tóibín** asked the Minister for Social Protection the number of applications for carer's allowance that have been outstanding of one-three months, three-six months, six-nine months, nine — twelve months and in excess of twelve months. [27376/12]

**Minister for Social Protection (Deputy Joan Burton):** The information requested by the deputy is set out in tabular form below. These figures are accurate to the end of April 2012.

Period Pending

Months Pending	Number of Applications Pending
1 and less than 3 months	2,606
3 and less than 6 months	3,003
6 and less than 9 months	2,260
9 and less than 12 months	46
In excess of 12 months	25

430. **Deputy Michelle Mulherin** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied) in County Mayo; if same will be expedited; and if she will make a statement on the matter. [27401/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. In the interest of fairness and equity all applications are dealt with in order of date of receipt in the Department.

[Deputy Joan Burton.]

On 8 February 2012, the case was referred to an investigative officer of this Department for means assessment and confirmation that the conditions necessary for receipt of the allowance are satisfied. On completion of the necessary investigations a decision will be made and the person concerned will be notified directly of the outcome.

431. **Deputy Robert Troy** asked the Minister for Social Protection if she will expedite a carer's allowance application in respect of a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [27403/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of his case a decision will be made and the person concerned will be notified directly of the outcome.

### Community Employment Schemes

432. **Deputy Áine Collins** asked the Minister for Social Protection if persons who are on a Tús scheme for 12 months will then have to become unemployed for 12 months before they qualify for a community employment scheme. [27421/12]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of Tús is to support the work-readiness of people who are unemployed for a year or more. At the end of May, some 4,330 participants and 225 supervisors have been engaged in the provision of services to their communities. Currently, the conditions for recruitment and entry to community employment do not provide that a person who has been engaged on a Tús work placement is eligible.

### Social Welfare Appeals

433. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding an appeal by a person (details supplied) in County Cork in respect of their application for invalidity pension; and if she will make a statement on the matter. [27422/12]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal in this case has been allowed and the appellant has been informed of the outcome.

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.

434. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding an appeal by a person (details supplied) in County Cork in respect of their application for disability allowance; and if she will make a statement on the matter. [27424/12]

**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 5 October 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 and the case has been referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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 Benefits**

435. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding a carer's allowance application in respect of a person (details supplied) County Cork; and if she will make a statement on the matter. [27426/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. On completion of the necessary investigations relating to all aspects of the case a decision will be made and the person concerned will be notified directly of the outcome.

*Question No. 436 withdrawn.*

437. **Deputy Michael Creed** asked the Minister for Social Protection if a person (details supplied) in County Cork is entitled to carer's allowance; and if she will make a statement on the matter. [27428/12]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that the Department is in receipt of an application for carer's allowance from the person in question. The medical evidence that you submitted in support of the medical aspect of his application was forwarded to the medical assessor for further consideration.

On completion of the necessary investigations relating to all aspects of his case a decision will be made and the person concerned will be notified directly of the outcome.

### **Social Welfare Appeals**

438. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive a decision on a review for invalidity pension with new medical information supplied; and if this person will be seen by a medical assessor; and if she will make a statement on the matter. [27431/12]

**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 11th April 2012. 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 and the case will be referred to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

*Question No. 439 withdrawn.*

### **Social Welfare Benefits**

440. **Deputy Patrick Nulty** asked the Minister for Social Protection if she will expedite an application for jobseeker's payment in respect of a person (details supplied) in Dublin 15; when



[Deputy Patrick Nulty.]

payment will be granted and arrears will issue; the reason for the delay; and if she will make a statement on the matter. [27438/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for jobseeker's allowance on 30 April 2012. His claim has been awarded and he will be advised of the outcome in writing today by the Deciding Officer.

441. **Deputy Patrick Nulty** asked the Minister for Social Protection if she will expedite an application for supplementary welfare allowance in respect of a person (details supplied) in Dublin 15; when payment will be granted and arrears will issue; the reason for this delay; and if she will make a statement on the matter. [27439/12]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been granted Stamp 4 which gives legal residency in the state. In order to qualify for Supplementary Welfare Allowance, a person must also satisfy the Habitual Residency Condition and a means assessment. The person concerned has not submitted the documentation required to satisfy the conditions for granting of SWA as requested.

442. **Deputy Noel Harrington** asked the Minister for Social Protection the number of school workers who made claims for jobseeker's benefit or allowance or other assistance and who presented form UP2C on signing on, indicating that they had been paid a percentage of their pay in lieu of statutory holiday pay, during the Easter holidays 2011, Summer holidays 2011 and Christmas holidays 2011/2012; and if she will make a statement on the matter. [27483/12]

**Minister for Social Protection (Deputy Joan Burton):** The level of detail requested by the Deputy on claims made by school workers is not available. Claims made by school workers for jobseeker payments are processed on a case by case basis throughout the Department's network of offices. In the majority of cases a form UP2C/D is automatically generated from computer records. During the 2011/12 academic year some 4,000 customers were automatically issued with forms.

In the case of some 450 school wardens employed by Dublin City Council, Fingal County Council, Dublin South County Council and Dun Laoghaire and Rathdown County Council, the required details are provided directly to the Department on computer file.

In the balance of cases, for which there are no statistics available, a form UP2C/D is manually issued to the customer.

### **Social Welfare Appeals**

443. **Deputy Michael Creed** asked the Minister for Social Protection when a decision will issue on an invalidity pension appeal in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [27549/12]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of the appeal of the person concerned took place on 28 May 2012 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

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.

444. **Deputy Michael Creed** asked the Minister for Social Protection if a decision has been made on an appeal by a person (details supplied) in County Cork in respect of a claim for domiciliary care allowance; and if she will make a statement on the matter. [27557/12]

**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 22 March 2012. 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. When received, the appeal in question will be referred in to an Appeals Officer who will make a summary decision on the appeal based on the documentary evidence presented or, if required, hold an 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.

### **Architectural Heritage**

445. **Deputy Niall Collins** asked the Minister for Arts, Heritage and the Gaeltacht his plans to assist owners of thatched roof structures and dwellings, which are recorded as protected structures by their local authorities, to obtain affordable insurance cover; and if he will make a statement on the matter. [26258/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I refer the Deputy to my reply to Question No. 236 of 2nd November 2011.

Part IV of the Planning and Development Acts 2000-2011 provides for the protection of architectural heritage. The Act gives primary responsibility to planning authorities to identify and protect the architectural heritage, including thatched buildings, by including them on the Record of Protected Structures. Inclusion on the Record of Protected Structures places a duty of care on the owners and occupiers of protected structures and also gives planning authorities powers to deal with development proposals affecting them and to seek to safeguard their future.

While the overall number of thatch roofs declined in the second half of the 20th century, increased legislative protection for the architectural heritage and heightened awareness of this part of our national heritage has meant that this decline has stabilised. The issue of insurance for historic buildings, including thatched structures, has been raised by my Department with both the Financial Services Regulator and the Irish Insurance Federation. My Department will continue to keep this issue under review.

*Question No. 446 answered with Question No. 25.*

### **Wildlife Protection**

447. **Deputy Seamus Kirk** asked the Minister for Arts, Heritage and the Gaeltacht in view of the proliferation of the wild deer population in the Mid Louth area and the effect it is having on local traffic, if he will consider a cull licence application in this area. [26762/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In accordance with the Wildlife Acts, the annual open season when deer can be legally shot under licence operates from 1 September to 28 February, depending on the species and gender of deer.

However, landowners may apply to my Department for a licence under the Wildlife Acts to cull deer when this is necessary outside the annual open seasons in instances where damage is being caused to habitats or where levels of deer may have negative ecological consequences.

### Planning Issues

448. **Deputy Michael Creed** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding property owners' obligations under Section 58 of the Planning and Development Act and specifically these applications in circumstances in which the property is substantially derelict, incapable of being repaired for habitation and is situated in the middle of a commercial farmyard and the way in such circumstances the owner may engage with the relevant authorities regarding the property; and if he will make a statement on the matter. [26891/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My role as Minister, the role of local authorities, and the responsibilities of owners, with regard to protected structures are set out in the provisions of the Planning and Development Acts 2000-2011. Under Part IV (Architectural Heritage) of the Acts, inclusion on the Record of Protected Structures places a duty of care on the owners and occupiers of protected structures in relation to those structures.

Planning authorities are given powers to ensure that such structures are protected. These include powers to serve notice to carry out protective works, and obligations in relation to how development proposals are considered. Owners of protected structures are advised to contact the appropriate local planning authority regarding the on-going care, management and future use of protected structures in their ownership.

In this regard, my Department's policy and best practice guidance consistently recommends that appropriate new uses are identified and pursued for vacant protected structures, as this is the best means of ensuring conservation of their architectural heritage.

### Museum Projects

449. **Deputy Anne Ferris** asked the Minister for Arts, Heritage and the Gaeltacht if he will consider transferring the bell and wheel from the Asgard 2 to the Arklow Maritime Museum, County Wicklow; and if he will make a statement on the matter. [27410/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am advised that the wheel, compass and binnacle salvaged from the Asgard II are in the possession of the National Museum of Ireland, having been transferred from the Department of Defence in February 2012. While I do not have a statutory function in respect of such operational matters, I am advised by the Museum that these objects can be made available for display should a suitable location for their exhibition, which fulfils the Museum's standard loan conditions, become available. Full details of these loan conditions are available on the Museum's website [www.museum.ie](http://www.museum.ie). The Museum also advises that the whereabouts of the bell from the Asgard II are not known.

### Wildlife Conservation

450. **Deputy Finian McGrath** asked the Minister for Arts, Heritage and the Gaeltacht if his attention has been drawn to the increase in the numbers of foxes in Dublin North Central; and if local residents should be concerned. [26208/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I have responsibilities under the Wildlife Acts relating to the conservation of populations of certain wild animals but I have no regulatory role in relation to foxes as they are not a protected species under these Acts.

Foxes are widespread across Ireland and have adapted to the urban and suburban landscape. Like all wild animals, their populations will fluctuate naturally. At this time of year, when there are young cubs to feed, the adult foxes tend to be more active and therefore more obvious. Foxes play an important role in pest control given that much of their diet is composed of rats and mice.

*Question No. 451 answered with Question No. 22.*

### **Wildlife Protection**

452. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the measures he plans to put in place to protect endangered wildlife such as the golden and whitetail eagles, following the deaths of a number of eagles due to poisoning which is in breach of legislation introduced recently here following a directive from the EU; and if he will make a statement on the matter. [26232/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In response to of a number of poisoning incidents involving reintroduced birds of prey, such as golden eagles and the white tailed eagle, my Department published the European Communities (Birds and Natural Habitats) (Restriction on Use of Poison Bait) Regulations 2010, which made it an offence for a person to use any type of meat, fish, egg or other animal substance as bait to poison or stupefy birds or animals, or in a manner likely to poison or stupefy, except under licence by my Department.

My Department is continuing with its investigations into two recent killings, as well as working with the Garda Síochána, farmers, shooting interests and environmental groups to reduce the incidence of poisoning, whether deliberate or accidental.

I consider such poisoning incidents as occurred recently to be completely unacceptable. They are damaging to our wildlife, to our reputation in countries which have allowed us source eagle chicks from their native stock, to tourism-related business in parts of the country where such business is especially important, and to the image generally of Ireland's healthy countryside. I urge all stakeholders to work with my Department in seeking to avoid the recurrence of such incidents in the future.

### **National Library**

453. **Deputy Stephen S. Donnelly** asked the Minister for Arts, Heritage and the Gaeltacht if he is or his Department has received any advice from the Director of the National Archives or the National Archives Advisory Council concerning the proposed merger of the National Archives with the National Library at any time since the announcement of that proposal in 2008; if so, he will report on that advice; if he intends to follow that advice; and the actions being taken or that are planned to be taken to do so. [26386/12]

478. **Deputy Anne Ferris** asked the Minister for Arts, Heritage and the Gaeltacht the savings he will expect to achieve in amalgamating the National Archives and the National Library; if he will address concerns expressed by a person (details supplied) in relation to same; and if he will make a statement on the matter. [27246/12]

480. **Deputy Olivia Mitchell** asked the Minister for Arts, Heritage and the Gaeltacht the headings under which costs are expected to be made, and the quantum of such savings, following the merger of the National Library, the National Archives and the Irish Manuscripts Commission; and if he will make a statement on the matter. [27260/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 453, 478 and 480 together.

I refer the Deputies to my reply in the House earlier today to Priority Questions Nos. 1, 3, 4 and 5.

### **National Archives**

454. **Deputy Stephen S. Donnelly** asked the Minister for Arts, Heritage and the Gaeltacht his view on whether the National Archives has the accommodation, staff and other resources required to enable it to accept 30 year old records from all Departments of State in accordance with the terms of the National Archives Act, 1986; if he has identified any deficiency in its resources; the steps he has taken or plans to take to remedy those deficiencies. [26387/12]

477. **Deputy Anne Ferris** asked the Minister for Arts, Heritage and the Gaeltacht if he is satisfied with the conditions under which the National Archives is operating in view of the fact that a warehouse is being used as temporary storage; the cost of building and maintaining said warehouse; when it is intended to provide a permanent building with adequate facilities; and if he will make a statement on the matter. [27245/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 454 and 477 together.

Firstly, I should point out that the National Archives building at Bishop Street is not a temporary storage building. It, along with the associated facility at the Four Courts, is the permanent home for the National Archives. While there have been issues with the Bishop Street building over the years, my Department, with the Office of Public Works (which has overall responsibility for the building), has endeavored to improve the facilities there. Over the last year, almost €700,000 was spent to replace the roof and defective shutters and in making the warehouse watertight. This work was key to safeguarding the State's archives and will allow heretofore unseen files and papers be made available to the public. This will be the first stage of a phased improvement scheme that will aim to maximise the internal storage capacity of the facility. I am currently awaiting a costed scheme from the Office of Public Works in that regard.

As the Deputies are aware, there have been necessary reductions in programme and capital funding for all public bodies, including the National Archives and other cultural institutions, in recent years. Clearly, the economic realities pertaining to the public finances have to be addressed, while endeavouring at all times to maintain services to the public at our national cultural institutions.

### **Heritage Sites**

455. **Deputy Ciara Conway** asked the Minister for Arts, Heritage and the Gaeltacht if his attention has been drawn to the impact that a ban on eel fishing is having in terms of loss of a particular heritage and unique fishing style using traditional hand-made wicker basket from Carrick-on-Suir that has been practised for generations in the Suir estuary; his views on the way that these very specialised and uniquely Irish practices that are distinctive to this region might be documented and the knowledge recorded, preserved and passed on to future generations; if he has liaised with the Department of Communications, Energy and Natural Resources in relation to this issue; the progress that has been made; if he has not liaised with the Department of Communications, Energy and Natural Resources, if he will consider working with them in order to preserve a distinctive heritage and fishing style that has been practised for generations, and the knowledge retained by a small group of people but which is in danger of being lost forever; and if he will make a statement on the matter. [26391/12]



**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Issues in relation to the control of eel fisheries are a matter for the Department of Communications, Energy and Natural Resources and I have no statutory function in these matters.

In relation to the general issue of documenting the heritage aspect of this fishery, I understand that this is a matter which the local authority or the Heritage Council may be able to advise on.

*Question No. 456 answered with Question No. 25.*

### **Special Areas of Conservation**

457. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the criteria used in the designation of 53 Irish bogs as Special Areas of Conservation; if State owned or commercially owned bogs would meet these criteria; and if he will make a statement on the matter. [26541/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Under the EU Habitats Directive, each Member State is required to designate Special Areas of Conservation for the protection of endangered habitats and species as listed in the Directive. As part of Ireland's obligations under the Directive, 53 Special Areas of Conservation were nominated for designation between 1997 and 2002 for the protection of Active Raised Bog, Degraded Raised Bog still capable of natural regeneration and Bog Woodland. Each of these habitats is listed in Annex I of the Directive.

The choice of sites for selection as SACs arose from an extensive survey of the habitats in Ireland and the application of the scientific criteria specified in Annex III of the Directive. In short, the criteria used included:

- The degree of representivity of the natural habitat type on the site.
- The area of the site covered by the natural habitat type in relation to the total area covered by that natural habitat type within national territory.
- The degree of conservation of the structure and functions of the natural habitat type concerned and restoration possibilities.
- A global assessment of the value of the site for conservation of the natural habitat type concerned.

The reasoning behind the nomination for designation of each individual site is contained in the *Natura 2000 standard data form*, which can be viewed on my Department's website at [www.npws.ie](http://www.npws.ie). The ownership of these bogs was not a central consideration in their selection and the 53 sites comprised both State-owned and privately-owned lands. I am advised that most State-owned or privately-owned raised bogs outside of the areas selected for designation do not meet the criteria for selection as SACs. In most cases, the living surface of the bog has been removed. In a few cases, the bog surface has not been removed but the areas were extensively drained, resulting in the loss of the most sensitive species.

### **Turbary Rights**

458. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht if the panel for hearing and determining appeals on turf cutting and harvesting rights has been established; the composition of the panel; when the panel will commence its work; when appeals

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will be heard; when appellants will be advised of the panel and the appeal; and if he will make a statement on the matter. [26542/12]

459. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding an appeal on turf cutting harvesting rights (details supplied); when a date will issue for the appeal; and if he will make a statement on the matter. [26543/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 458 and 459 together.

Under the provisions of the Wildlife (Amendment) Act 2000, the carrying out of certain works in natural heritage areas, including the extraction of turf, cannot take place without my consent, as Minister for Arts, Heritage and the Gaeltacht. Consent was refused for the works referred to in the Question, as they were considered to be damaging to the NHA. I understand that the individual in question has appealed against this decision.

My Department has established a panel from which to draw upon barristers or solicitors of not less than seven years standing to hear and determine appeals against decisions to refuse consent for the carrying out of certain works in natural heritage areas. My Department will be writing shortly to the individual referred to in the Question in relation to the hearing and determination of his appeal.

### Departmental Expenditure

460. **Deputy Niall Collins** asked the Minister for Arts, Heritage and the Gaeltacht the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26625/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Under the Government's Medium Term Capital Investment Framework 2012-2016, some €190m has been committed to my Department's Vote Group over the next 5 years. This comprises €44m in 2012 (of which €43m has been allocated to my Department with a further €1m available to the National Gallery), €38m in 2013 and €36m each year for 2014, 2015 and 2016.

As the Deputy will be aware, my Department's capital expenditure relates principally to meeting the ongoing costs of the Irish Film Board, the National Cultural Institutions, works to address EU compliance requirements in relation to our built and natural heritage, supporting employment through Údarás na Gaeltachta, and maintenance and development works carried out by Waterways Ireland.

The ACCESS programme, Gaeltacht Support Schemes and Islands capital expenditure account for the greatest share of my Department's commitments at present. The attached tables indicate the range of capital commitments made by my Department. It is not possible at this point to categorically specify when these commitments will arise as this is dependent upon grantees, when the works in question are fully completed, and all conditions are complied with.

#### Capital Commitments

	Commitments
SUBHEAD A.7: Cultural Infrastructure and Development (ACCESS)	
Abbey Theatre (Annual Capital Grant)	50,000
Ionad Ealaíona, Beál an Mhuirthead (Mayo)	15,790

	Commitments
Athlone Artist Studios and Gallery	572,038
Ballina Arts Centre, Mayo	52,025
Belltable Arts Centre, Limerick	4,440
CREATE Dublin	190,000
Dublin City Council Artists Studios	108,048
Garage Theatre, Monaghan	1,621,079
St. John's Square, Limerick	133,903
Limerick City Gallery of Art	430,408
National Sculpture Factory, Cork	15,068
Nenagh Community Arts Centre	42,317
Smock Alley Theatre, Dublin	266,454
Sweeney Memorial Library, Clare	110,295
Irish Film Institute, Dublin	129,143
Teach Siamsa, Finuge (Kerry)	75,469
Theatre Royal, Waterford	220,688
Comhaltas Ceoltóirí Éireann Development Programme	20,215
Music Network	16,172
Wexford Festival Opera	125,000
Cultural Infrastructure and Development Sub-total	4,198,552
Subhead C.3: Gaeltacht Support Schemes	
Gaeltacht Roads	94,737
Gaeltacht Piers	97,676
Village Renewal	10,759
Group Water Schemes	5,013
Áiseanna Pobail and Teanga	1,036,890
Gaeltacht Support Schemes Sub-total	1,245,075
Subhead C.4: Irish Language Support Schemes	
Taibhdhearc na Gaillimhe	106,000
Subhead C.9: Islands	
Island Infrastructural Projects (Piers)	1,034,000
Island Infrastructural Projects (Other Works)	146,000
Aerodrome Development	58,000
Islands Sub-total	1,238,000
Total	6,787,627

### Wildlife Protection

461. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht under section 34 of the Wildlife Act 1976, if he has responsibility for the issue of an annual licence to the Irish Coursing Club and its affiliated clubs to capture live hares. [26724/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department has received an application under the Wildlife Acts from the organisation in question on behalf of its affiliated clubs to facilitate the tagging and the capture of hares in relation to the holding

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of coursing meetings for the coming 2012/2013 season. The application is under consideration and a decision will be made as soon as possible.

### Údarás na Gaeltachta

462. **Deputy Dominic Hannigan** asked the Minister for Arts, Heritage and the Gaeltacht if there are any grant schemes under Údarás na Gaeltachta that allocate funding for local health initiatives; and if he will make a statement on the matter. [26737/12]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** I have been advised by Údarás na Gaeltachta that the grant schemes it administers are not specific or limited to any one sector, such as funding for local health initiatives. Accordingly, each project is assessed on its own merits and this assessment is a matter for Údarás na Gaeltachta. Further information regarding the grant schemes administered by Údarás na Gaeltachta is available on its website at [www.udaras.ie](http://www.udaras.ie).

### Heritage Sites

463. **Deputy Brendan Griffin** asked the Minister for Arts, Heritage and the Gaeltacht if a heritage centre (details supplied) in County Kerry is under new ownership; and if he will make a statement on the matter. [26823/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department has no responsibility for the centre referred to by the Deputy.

### Film Industry Development

464. **Deputy Alan Farrell** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide the level of funding and any other support and investment provided by his Department to the film industry in 2010, 2011 and 2012; and if he will make a statement on the matter. [26842/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Irish Film Board is the independent statutory body responsible for the development and the promotion of the Irish film industry. Funding is provided by my Department to the Irish Film Board by the means of a grant-in-aid. Funding for the years in question is set out below:

Year	Amount
2010	€19,272,000
2011	€18,431,000
2012	€15,690,000

In addition to funding provided by the Irish Film Board, my Department made a once-off capital refurbishment grant to Ardmore Film Studios of €222,000 in 2010.

### Natural Heritage Areas

465. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht if he will direct the National Parks and Wildlife Service to prepare a map showing the details of the boundaries of the natural heritage area associated with the Royal Canal as it passes through Dublin City Council area, from the ninth level to the River Liffey; if he will confirm which public body determines public policy governing the spraying of herbicides, pesticides and so

on, within this area; if he will report on the manner in which the NPWS, Dublin City Council and Waterways Ireland cooperate and coordinate their efforts to maximise the ecological value and the social amenity of that particular NHA; and if he will make a statement on the matter. [26869/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am arranging to have a copy of the map for the site in question, which is a proposed Natural Heritage Area, forwarded to the Deputy as soon as possible.

Under section 40 of the Wildlife Acts, the cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches is prohibited during the nesting and breeding season for birds and wildlife, from 1 March to 31 August. This is subject to certain specific exceptions. In most instances, it is required by law that work to hedgerows is undertaken outside this period. Local authorities and relevant public bodies, including Dublin City Council and Waterways Ireland, are reminded annually of their responsibilities in this regard by my Department.

My Department is available to advise and support these and other public bodies in meeting their obligations regarding the protection of wildlife under domestic and European law.

### National Monuments

466. **Deputy Michael Creed** asked the Minister for Arts, Heritage and the Gaeltacht if his attention has been drawn to the situation regarding property owners' obligations under the National Monuments Act 1930 and specifically these applications in circumstances in which the property is substantially derelict, incapable of being repaired for habitation and is situated in the middle of a commercial farmyard; the way in such circumstances the owner may engage with the relevant authorities regarding the property; and if he will make a statement on the matter. [26890/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The National Monuments Acts oblige the owner, or any other person, wishing to carry out work at or in relation to a monument included in the Record of Monuments and Places or in the Register of Historic Monuments to give notice of the proposal to the Minister and (except in a case of urgent necessity and with the Minister's consent) not to commence the work for a period of two months after the giving of notice. In the case of a monument subject to a Preservation Order, the Minister's express prior consent is required.

My Department's National Monuments Service will, on request, be pleased to provide advice in relation to the care and conservation of such monuments and the related statutory requirements.

### Departmental Expenditure

467. **Deputy Dara Calleary** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide for each of the years 2005 to 2011, in tabular form, details of all spending more than €1,000 by his Department or the previous relevant Department, including the amount, the name of the recipient, the name of the organisation or company, the specific purpose and if it was accounted for as capital or current spending, from the revised estimates sub-headings B4 and B5 in 2011 and D4 and D5 in 2005, 2006, 2007, 2008, 2009 and 2010, that is, containing the descriptions cultural centres and projects, cultural infrastructure and development, or variants such as cultural projects or cultural infrastructure. [26901/12]



**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Owing to the volume of material concerned, the information sought by the Deputy could not be compiled in the time available. I will endeavour however to provide a comprehensive answer to the Deputy as soon as possible.

### Ministerial Appointments

468. **Deputy Robert Troy** asked the Minister for Arts, Heritage and the Gaeltacht if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26949/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Since the establishment of my Department in June 2012, I have appointed the following staff:

Grade	Name	Salary level
Special Adviser	James Kenny	€38,216 (1st point of Principal Officer Standard Scale of €80,051, abated to take account of public service pension as a retired teacher).
Special Adviser	Damien Garvey	€80,051 (1st point of Principal Officer Standard Scale)

For the sake of completeness, I would advise that Mr. Seán Mac Cárthaigh acted as my Special Adviser from 10 March 2011 to 2 March 2012, prior to Mr. Garvey's appointment. During this period, Mr. Mac Cárthaigh continued to be employed by the Arts Council. His salary of €83,385 per annum was recouped to the Arts Council by my Department for this period.

I have also appointed a Personal Assistant and a Personal Secretary and the salary scales for each of these positions are €43,715-€56,060 and €23,820-€47,755 respectively.

In addition, both the Minister of State at my Department and I have each appointed two Civilian Drivers. The salary for a Civilian Driver is €631.75 per week.

All the above appointments are in line with Government Guidelines on Ministerial Appointments.

### National Museum

469. **Deputy Clare Daly** asked the Minister for Arts, Heritage and the Gaeltacht his views on the vetoing by his Department of the terms of a settlement brokered by the Labour Relations Commission between staff and management at the National Museums of Ireland compensating low paid staff for rostering changes resulting in significant hardship for the staff in question. [27031/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will be aware that the management of staffing issues within the National Museum of Ireland is a day-to-day matter for the management and board of the Museum. In relation to the specific matter referred to by the Deputy, I am advised that the Museum management is in ongoing contact with the relevant staff association with a view to finalising an agreement that is consistent with both the Croke Park Agreement and previous agreements reached at the Labour Relations Commission. The Deputy will appreciate that agreements entered into by my Department and the bodies under its aegis, in relation to matters that come within the remit of the Croke Park Agreement, must adhere to the provisions of that Agreement.

### Departmental Correspondence

470. **Deputy Brendan Griffin** asked the Minister for Arts, Heritage and the Gaeltacht his views on correspondence (details supplied). [27055/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The matter referred to by the Deputy is the subject of a Government decision regarding the Public Sector Reform Plan, which was published in November 2011. The 'details supplied' format of the Question precludes me, however, from providing a more comprehensive reply, I will of course, be pleased to provide the Deputy with further information on this matter if he requests it using a less restrictive format.

*Question No. 471 answered with Question No. 10.*

### Údarás na Gaeltachta

472. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreacht agus Gaeltachta an bhfuil na maoir atá freagrach as scéimeanna Fás atá á reáchtáil faoi choimirce Údarás na Gaeltachta i dteideal pinsin a fháil ón Údarás. [27132/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Tuigim ó Údarás na Gaeltachta go bhfuil fostaíocht na maor atá luaite ag an Teachta ag brath ar mhaoiniú a bheith ar fáil ón Roinn Coimirce Sóisialaí do na scéimeanna ar a bhfuil siad ag obair. Cé nach bhfuil na maoir páirteach i scéim pinsean an Údaráis, comhairlítear dom go bhfuil sé curtha in iúl ag an Údarás dóibh mar rogha chaighdeánach go bhfuil an deis acu páirt a ghlacadh i scéim pinsean príobháideach.

*Question No. 473 answered with Question No. 14.*

### National Parks and Wildlife Service

474. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht if the National Parks and Wildlife Service will confiscate and destroy thousands of unlawful nooski traps recently found to be in possession of a person (details supplied) in County Cork which are unlawful under Section 34(6) of the Wildlife Act 1976 as amended by Section 42 of the Wildlife (Amendment) Act 2000; if confiscation and destruction of such traps will be carried out by the National Parks and Wildlife Service instead of placing the onus on the UK supplier to recover them; if he will address the supplying of such traps here and the facilitation of their sale in the State; and if he will make a statement on the matter. [27135/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The use of traps, snares and nets in relation to wildlife is governed by the Wildlife Act 1976 (Approved Traps, Snares and Nets) Regulations 2003. The "Nooski Animal Trap" referred to by the Deputy does not meet the requirements set by these Regulations and is, therefore, illegal. Officials of my Department understand that the traps in question have been returned to the UK distributor.

### An Fhoireann Rannach

475. D'fhiafraigh **Peadar Tóibín** den Aire Ealaíon, Oidhreacht agus Gaeltachta an bhfuil a Roinn nó Údarás na Gaeltachta tar éis aon duine a athfhostú le déanaí a d'fhág a phost nó a post nuair a bhí an pacáiste luathscoir d'oibrithe san earnáil phoiblí ar fáil. [27136/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Faoi mar a chuir mé in iúl don Teach i mo fhreagra ar Cheist Pharlaiminte Uimh 324 ar 8 Bealtaine 2012, tá

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múinteoir scoile, atá ar scor, ag obair mar Chomhairleoir Speisialta i mo Roinn. Is é €38,216 in aghaidh na bliana a thuarastal, tar éis lacáiste i leith a phinsin. Níl éinne eile, atá ar scor, tar éis a bheith athfhostaithe ag mo Roinn.

Tuigim freisin go bhfuil na socruithe seo a leanas déanta ag Údarás na Gaeltachta maidir le conarthaí gearrthéarma i gcás beirt oifigeach dá chuid atá ar scor:

- duine ar chonradh 4-mhí, ar tháinig deireadh leis ar 30 Aibreán 2012, mar Phríomhoifigeach Feidhmiúcháin eatramhach, ar chostas €20,916; agus
- duine ar chonradh 6-mhí, a chríochnóidh ar 31 Lúnasa 2012, mar dhlíodóir, ar chostas €23,663.

Tuigim go bhfuil an prionsabal lacáiste curtha i bhfeidhm i ngach cás acu seo.

### Cultural Institutions

476. **Deputy Anne Ferris** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide a breakdown by year, on the level of funding provided to the National Archives and to the National Library over the past 10 years in tabular form; and if he will make a statement on the matter. [27244/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The information requested by the Deputy is outlined in the table below.

Year	National Library			National Archives		
	Current	Capital	Total	Current	Capital	Total
2003	€6,405,000	€1,000,000	€7,405,000	€937,000	€277,000	€1,214,000
2004	€6,974,000	€2,800,000	€9,774,000	€959,000	€477,000	€1,436,000
2005	€8,054,000	€1,350,000	€9,404,000	€1,130,000	€600,000	€1,730,000
2006	€9,067,000	€2,350,000	€11,417,000	€1,674,000	€1,100,000	€2,774,000
2007	€9,201,000	€4,000,000	€13,201,000	€1,800,000	€350,000	€2,150,000
2008	€9,752,000	€2,250,000	€12,002,000	€1,804,000	€350,000	€2,154,000
2009	€9,242,000	€1,500,000	€10,742,000	€1,515,000	€306,000	€1,821,000
2010	€7,848,000	€1,500,000	€9,348,000	€1,378,000	€400,000	€1,778,000
2011	€7,084,000	€1,000,000	€8,084,000	€1,058,000	€400,000	€1,458,000
2012	€6,620,000	€500,000	€7,120,000	€1,000,000	€409,000	€1,409,000

The allocations outlined above for the National Archives do not include salary and administration costs. As staff in the National Archives are civil servants of my Department, such costs are met directly from my Department's Administration Budget.

*Question No. 477 answered with Question No. 454.*

*Question No. 478 answered with Question No. 453.*

### Census of Population

479. **Deputy Anne Ferris** asked the Minister for Arts, Heritage and the Gaeltacht the funding that will be required to digitise the 1926 Census; the legal and administrative problems that arise with this; when the legislation will be required to allow for the publication; and if he will make a statement on the matter. [27247/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Programme for Government contains a commitment to enabling the publication of the 1926 Census. The project requires two principal components to be addressed. The first is the legal necessity to change the relevant legislation to permit publication of the Census before the expiry of the statutory 100 year period, while respecting certain rights. The second is the technical process whereby the material can be converted from the paper records to a searchable electronic database in a cost-effective fashion.

Legal advice has been obtained in relation to the legislative changes and consultation with relevant bodies is in progress. Possible technical approaches are also currently being considered, as are their resource implications. I intend to bring a Memorandum to Government on this matter in the near future.

*Question No. 480 answered with Question No. 453.*

### **Turbary Rights**

481. **Deputy Brian Walsh** asked the Minister for Arts, Heritage and the Gaeltacht if a person (details supplied) in County Galway affected by the cessation of turf cutting on their bog will receive compensation; and if he will make a statement on the matter. [27263/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Government announced a compensation scheme for those affected by the cessation of turf cutting on raised bog special areas of conservation. This cessation of turf cutting compensation scheme now comprises a payment of €1,500 per year, index linked, for 15 years or, where feasible, relocation of turf cutters to non-designated bogs where they can continue to cut turf. Those wishing to relocate can avail of the financial payment or the delivery of 15 tonnes of cut turf per annum while relocation sites are identified and prepared. The costs of acquiring and preparing relocation sites will be met by the State. An additional once-off payment of €500 for qualifying turf cutters will be provided where legal agreements are signed with me, as Minister for Arts, Heritage and the Gaeltacht.

One of the qualifying criteria for the cessation of turf cutting compensation scheme is that the claimant must have been cutting turf on the lands in question in the relevant five year period. If an individual has a legal interest in one of the 53 designated sites and had not been extracting turf in the relevant five year period, my Department is willing to examine the feasibility of relocating such interests to alternative non-designated bogs. It is not proposed to make the financial payment in such cases.

I understand that the individual referred to in the Question had not been extracting turf from the site in the relevant five year period and has not expressed an interest in relocation to an alternative non-designated bog. My Department will be writing to him in relation to his position in due course.

*Questions Nos. 482 to 484, inclusive, answered with Question No. 25.*

### **Irish Language**

485. **Deputy Tom Fleming** asked the Minister for Arts, Heritage and the Gaeltacht in relation to the issue of funding for Gaeltacht areas in County Kerry; and if he will make a statement on the matter. [27365/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** With regard to funding for Gaeltacht areas in Co. Kerry, my Department continues to provide both capital

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and current funding under the various Gaeltacht schemes and initiatives administered by my Department, details of which are available on its website at [www.ahg.gov.ie](http://www.ahg.gov.ie). As is the case with all other Gaeltacht areas, this funding continues to be provided in the context of competing demands and available resources. Funding is also provided by Údarás na Gaeltachta in line with its statutory remit and further information in this regard is available at [www.udaras.ie](http://www.udaras.ie).

### Heritage Sites

486. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he and his Department continue to monitor Heritages Sites and buildings deemed to be at risk throughout in each of the past five years to date in 2012 on a county basis; the action taken of any on foot of such investigation; and if he will make a statement on the matter. [27499/12]

487. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht if he or his Department have received reports of threats of damage to any heritage sites or buildings throughout the country in each of the past three years to date; the action taken or pending arising therefrom; the location of such building or sites; and if he will make a statement on the matter. [27500/12]

492. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the number of conservation measures in respect of sites or building taken in each of the past three years to date at various locations throughout the country; and if he will make a statement on the matter. [27505/12]

495. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht if he will list the various conservation measures currently in place or proposed in the context of the preservative of buildings, sites or other locations throughout the country at present, those with EU legal base and otherwise; and if he will make a statement on the matter. [27508/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 486, 487, 492 and 495 together.

My Department has a broad range of responsibilities in respect to the protection of our natural, architectural and archaeological heritage and, in each case, there is a different suite of legislative instruments that provides for protection of the relevant national heritage sites. The primary conservation measures for which the Deputy has sought information are as follows:

- Natural Heritage Areas (NHA), Special Areas of Conservation Areas (SAC), Special Protection Areas (SPA), Nature Reserves, Flora Protection Orders and Refuges for Fauna made under the Habitats Regulations 1997-2011, transposing the EU Habitats and Birds Directives and the Wildlife Acts 1976-2000;
- Structures included in Record of Protected Structures and Architectural Conservation Areas under Part IV (Architectural Heritage) of the Planning and Development Acts 2000-2011; and
- Sites protected under the National Monuments Acts 1930-2004.

My Department directly manages 6 national parks and 66 nature reserves. In addition, as noted above, it has responsibility for the monitoring of European nature sites established under the Birds and Habitats Directives, as well as a range of sites established under the Wildlife Acts.

All sites designated for nature conservation have been identified as requiring protection and are monitored on an on-going basis.

Under the provisions of Part IV (Architectural Heritage) of the Planning and Development Acts, each planning authority is required to include in its development plan a Record of Protected Structures. The making of an addition to, or deletion from, a Record of Protected Structures is a reserved function of the planning authorities. Inclusion in the Record of Protected Structures places a duty of care on the owners and occupiers of protected structures and also gives planning authorities powers to deal with development proposals affecting them, seek to safeguard their future and serve notice to require works to be carried out in relation to endangerment of protected structures.

Section 59 of the Planning and Development Acts 2000-2011 provides for a planning authority to serve notice to require works to be carried out in relation to endangerment of such structures. On the basis of information submitted by the planning authorities to my Department, there were 19 such notices served in 2008, 27 in 2009 and 10 in 2010. My Department does not have the relevant information for 2007 and figures for 2011 are currently being finalised.

The 757 national monuments in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht are managed and maintained by the Office of Public Works on a day to day basis. Local authorities are responsible for monuments in their ownership or guardianship. The vast majority of recorded monuments (approx 120,000) are, however, privately owned and, while they are protected under the National Monuments Acts, the owners are responsible for their maintenance. Appropriate action is taken where my Department becomes aware of threats or damage to monuments, including advice to owners, prosecution under the National Monuments Acts or, occasionally, rescue excavation work.

The management and delivery of specific conservation projects is generally carried out through bodies such as the OPW, local authorities and heritage organisations that receive grants awarded by the Heritage Council. This does not include private investment in conservation projects.

In the context of the above, my Department does not collate comprehensive information on the numbers of reports of actual damage or threats of damage to protected structures and sites. Information on the number of conservation measures in respect of sites or buildings taken in each of the past three years by location is not available to my Department.

The Deputy will appreciate that the scope to provide for the protection of the State's heritage assets is constrained by the current national economic difficulties and the significant reduction in the public finances. However, my Department will continue to provide funding for the protection, conservation and development of our built and natural heritage, in so far as resources allow, in accordance with best practice and legal requirements, both nationally and internationally, and will intervene as provided by law to protect such sites.

Finally as regards current and on-going initiatives to assist in the safe guarding of our Built Heritage, I would draw the Deputy's attention to a number of key developments.

In 2011 my Department set up an Expert Advisory Committee representing key stakeholders to review the operation of Part IV (Architectural Heritage) of the Planning and Development Acts 2000-2011. This review includes an examination of how the legislation is operating in practice regarding the protection and management of architectural heritage from a central and local government perspective and the need, in the light of current economic circumstances, to consider alternative ways of supporting the conservation of protected structures.

In the context of the Government Policy on Architecture 2009-2015, my Department is developing various policy actions which contribute to the protection and appropriate re-use of



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our built heritage and aims to deal with on-going strategic objectives indirectly effecting our architectural heritage such as adaptive re-use for historic properties and a forward plan-led approach to cultural heritage and urban design in our towns and cities.

My Department is responsible for the legislative framework, general policy development and promotional awareness of Ireland's built heritage. My Department also provides some limited funding for the built heritage directly or through the OPW. €1,252,000 has been provided in this year's Estimates for built heritage capital. My Department also provides funding to the Heritage Council, which, in turn, supports many heritage projects throughout the country. My Department is providing a total of €4,811,000 of Exchequer Funding for the Heritage Council in 2012, together with €1,500,000 from the Department's share of the Environment Fund. Final allocations for future years have not been decided.

While the current national economic difficulties and the significant reduction in the public finances pose considerable challenges, my Department continues to work creatively across Government and with partner bodies such as the Heritage Council, the Irish Heritage Trust, Fáilte Ireland, the LEADER Programme and other heritage interests in seeking to ensure that resources are directed towards the heritage sector.

### **Turbary Rights**

488. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the numbers of bogs in Country Kildare affected by special areas of conservation's generated restrictions on turf cuttings: the numbers and the location of any such bogs on which turf cutting is restricted by other conservation's measures; and if he will make a statement on the matter. [27501/12]

490. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the efforts that have been made to facilitate the traditional turf cutters at Coolceragh Bog in County Kildare; if the area is affected by a special area conservation or other conservation measures; and if he will make a statement on the matter. [27503/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 488 and 490 together.

There are 2 raised bog special areas of conservation (SACs) in Kildare protected under the EU Habitats Directive. There are also 2 Natural Heritage Area raised bogs in Kildare designated under national law in accordance with the provisions of the Wildlife Acts.

The Government has put in place a compensation scheme for those affected by the cessation of turf cutting on raised bog special areas of conservation. This cessation of turf cutting compensation scheme now comprises a payment of €1,500 per year, index linked, for 15 years or, where feasible, relocation of turf cutters to non-designated bogs where they can continue to cut turf. Those wishing to relocate can avail of the financial payment or the delivery of 15 tonnes of cut turf per annum while relocation sites are identified and prepared. The costs of acquiring and preparing relocation sites will be met by the State. An additional once-off payment of €500 for qualifying turf cutters will be provided where legal agreements are signed with me, as Minister for Arts, Heritage and the Gaeltacht.

The Townlands of Coolearagh East and West in County Kildare are close to Ballynafagh Bog special area of conservation and to Hodgestown Bog natural heritage area (NHA).

Discussions have been ongoing with turf cutter representatives from Ballynafagh Bog special area of conservation. Progress has been made with a view to the relocation of qualifying turf

cutters similar to relocation arrangements already concluded with groups from Clara Bog in County Offaly and Mountbellew in County Galway.

In 2010, the then Government decided that turf-cutting should come to an end on raised bog natural heritage areas at the end of 2013. However, in accordance with the Programme for Government, the situation regarding the 75 raised bog NHAs will be reviewed in conjunction with the Peatlands Council and decisions will be made in advance of the cutting season in 2014.

Details of raised bog special areas of conservation and natural heritage areas in County Kildare are set out in the table, including the number of applications received under the cessation of turf cutting compensation scheme, the number of applications acknowledged, the number of applicants expressing an interest in relocation out of the applications acknowledged, and the number of payments made.

Table

Raised Bog Special Areas of Conservation and Natural Heritage Areas in County Kildare

Site Code	Site Name	Total Number of Applications Received	Total Number Acknowledged	Total Number expressing an interest in relocation	Total Number of payments made
000391	Ballynafagh Bog SAC	54	54	27	11
002231	Mouds Bog SAC	45	38	13	4
001388	Cabury Bog NHA	Not Applicable			
001393	Hodgestown Bog NHA	Not Applicable			

*Question No. 489 answered with Question No. 17.*

*Question No. 490 answered with Question No. 488.*

*Question No. 491 answered with Question No. 17.*

*Question No. 492 answered with Question No. 486.*

### Arts Funding

493. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he has had discussions with various community groups interested in the promotion of the Arts; the degree to which he has been in a position to offer tangible assistance to such groups throughout the country and in County Kildare in the past year; and if he will make a statement on the matter. [27506/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Government's priorities for the arts are set out in the Programme for Government. Responsibility for the promotion of the arts at all levels throughout the country is devolved primarily to the Arts Council. The Council is a statutory body, funded by my Department, and independent in its day-to-day operations, including in relation to its funding decisions.

I am acutely aware of the beneficial effects of arts in the community, both from the aspect of individual participation and that of community involvement, as well as their potential for impact in addressing social inclusion issues.

Since taking office, I have engaged extensively with the arts community at local and national levels. Following dialogue with local arts officers, a pilot interactive strategy has been put in

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place, which, I believe, will lead to more co-ordination in arts and culture activities at community and at local level. Many projects have received capital funding under the arts capital schemes operated by my Department. These projects — situated in the heart of communities — assist in local arts endeavours and I would urge communities to support and participate in the many and diverse range of activities offered by them throughout the State. Details of these payments are on my Department's website <http://www.ahg.gov.ie/en/Arts/GrantsandFunding/CulturalDevelopmentExpenditure/>

As the Deputy is aware, I also forwarded details to him on 25 April last of financial assistance provided by my Department to bodies/groups over the period since the establishment of my Department on 2 June 2011. In addition, I supplied information received from the Arts Council, which included assistance to groups in Co Kildare.

494. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he and his Department continue to promote traditional music and song at various levels and media; and if he will make a statement on the matter. [27507/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department is committed to enhancing our traditional culture by supporting groups and organisations involved in furthering the traditional arts. Since 2005, €20m has been provided in capital grant aid to organisations that promote traditional music and song such as Comhaltas Ceoltóirí Éireann and Na Píobairí Uilleann (The Pipers Club) for infrastructural development throughout the State.

My Department provides an annual current grant to Comhaltas Ceoltóirí Éireann. In 2012, this amounts to €1.675m. Comhaltas has over 400 branches nationwide and has been to the fore in training young people in the traditional arts.

Other organisations funded by my Department that encourage and foster the traditional arts of music and singing include the Arts Council, Foras na Gaeilge and Ealaín na Gaeltachta. These organisations provide funding to the many festivals held in the country every year where thousands of young people participate and are encouraged to develop their artistic talents. My Department also assists An Gael-Acadamh, which provides a range of classes for young people in the Connemara Gaeltacht.

I would especially like to direct the Deputy to *Culturefox*, an initiative paid for by my Department to promote the arts and culture. *Culturefox* is both a website and an “app”, and has a separate section for the promotion of traditional music and song. It is free to use for promoters and consumers alike.

*Question No. 495 answered with Question No. 486.*

### **Tourism Initiatives**

496. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he can use Arts, Heritage and the Cultural arising therefore to promote a beneficial image of Ireland abroad thereby contributing to the economic recovery; and if he will make a statement on the matter. [27509/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Ireland's artistic and cultural strengths play an important role in underscoring our global cultural reputation. My Department's *Culture Ireland* works to support Irish artists who have engaged very actively

in helping to unlock the full potential of the key connection between culture, Ireland's international reputation and tourism.

*Culture Ireland* also works closely with Tourism Ireland on a range of co-operative ventures, including promotional material for priority markets such as New York, joint support for events such as St. Patrick's Festival in Beijing and cross-promotion of Irish arts events abroad to maximise their cultural tourism potential.

In 2011 *Culture Ireland* presented *Imagine Ireland*, a special year-long initiative, showcasing Irish arts and culture in the US throughout the year in an endeavour to provide a strategic platform to promote Irish tourism. More than 1,000 Irish artists were showcased in more than 500 events in more than 40 US States, working in partnership with key US festivals, venues and cultural institutions. Clusters of events were targeted to maximise the impact of key promotional opportunities, including St. Patrick's week and Bloomsday, coordinating with Tourism Ireland and the Irish Embassy and Consulates. In the current year, it is seeking to build on that initiative and will also have an important role to play in the delivery of the Government's cultural programme for the E. Presidency.

In addition, in 2013, *Culture Ireland* will continue to work closely with Tourism Ireland and The Gathering to showcase and celebrate Irish culture and encourage visitors to Ireland.

**497. Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht the extent to which he has engaged with the EU colleagues in the context of the promotion of the Arts and Heritage of Europe and this country as a result thereby enhancing tourism potential as a result; and if he will make a statement on the matter. [27510/12]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I meet with my EU colleagues on a regular basis, whether at formal gatherings such as meetings of the Council of Ministers or at more informal meetings. I always take the opportunities presented at these engagements to promote the positive aspects of the arts and heritage of this country.

I should say that our EU Presidency in 2013 will present an additional platform for cultural links to be enhanced with key European partners. My Department, through *Culture Ireland*, is leading on the international dimension of the Cultural Programme for the EU Presidency.

### **Broadcasting Legislation**

**498. Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources if he intends to proceed with introducing a Media Mergers Bill separate from the Competition Bill; and if he will make a statement on the matter. [26245/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** As the Deputy will be aware, the responsibility for control of merger and acquisitions including those relating to the media in the State, lies with my colleague, the Minister for Jobs, Enterprise and Innovation. At present I have no function with regard to media, outside of my broadcasting remit. However, legislation is in train in the Department of Jobs, Enterprise and Innovation to significantly update the media mergers function, and transfer it to my Department later this year.

Arising from the critical role of the media in our democracy, and the potentially harmful effects of an over concentration of media ownership, this issue is a vitally important one. I have written to my colleague, Minister Bruton, in relation to the possibility of extracting the media merger-related provisions from the proposed Consumer and Competition Bill and this issue remains under discussion. The Government is committed to implementing a set of robust

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measures that allow for a transparent and objective assessment of the public good in media mergers cases, and to do so as quickly as possible.

### **Inland Fisheries**

499. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the evidence his Department has, from Inland Fisheries Ireland, to back up a statement that sea lice induced mortality can be significant and that sea lice larvae emanating from farmed salmon may influence individual survivorship and population conservation status of wild salmon; and if he will make a statement on the matter. [26293/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The statement I made to the House is supported by a recent scientific study entitled “Evidence for sea lice-induced marine mortality of Atlantic salmon (*Salmo salar* L.) in western Ireland from experimental releases of ranched smolts treated with emamectin benzoate”, P. Gargan, P.G., Forde, G., Hazon, N., Russell, D.J.F. and Todd.

The study cites a number of internationally respected papers on the issue. The study was also published in the prestigious Canadian Journal of Fisheries and Aquatic Sciences C.D. (2012), Can. J. Fish. Aquat. Sci. 69: 343-353.

I have arranged for a copy of the study to be forwarded to the Deputy.

### **Ministerial Meetings**

500. **Deputy Pearse Doherty** asked the Minister for Communications, Energy and Natural Resources further to a report in a newspaper (details supplied) on 20 May 2012, which claimed that he had called in newspaper editors in response to concerns of what was described as a continuous cycle of negative media coverage, if he will confirm that he did call in editors of newspapers; the dates that such meetings took place; the content of these meetings; and if he thinks it appropriate for his Department to bring pressure to bear on newspaper editors to publish reports of which he approves. [26309/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I did not call in any newspaper editor on any date.

### **Energy Conservation**

501. **Deputy Ann Phelan** asked the Minister for Communications, Energy and Natural Resources the position regarding the retrofit scheme; and if he will make a statement on the matter. [26319/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Sustainable Energy Authority of Ireland (SEAI) administers the Better Energy Programme.

Exchequer funding of €76.146 million has been allocated to the Better Energy Programme in 2012, which is projected to deliver 524GWh in energy savings. The Better Energy Programme includes Better Energy Homes, Warmer Homes and Better Energy Workplaces.

Better Energy Homes provides financial assistance to householders who wish to improve the energy performance of their homes. Fixed grants are provided towards the cost of a range of measures including attic insulation, wall insulation, heating systems upgrades, solar thermal panels and accompanying BER. Since the scheme commenced in March 2009 the SEAI has disbursed over €133m in grants and supported the installation of over 300,000 such measures in 126,761 homes.



Better Energy Warmer Homes delivers a range of energy efficiency measures to households that are vulnerable to energy poverty. The scheme is managed by the SEAI and delivered through a range of Community Based Organisations (CBOs), augmented by a panel of private contractors in order to ensure national coverage. Since the commencement of the Programme in 2000 energy efficiency upgrades have been delivered to 82,669 homes amounting to €82.959 million in Exchequer funding.

The table below details the number of energy efficiency measures delivered and grants paid from the Exchequer under the Better Energy programme in 2011 and 2012:

2011	Better Energy Homes	Better Energy Warmer Homes
Homes Completed	47,594	20,388
Measures Completed	138,227	N/A
Total Spend (€m)	€57.620	€21.430
<i>2012 (Jan-end May)</i>		
Homes Completed	16,489	2,281
Measures Completed	45,814	N/A
Total Spend (€m)	€15.603	€1.694

### Inland Fisheries

502. **Deputy Ciara Conway** asked the Minister for Communications, Energy and Natural Resources further to the Conservation of Eel Fishing (Prohibition On Issue of Licences) Bye-Law No. 858, 2009, if he will provide a roadmap and terms of reference for the upcoming National Eel Management Plan, outlining the key stakeholders, and specifying how and when these stakeholders will be identified and engaged with; if he expects the consultation period to end; when the Eel Management Plan is due to be published; and if he will make a statement on the matter. [26417/12]

503. **Deputy Ciara Conway** asked the Minister for Communications, Energy and Natural Resources if the terms of reference of the national eel survey will be broadened to incorporate a study into the heritage value of the baited pot fishery, and other distinctive and unique fishing practices as have been carried out in the Suir Estuary; if this will be incorporated into the national eel survey, on a scientific basis in order to establish a catch per unit effort time series; and if he will make a statement on the matter. [26418/12]

504. **Deputy Ciara Conway** asked the Minister for Communications, Energy and Natural Resources his views on the impact the ban on eel fishing is having in terms of loss of a particular heritage and unique fishing style that has been practiced for generations in the Suir Estuary; his views on the way these very specialised and uniquely Irish practices might be documented and the knowledge recorded, preserved and passed on to future generations; and if he will make a statement on the matter. [26419/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 502 to 504, inclusive, together.

I am advised by Inland Fisheries Ireland (IFI) that surveys of transitional or estuarine waters during the monitoring of eels stocks under Ireland's Eel Management Plan (EMP) over the



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last three years showed differences between each water body and between the transitional waters and lakes.

The transitional waters contained significantly smaller eels than the lakes. The highest catch per unit effort values were recorded in the transitional waters of the Barrow/Nore/Suir. Low recapture of tagged eels most likely indicate high levels of movement within these transitional waters and make population estimation difficult. The current data make it very challenging to provide an estimate of silver eel escapement/production for such a large transitional water bodies.

Due to the difficulties in obtaining density estimates for eels in large water bodies and the migratory habits of eels moving upstream into the rivers and/or leaving the transitional water as silver eel, estimating silver eel escapement/production for transitional waters remains extremely challenging.

The incorporation of baited pots into the national eel survey to establish a catch per unit effort time series will not address the current challenges of deriving a robust population estimate for eels in transitional waters.

Telemetry studies, currently underway, will give a clearer indication of the movement habits of eels in estuaries and improve population density estimates.

The National Eel Management Plan prepared in 2009 is currently being updated following the provision of three additional years of scientific research and monitoring of the status of Eels stocks.

Posting of the latest independent Standing Scientific Committee reports on eels onto Inland Fisheries Ireland (IFI)'s website is imminent and a link to this publication will also be available on the Department's website. IFI's three year eel monitoring report will also be available on line.

Ireland's Eel Management Plan Implementation report, which details progress on Ireland's 2009 Eel Management Plan, is due to be submitted to the EU by the end of June.

In relation to the information contained in these reports and prior to consideration of the continuation of existing measures, a public consultation period will commence this month.

Submissions made during the public consultation period will be considered in formulating proposals for the management of the eel fishery for the coming years. Existing stakeholders shall be advised of the consultation period and invited to attend a series of seminars detailing the latest scientific data.

### **Energy Conservation**

505. **Deputy Dominic Hannigan** asked the Minister for Communications, Energy and Natural Resources if the Sustainable Energy Authority of Ireland grants apply to houses that were built before 2006; if not, the reason for same; and if he will make a statement on the matter. [26558/12]

506. **Deputy Dominic Hannigan** asked the Minister for Communications, Energy and Natural Resources the criteria the Sustainable Energy Authority of Ireland use for their build date for applications for an insulation grant; and if he will make a statement on the matter. [26559/12]

507. **Deputy Dominic Hannigan** asked the Minister for Communications, Energy and Natural Resources the insulation grants available for houses that were built prior to 2006; and if he will make a statement on the matter. [26560/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 505 to 507, inclusive, together.

The Better Energy Homes programme is administered by the Sustainable Energy Authority of Ireland (SEAI) and provides grants to homeowners who wish to improve the energy performance of their homes through insulation and heating upgrades.

Better Energy Homes is demand-led and open to all homeowners of dwellings built, completed and occupied before 2006. Homes built from 2006 onwards are legally required to have been constructed to the standards set in the 2003 Building Regulations. It would not be cost-effective for the Exchequer to provide a financial incentive to homeowners seeking to upgrade their property as the resulting energy savings would be minimal for properties which should be in legal compliance with the Building Regulation Standards.

The table below outlines the grant levels available for all measures supported under Better Energy Homes:

Better Energy: Homes scheme	Current Support Levels €
Roof Insulation	200
<i>External wall insulation</i>	
Apartment (any) OR Mid-terrace House	1,800
Semi-detached OR End of terrace	2,700
Detached House	3,600
<i>Internal Wall Dry-Lining</i>	
Apartment (any) OR Mid-terrace House	900
Semi-detached OR End of Terrace	1,350
Detached House	1,800
Cavity Wall Insulation	250
High Efficiency Gas or Oil fired Boiler with Heating Controls Upgrade	560
Heating Controls Upgrade	400
BER After Upgrade Works (Only one BER grant per home)	50
Solar Thermal	800

508. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will provide in tabular form the number of households and businesses who have received grant aid for heating upgrades in Dublin broken down by area postcode. [26575/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Sustainable Energy Authority of Ireland (SEAI) administers the Better Energy Programme. My Department is advised by the SEAI that over 126,000 homes have received energy efficiency upgrades under the Better Energy Homes programme since the scheme was launched in May 2009.

The Better Energy Homes programme is demand-led and open to all homeowners of dwellings built before 2006. Better Energy Homes provides support to homeowners towards the installation of attic and wall insulation, and heating system upgrades including solar thermal with the works being undertaken by privately appointed contractors.

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The table below outlines the numbers of grant payments for heating upgrades within in the Dublin area, broken down by postal district, for Better Energy Homes from 2009 — up to 31 May 2012 inclusive:

Postcode	Heating upgrade Grants
Dublin 1	36
Dublin 10	76
Dublin 11	398
Dublin 12	472
Dublin 13	520
Dublin 14	648
Dublin 15	856
Dublin 16	698
Dublin 17	83
Dublin 18	386
Dublin 2	30
Dublin 20	98
Dublin 22	220
Dublin 24	387
Dublin 3	435
Dublin 4	350
Dublin 5	628
Dublin 6	342
Dublin 6W	399
Dublin 7	453
Dublin 8	206
Dublin 9	628
Co Dublin	3,457
Total	11,806

### Departmental Expenditure

509. **Deputy Mattie McGrath** asked the Minister for Communications, Energy and Natural Resources the amount that he has paid to the Communications Clinic since the appointment of a person (details supplied) to the board of RTÉ; and if he will make a statement on the matter. [26584/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** No payments have been made by me or my Department to the Communications Clinic since the appointment of Mr. Tom Savage to the Board of RTÉ.

### Fisheries Protection

510. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources his views on correspondence (details supplied) regarding salmon counters; and if he will make a statement on the matter. [26616/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** I have been advised by Inland Fisheries Ireland (IFI) that the 2011

national fish counter report is due for publication shortly. For the Deputy's convenience the 2011 fish count figures for the River Feale are shown below.

This information was also disseminated and presented to representatives from all the River Feale angling clubs (including the Association referred to by the Deputy), commercial draft net fishermen, rated occupiers and other interested groups at the launch of the Feale Initiative meeting with Minister Deenihan earlier this year, with subsequent discussion on all aspects of the River Feale catchment at the working group meeting held in April.

In relation to the surplus of 3,749 fish available for harvest a significant amount of data is inputted to the scientific model annually, to determine the quotas on open rivers, the final quota figure is based on a five year rolling average.

I have been advised by IFI that they replied directly in detail to the Angling Association referred to by the Deputy by letter dated 24 May 2012, a copy of which was forwarded to the Deputy.

I appreciate the concern of all stakeholders of the River Feale and hope that those concerns are addressed through the River Feale Initiative Working Group.

The following table shows the 2011 figures recorded for the River Feale.

	Fish Up	Fish Down
January	59	0
February	100	2
March	210	65
April	436	162
May	847	36
June	611	16
July	605	14
August	1,018	6
September	781	0
October	621	47
November	103	6
December	71	0
Total	5,462	354

### Departmental Funding

511. **Deputy Niall Collins** asked the Minister for Communications, Energy and Natural Resources the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26627/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** €119.8m (including capital carryover) has been committed to my Department for capital projects in 2012. Details of the funding committed and drawdown to end May are set out in the table below. The balance of funding is to be drawn down over the remainder of 2012.

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Vote 29. Communications Energy and Natural Resources Vote — Capital Subheads	Estimate 2012	Expenditure to End May 2012
	€000's	€000's
Office Equipment, External IT Services, Equipment Stores and Maintenance	1,101	178
Information and Telecommunications Technology Programme	12,366	631
Multimedia Developments	5,750	1,616
Deontas i Leith Theilifís na Gaeilge	835	228
Grants for Digital Terrestrial Television	250	0
Sustainable Energy Programmes	79,646	21,127
Energy Research Programmes	6,700	214
Strategic Energy Infrastructure	1	0
Mining Services	1,805	0
Geoscience Initiatives	2,138	523
National Seabed Survey	3,000	574
Ordnance Survey Ireland	1,450	400
Inland Fisheries	4,258	208
Capital Contingency	500	0
Total	119,800	25,699

### Offshore Exploration

512. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources in view of the fact that drilling will be commencing shortly off different parts of our coastline, if there is any mechanism that can be put in place to ensure that the drilling exploration companies will offer a fair share and proportion of the jobs to Irish persons; and if he will make a statement on the matter. [26907/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** The level of exploration activity offshore Ireland is low, with on average only one to two wells drilled per year over the past decade. As a consequence of the low level of drilling activity there are no offshore drilling rigs permanently based in Ireland. When an exploration well is to be drilled exploration companies engage an international drilling contractor to bring a rig along with its existing crew to carry out the drilling operation. Exploration drilling in the Irish offshore does give rise to some employment opportunities in ancillary supply/support areas such as ports. Until there is a much higher level of exploration drilling in the Irish offshore, this situation is likely to remain unchanged.

By way of illustration of the low level of drilling, only one exploration well was drilled in the Irish offshore last year and while my Department is aware that plans are being advanced for further exploration drilling, no application for drilling approval has been received by my Department to date this year.

### Departmental Appointments

513. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources if he will outline all staff appointments he has made since last March; the name of

those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26951/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** There have been no staff appointments to my Department since last March.

### **Salmon Management**

514. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if he is concerned about salmon poaching in inland rivers; the measures that are taken to ensure quotas allocated to landowners are adhered to; the measures taken to ensure quotas allocated to anglers are adhered to; and if he will make a statement on the matter. [27150/12]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** Salmon quotas are allocated only in respect of individual rivers which are above their predetermined conservation limit and are based on annual scientific advice. Allocations are made to two separate groups; commercial fishermen and recreational anglers (including domestic and tourist anglers) based on consultation within the local Fishery District Committees comprised of Inland Fisheries Ireland (IFI) representatives and local stakeholders.

These quotas are strictly controlled and enforced by IFI. Essentially any fish landed from an agreed allocation must be recorded by means of a unique numbered and colour coded tag. Tagging is an important element in the battle against poaching via helping to enforce the conditions under which wild salmon can be legally caught or offered for sale.

Salmon caught by anglers are marked with a blue tag and it is illegal to offer a fish bearing a blue tag for sale.

A commercially caught whole salmon is tagged with green, white or orange tag (to indicate fishing method), which is uniquely numbered to assist traceability. Salmon tagged in these categories may only be offered for sale by fishermen or dealers who are specifically licensed.

IFI takes very seriously its obligation to safeguard wild stocks in line with conservation imperatives and invests very significant time and resources protecting the wild salmon stock in rivers and along our coast. I am satisfied that they are doing all that is possible to reduce illegal fishing, protect the resource and to ensuring that the commercial and recreational fishermen adhere to their licensing conditions.

If members of the public suspect that illegal fishing is taking place they should advice IFI via the poaching and pollution hotline 1890-347424 and report suspected incidents.

### **Postal Services**

515. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if he has considered a cost saving measure for the postal service (details supplied); and if he will make a statement on the matter. [27153/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** An Post is statutorily required, as the designated universal service provider under the Communications Regulation (Postal Services) Act of 2011, to provide a universal postal service. The essential element of this obligation is the collection and delivery of mail to every address in the State on every working day.



[Deputy Pat Rabbitte.]

The universal service obligation is a form of safety net, ensuring by way of regulatory obligations that a minimum set of services is provided at an affordable price for the benefit of all users, irrespective of their geographical location. It is a fundamental principle of the regulatory framework for postal services and is an explicit requirement of the EU Postal Services Directive which has provided for the gradual and controlled opening of the postal services market to competition.

The Deputy may wish to note that the Communications Regulation (Postal Services) Act of 2011 also makes provision for a compensation mechanism if it is found that the universal service obligation is an unfair burden on the designated universal service provider.

### **Broadcasting Services**

516. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources his plans to review the remit of State broadcasting stations, including a review of the type of material produced; and if he will make a statement on the matter. [27157/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The remit of the public service broadcasters, RTÉ and TG4 is set out in, respectively, Section 114 and Section 118 of the Broadcasting Act 2009. These Sections of the Act set out the principal objects and associated powers of RTÉ and TG4. Section 98 provides that both corporations shall be independent in the pursuance of these objects.

Section 124(2) of the Act charges the Broadcasting Authority of Ireland (BAI) with carrying out an annual review of the extent to which RTÉ and TG4 have fulfilled their commitments in respect of their public service objects. This review also examines the adequacy of funding of both broadcasters and is ultimately laid before the Houses of the Oireachtas.

I have no plans to change the aforementioned current position as provided for in the Act. Regarding RTÉ specifically and following the BAI report on RTÉ's Mission to Prey programme, as I stated following my recent meeting with the Board, the Company has committed to submitting a quarterly monitoring report measuring new processes and arrangements being embedded into the organisation. While I will not be encroaching on RTÉ's independence as outlined above, this additional process should assist in mitigating editorial risks.

### **Postal Services**

517. **Deputy Paschal Donohoe** asked the Minister for Communications, Energy and Natural Resources his views on the process for particular districts in Dublin City to change postal code; and if he will make a statement on the matter. [27440/12]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have no statutory function in regard to the issue raised by the Deputy. This is an operational matter for the management and Board of An Post.

I have contacted An Post and asked that they reply directly to the Deputy in this regard.

### **Local Authority Charges**

518. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government the position regarding a non-principal private residence waiver in respect of a person (details supplied); and if he will make a statement on the matter. [26254/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities by introducing a charge on non-principal private residences. The charge is set at €200 and liability for it falls, in the main, on owners of rental, holiday and vacant properties. The Act has a starting position of a universal liability for residential property and then goes on to exempt certain properties, the most important exemption being where the property concerned is occupied by the owner as his or her sole or main residence on the liability date.

The Act does not provide for waivers and instead places collection of the charge under the care and management of local authorities. I have recently issued guidelines to local authorities in relation to the operation of the 'care and management' provisions in the context of individual situations where genuine hardship in having to discharge a liability in a single payment can be demonstrated. In such cases, the guidelines set out the modalities for local authorities in entering into payment arrangements for the discharge of outstanding liabilities in instalments over a specified period. Enquiries in this regard should be directed to the relevant local authority.

### **Local Authority Staff**

519. **Deputy Derek Keating** asked the Minister for the Environment, Community and Local Government if he will provide the number of local authority managers in the State and their salaries in tabular form; the number of chief fire officers in the State and their salaries in tabular form; the number of local authority senior engineers working in the State and their salaries in tabular form; his plans to merge civil and public servant management teams, fire chiefs, county managers and senior engineers; and if he will make a statement on the matter. [26300/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In March 2012 there were 34 City and County Managers, 29 Chief Fire Officers, and 164 Senior Engineers employed in local authorities. The salaries of City and County managers, senior engineers and chief fire officers are set out in the tables below.

Local authority senior management structures are being downsized. The numbers of Directors of Service have decreased by 23% since 2008, from 262 in June 2008 to 209 currently and local authorities are working towards the Local Government Efficiency Review (LGER) target of 190 Directors. A workforce planning process is underway which in the first instance concentrates on the implementation of the recommendations of the LGER in respect of senior management in local authorities.

The Government has approved proposals to establish single local authorities to replace Limerick County Council and Limerick City Council and North and South Tipperary County Councils, by mid 2014. In both cases, the establishment of interim management arrangements, whereby a single person would oversee both authorities in the run up to full merger, was also approved. The amalgamation of the Limerick and Tipperary local authorities will result in a reduction in the number of city and county managers and a reduction at the number of senior and middle management levels.

The wider local government reform proposals that I will be bringing to Government shortly will focus particularly on strengthening structures generally at regional, county and sub-county levels and expanding the role of local government. The programme will also reflect other work in progress in relation to various aspects of local government, including the merger and restructuring processes that I have referred to, efficiency implementation, local government financing, local development and local government alignment.

[Deputy Phil Hogan.]

The National Directorate for Fire and Emergency Management and local authorities are bringing forward a framework for keeping communities safe which sets out principles and national standards for fire services operations, together with other measures to improve effectiveness and efficiency — including shared services.

Local Authority Manager	Salary
Dublin City Council	€189,301
Cork County Council	
Fingal County Council	€162,062
South Dublin County Council	
Cork City Council	
Dun Laoghaire-Rathdown County Council	€153,260
Kildare County Council	
Meath County Council	
Limerick City Council	
Clare County Council	
Donegal County Council	
Galway County Council	
Kerry County Council	
Kilkenny County Council	
Limerick County Council	€142,469
Louth County Council	
Mayo County Council	
South Tipperary County Council	
Westmeath County Council	
Wexford County Council	
Wicklow County Council	
Galway City Council	
Waterford City Council	
Carlow County Council	
Cavan County Council	
Laois County Council	
Leitrim County Council	
Longford County Council	€132,511
Monaghan County Council	
Offaly County Council	
Roscommon County Council	
Sligo County Council	
North Tipperary County Council	
Waterford County Council	

## Senior Engineer

Point	Rate 01/01/2010
1	€73,223
2	€74,957
3	€76,685
4	€78,417
5	€80,148
6	€81,886
LSI 1	€84,500
LSI 2	€87,117

Chief fire Officer (Dublin City Council)		Chief Fire Officer	
Point	Rate 01/01/2010	Point	Rate 01/01/2010
1	€78,368	1	€73,223
2	€81,185	2	€74,957
3	€83,995	3	€76,685
4	€86,809	4	€78,417
5	€89,623	5	€80,148
LSI 1	€92,583	6	€81,886
LSI 2	€95,540	LSI 1	€84,500
		LSI 2	€87,117

## Proposed Legislation

520. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he will consider introducing further legislation or amendments to anti-social behaviour legislation to resolve neighbours and local disputes on high hedges and high trees, especially evergreens with a role for local authorities to invigilate and resolve such disputes including a maximum height order where necessary; and if he will make a statement on the matter. [26357/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** There is no legislation in Ireland regulating the height of trees and hedges. I also understand that there is no right in Irish law to receive light in a garden, and that while there is a civil remedy available in nuisance in respect of the branches or roots of a neighbour's trees encroaching on one's property, there is no civil law remedy in respect of the loss of light in a garden due to a neighbour's high trees or hedges.

I do not propose to introduce legislation to deal with this issue but I intend to write to my colleague the Minister for Justice and Law Reform, suggesting that we might give consideration to potential alternative options towards the introduction of a civil remedy in this matter.

## Motor Taxation

521. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government his plans to reduce car tax for vehicles that are dual fuel gas and petrol in view of the fact that these vehicles have zero emissions. [26421/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A new emissions based motor tax system was introduced in 2008, together with changes to Vehicle Registration Tax, in order to influence the future purchasing decisions of car buyers. The owners of vehicles, including dual fuel vehicles, registered prior to 1 July 2008 continue to pay motor tax on the basis of engine capacity. Tax on dual fuel vehicles, which do not have zero levels of carbon emissions, is based on the CO<sup>2</sup> emissions level of the vehicle, as shown on the manufacturer's Certificate of Conformity, if registered after that date.

I do not anticipate that the current review of the CO<sup>2</sup> banding and rates for motor tax for post-2008 vehicles will change the basis for charging motor tax for dual fuel vehicles.

### **Election Register**

522. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the reason an English national, living here for 10 years, paying taxes, having bought property here and married to a lady who has an Irish background is denied the right to vote on the upcoming Fiscal Treaty; and if he will make a statement on the matter. [26423/12]

531. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government if a person (details supplied) in County Kildare is entitled to vote in elections [27572/12]

571. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government the position regarding voting entitlements for D class voters; the rationale for restricting voting rights to Dáil Éireann elections, European elections and local elections; his plans to reform the system of voter registration and extending voting rights to this cohort taking into account the duration of residency in the State and paid taxes and social insurance contributions. [26623/12]

633. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will support a matter (details supplied) regarding UK citizens [27460/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 522, 531, 571 and 633 together.

Subject to age and residency requirements, a registered elector's citizenship determines the polls at which he or she is entitled to vote. British Citizens (denoted by 'D' on registers) may vote at Dáil, European Parliament and local elections. Irish Citizens alone are entitled to vote in Presidential elections and referendums.

While electoral law is subject to ongoing review, I have no proposals at present to extend the current arrangements for voting by non-Irish citizens.

### **Water Services**

523. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government the position regarding the relationship between Bord Gáis and Irish Water after the former is privatised; and if he will make a statement on the matter. [26480/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Government decided on 17 April 2012, that Irish Water should be established as independent state owned company within the Bord Gáis Group. Irish Water will be a public utility, wholly owned by the State. The water service will remain in public ownership as is the case in most countries in Europe and further afield.

BGE has key capabilities that can be brought to bear in the establishment of Irish Water, including experience in operating as a utility in a regulated environment and a track record in raising finance, and has specific skills from its own experience of transformation, customer relations, network management, metering and utility operation that can be quickly deployed to assist in the successful establishment and operation of Irish Water. The skills within the Bord Gáis Group will be paired with the experience and commitment to service in local authorities and the specific water and wastewater capabilities and expertise that exist in local government to build the new organisation.

In the context of the Government's commitment under the Programme for Government and the EU/IMF Agreement in relation to State assets, the Government has decided to sell Bord Gáis Energy, which is a separate business unit of the Bord Gáis Éireann (BGE) group dealing with electricity and gas supply as well as power generation. The Government has also reiterated its commitment to retaining BGE's gas networks and interconnectors in State ownership. I am confident that Bord Gáis will continue to contribute to achieving key Government and national objectives in its ongoing management of the strategic gas infrastructure as well as the sale of the Bord Gáis Energy business and the establishment of the new Irish water utility.

### **Motor Taxation**

524. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government if he will consider permitting persons to pay their road tax for 12 months in instalments through a direct debit of 12 monthly payments; and if he will make a statement on the matter. [27190/12]

620. **Deputy Martin Heydon** asked the Minister for the Environment, Community and Local Government if, in the current environment, he will consider a proposal to allow persons to pay motor tax through a direct debit system by spreading the annual cost over a 12 month period, as currently exists for television licences for example, rather than the current situation where a surcharge is incurred by those who have to pay in instalments of three months thereby increasing the overall cost for those persons who do not have access to the total annual cost up front; and if he will make a statement on the matter. [27146/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 524 and 620 together.

I have no plans currently to introduce a monthly direct debit payment option for motor tax. The surcharge on non-annual vehicle licences was designed to cover the higher administrative costs involved. Current surcharge levels are lower than the maximum permitted under motor tax law.

The estimated annual income from the increased charges for half-year and quarterly vehicle licences is in the region of €20m. Were a monthly pro-rata system to be introduced, the loss in income would have to be compensated for elsewhere in the motor tax system, or through the taxation system generally. It would also have a negative transitional impact on the flow of income to the Local Government Fund and consequently on grant allocations to local authorities from the Fund.

In considering options for payment by direct debit, regard would also have to be had to the set-up costs in the motor tax system, any increased ongoing administrative and financial controls/costs, bank charges, uncertainty as to payment of motor tax and subsequent problems for enforcement of non-payment and retrieval of motor tax discs. In addition, changes of vehicle ownership, over 750,000 annually, undertaken during an instalment period could also present major problems.



### Local Authority Staff

525. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government when a response will issue to correspondences (details supplied) [27259/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Under section 159 of the Local Government Act 2001, each City and County Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. Accordingly, this issue is a matter for the relevant local authority.

### Environmental Schemes

526. **Deputy Tom Fleming** asked the Minister for the Environment, Community and Local Government if Gaeltacht areas in County Kerry will come under the LEADER programme; and if he will make a statement on the matter. [27365/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Meitheal Forbartha na Gaeltachta (MFG), the group contracted by my Department to deliver Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP) in Gaeltacht areas, went into liquidation on 7 September 2011. Progress, in the context of the legal “winding up” process, is currently ongoing.

Local Action Groups in contiguous geographical areas have been engaged to implement an interim system to facilitate grant payment to projects that were at an advanced stage of development. Many of these project files have now been sent to the relevant Local Action Groups who are contacting promoters directly to facilitate payment.

In the context of the delivery of Axes 3 and 4 (LEADER) of the Rural Development Programme in Gaeltacht areas, including the Gaeltacht areas in Kerry, for the remainder of the programme period, my Department requested expressions of interest, in March 2012 to deliver the programme in these areas. The submissions received are now being examined as part of this process with a view to determining the competent bodies to deliver the RDP going forward.

### Public Sector Staff

527. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if he will remove the public sector recruitment embargo on the Dublin Fire Brigade service to ensure adequate staffing levels; and if he will make a statement on the matter. [27381/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The recruitment moratorium in the Public Service was introduced by the Government in March 2009 as an emergency measure in response to the financial crisis facing the State. Under the terms of the moratorium no public service post, however arising, may be filled. When vacancies arise public bodies must reallocate or reorganise work or staff accordingly.

My Department has delegated sanction from the Department of Public Expenditure and Reform for implementation of the moratorium across all local authorities. Under the terms of the moratorium all local authority exceptions must be sanctioned by my Department.

Under section 159 of the Local Government Act 2001, each County and City Manager is responsible for staffing and organisational arrangements, including recruitment and day to day operational measures, necessary for carrying out the functions of the local authorities for which he or she is responsible. In this regard, it is a matter for City and County Managers, in the first

instance, to ensure that the reduction in staff numbers is managed so that the appropriate service level is maintained.

My Department works very closely with local authorities to ensure that critical posts are filled while overall numbers are reduced. All staffing sanction requests are examined on a case by case basis having due regard to the continued delivery of key services and the need for further reduction in overall staffing levels and expenditure in the local authority.

Local authorities have been early movers in terms of staff reductions. Between June 2008 and March 2012 staff numbers have reduced by 8,432 (20%) from 37,243 whole time equivalent (WTE) to 28,811 WTE. In the context of the very significant overall staff reductions, I am satisfied that fire service numbers have been protected, and I understand that the position in relation to staffing in Dublin Fire Brigade is kept under constant review by Dublin City Council management.

In the case of Dublin City Council its overall staff numbers have reduced from 7,326.15 WTE in June 2008 to 5,873.45 in March 2012, a reduction of 1,452.7 (20%). In the same period the total number of full time fire fighters in Dublin City Council increased from 825 WTE to 858 WTE.

### **Public Procurement Contracts**

528. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if the local authorities are required to advertise for the procurement of horticultural supplies and services; if he is satisfied that these services are being advertised; and if he will make a statement on the matter. [27391/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Public Procurement Guidelines issued by the National Public Procurement Policy Unit in the Department of Public Expenditure and Reform apply to all public sector bodies, including local authorities, and would include contracts for horticultural supplies and services.

The Guidelines provide that supplies or services less than €5,000 in value may be purchased on the basis of verbal quotes from one or more competitive suppliers and those between €5,000 and €25,000 in value on the basis of responses to specifications sent by fax or email to at least three suppliers or service providers. Contracts with an estimated value of €25,000 or more are requested to be advertised on the national public procurement website *etenders.gov.ie*. While contracting authorities are not required to advertise on this website for requirements below €25,000, they are encouraged to do so if the anticipated response would not be disproportionate, having regard to the value of the goods and services. Depending on the nature of the requirement, it may be appropriate to supplement national website advertising in other media, trade publications and/or other websites.

Contracting authorities are also advised to work closely with the National Procurement Service to promote efficiencies and economies in contracting for supplies and general services. I have no information as regards any non-compliance with these requirements to advertise prior to procurement.

### **Motor Taxation**

529. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government his views on amending the Motor Vehicles and Duties Licence Act to apply the CO<sup>2</sup> emission based motor tax to all vehicles with certificates and manufacturer accredited CO<sup>2</sup> emissions regardless of when the vehicle was registered; and if he will make a statement on the matter. [27640/12]

530. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government the reason the CO<sup>2</sup> based motor tax is not applied to vehicles with verifiable CO<sup>2</sup> emissions registered before 1 January 2008; and if he will make a statement on the matter. [27637/12]

534. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government if he will amend the Motor Vehicle Act 2008 to eliminate the discrimination against the eco friendly car (details supplied) which if registered in 2007 is not eligible for the reduced motor tax rate due to its emission free status; and if he will make a statement on the matter. [26143/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 529, 530 and 534 together.

I have no plans to bring in legislation to change the basis for charging motor tax for vehicles registered prior to 2008 to the CO<sup>2</sup> system. The question of applying the new CO<sup>2</sup> based motor tax system to all cars was subject to detailed discussion during the debate on the Motor Vehicle (Duties and Licences) Act 2008. Any retrospection would not be possible, as the CO<sup>2</sup> data for the pre-2008 car fleet have not been authenticated for business purposes. The cost of any retrospection could be substantial were it possible, depending on how it applied, and could have direct implications for the revenue base of local government. Any loss in revenue would have to be compensated for elsewhere in the motor tax system, or through the taxation system generally.

*Question No. 531 answered with Question No. 522.*

### House Purchase Schemes

532. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if he has an assessment of the overall successes and failures of the rural resettlement programme; if he has any similar programme planned for the future; and if he will make a statement on the matter. [26132/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department does not operate a rural resettlement programme. However, Rural Resettlement Ireland (RRI), a voluntary organisation which obtained approved housing body status from my Department in 1993, provides assistance to families who wish to transfer, mostly from the Dublin area, to rural areas across the country.

To date, my Department has directly funded the provision of 24 units of accommodation by RRI under the voluntary housing funding schemes. My Department also provides funding towards the administrative and general expenses incurred by approved housing bodies, including RRI, that conduct research or provide information, advice, advocacy or training in relation to housing.

### Local Authority Housing

533. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if persons in receipt of social welfare payments can purchase houses under the tenant purchase scheme; and if he will make a statement on the matter. [26136/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** Persons in receipt of social welfare payments are not specifically

precluded from purchasing their home under any tenant purchase scheme. However, if the applicants are applying to fund the purchase through loan finance from the local authority they must meet the criteria which apply to such loans. Provisions governing mortgage lending by local authorities are set out under the Housing (Local Authority Loans) Regulations 2009 and associated credit policy. To ensure effective targeting of resources, loan finance continues to be available to first time buyers only. Income limits are also in place, distinguishing between single and dual income households and a maximum loan limit is applied. In assessing loan applications local authorities take account of the household's ability to finance the loan based on their net household income. While, as a general rule, the credit policy provides that loans are not available to those in receipt of unemployment/social welfare benefits, an exception may be made where there is a primary income of a permanent waged/salaried nature and where the secondary income is from the Department of Social Protection.

In such cases long term social welfare payments can be considered, provided the long term nature of the payment is confirmed. The final decision on whether to grant/refuse an applicant lies solely with the relevant local authority. All local authorities must satisfy themselves on the financial risk they are undertaking. These provisions apply for purposes of mortgage lending by all local authorities.

*Question No. 534 answered with Question No. 529.*

### **Local Government Reform**

535. **Deputy Brian Walsh** asked the Minister for the Environment, Community and Local Government if an amalgamation of services between Galway County and City Council is being considered in the context of efficiencies in local government; and if he will make a statement on the matter. [26161/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Decisions on local authority structures generally will be a matter for Government in light of the broader reform proposals to be finalised shortly. In the meantime, the local government sector is progressing with the implementation of necessary efficiencies, including the development of shared services, continuing reductions in staff numbers and assessment of options for joint working and back office support, in accordance with the recommendations of the Review Group. Implementation of these efficiencies, including the amalgamation and sharing of service provision between local authorities, will be progressed vigorously alongside the wider reform proposals currently being finalised.

### **Local Government Reform**

536. **Deputy Brian Walsh** asked the Minister for the Environment, Community and Local Government if he anticipates that changes to local electoral boundaries or the number of elected members on local authorities will be effected in advance of the local elections in 2014; and if he will make a statement on the matter. [26162/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Unlike for Dáil constituencies, there are no constitutional or statutory requirements in relation to the frequency of local electoral area boundary reviews. The most recent reviews of local electoral areas were carried out in 1998 and 2008. The June 2009 local elections took place on the basis of the local electoral areas enacted following the 2008 review.

The Constituency Commission which I established in July 2011 must present its report on Dáil and European Parliament constituencies to the Chairman of the Dáil no later than 29

[Deputy Phil Hogan.]

June 2012. Following the publication of that report and having regard to its recommendations on Dáil constituencies, and any related subsequent decisions by the Oireachtas, I will give consideration to arrangements for the review of local electoral areas. I will also have regard to the final results of Census 2011 and to Government decisions on local government reform including the establishment of unified local authorities in Limerick and Tipperary.

### **Social and Affordable Housing**

537. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government the progress that has been made in the case of public or social housing in implementing a 12 month probationary tenancy for all new tenants, when if tenants engage in anti-social behaviour during this period their tenancy will be terminated; and if he will make a statement on the matter. [26166/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** Section 29 of the Housing (Miscellaneous Provisions) Act 2009 provides for the prescription of different forms of local authority tenancies. In fulfilment of the commitment outlined in the *Programme for Government*, consideration will be given to making regulations providing for probationary tenancies, and their termination in the event of anti-social behaviour, when section 29 is being commenced as part of the ongoing implementation of the 2009 Act.

### **Water Services**

538. **Deputy Jerry Buttimer** asked the Minister for the Environment, Community and Local Government if employment opportunities will become available in water meter installation; and when these jobs are likely to commence. [26191/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department estimates that there is potential to generate up to 2,000 jobs per annum from the metering programme and the type of work involved would typically be carried out by general operatives, machinery operators and plumbers/fitters. Irish Water, a new State-owned water company to be established as an independent subsidiary within the Bord Gáis Eireann Group, will be responsible for the metering programme. It is expected that the procurement for the programme will commence later this year.

### **Planning Issues**

539. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government his plans to hold an external review of planning practices in Dublin City Council in view of the number of applications overturned by An Bord Pleanála. [26217/12]

564. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government his views on the current status of planning enquiries into seven separate local authority bodies; the timeframe for their publication; and if he will make a statement on the matter. [26406/12]

623. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government the date on which he will proceed with investigations into planning decisions made by the various local authorities, as prepared by former Minister Gormley; if he will ensure that all future planning decisions are made in a comprehensible, transparent way; and if he will make a statement on the matter. [27166/12]



**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 539, 564 and 623 together.

The planning review is intended to assess the application of planning legislation, policy and guidance within the development plan and development management systems at local level and to inform further policy development in these areas. Seven planning authorities, including Dublin City Council, representing a broad geographical spread of both urban and rural areas as well as both large and small authorities, had been selected to assist in the review of policies and practices by reference to a number of cases raised with my Department.

I am proceeding on the basis of my predecessor’s decision as Minister for Housing and Planning that, instead of incurring significant costs to the Exchequer by securing outsourced expertise, the Department would carry out an examination of the cases involved to inform the planning review. In this regard a three person team from my Department has been in communication with the local authorities involved and has met locally with senior officials of the authorities. I will be making a public statement in the coming weeks, setting out fully: the nature of the complaints involved, the findings of the review and, the conclusions and recommended next steps, as appropriate.

#### **Local Authority Staff**

540. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government if he will provide details of all positions in Donegal County Council earning more than €100,000; the amount they earn and the additional benefits available to them. [26218/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** There are currently three employees in Donegal County Council in receipt of salaries in excess of €100,000. These comprise the County Manager and two Directors of Service.

County Managers and Directors of Service may submit claims in respect of travel and subsistence expenses incurred as part of their official duties in accordance with the relevant travel and subsistence circulars. All local authorities are obliged to ensure that only essential travel is undertaken and that the number of employees going on any official journey is kept to an absolute minimum. Local authorities are also obliged to ensure that related expenditure is critically appraised and monitored.

#### **Local Authority Charges**

541. **Deputy Eoghan Murphy** asked the Minister for the Environment, Community and Local Government the position regarding the household charge in respect of persons (details supplied). [26219/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. I understand, from data provided by the LGMA, that as of 30 May, 2012, 28,800 postal applications received in the household charge bureau have yet to be processed. Every effort is being undertaken by the LGMA to clear this postal backlog as soon as possible.



### EU Directives

542. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the cost to date to the State of the clean-up at a location (details supplied) in County Wicklow; the total projected cost for this work; and if he will make a statement on the matter. [26220/12]

543. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if he will provide an update on the work undertaken to date in clearing sites at a location (details supplied); the most recent correspondence he has had with the county council on this matter; if any assurances have been given by the council in relation to the work to be undertaken and the timeframe for completion of same; and if he will make a statement on the matter. [26221/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 542 and 543 together.

The sites referred to in the questions were cited in relation to the European Court of Justice judgement in Case C 494/01 as an example of Ireland's failure to comply with the 1975 Waste Framework Directive. My Department, on behalf of the State, has been liaising with the European Commission to ensure that the requirements of the judgement are fully met. The Commission is concerned, as I am, to secure the urgent remediation of the sites, a concern underlined by an additional letter of formal notice issued on 30 September 2010, which indicated that the Commission might refer the case back to the Court of Justice for financial penalties to be imposed against Ireland for failure to comply with the judgment.

It is in these circumstances that my Department, in 2011, requested Wicklow County Council to remediate both sites, pursuant to its powers under section 56 of the Waste Management Act 1996. The Whitestown site is being dealt with initially and the Council, working with the Environmental Protection Agency, has established a technical working group to oversee a programme of detailed investigation of the areas of illegal waste at that site. The purpose of this programme, which I understand is now complete, is to gain a greater understanding of the nature, character and distribution of the waste, and to assist in determining the requirements for the site's remediation. My Department is in ongoing contact with Wicklow County Council in relation to these sites and I understand that following a procurement process, remediation work will commence in the Autumn.

The cost of remediation will be dependent on the technical approach taken to remediation and on the outcome of the tendering process. The costs involved will be funded in the first instance by the State, with Wicklow County Council seeking cost recovery through the Courts. To date, my Department has recouped some €1.3 million to Wicklow County Council in relation to the Whitestown site and further payments are anticipated for that site during 2012, and in respect of the Castleruddery site which it is envisaged will also be addressed this year.

As the matter is the subject of ongoing legal proceedings, it would not be appropriate to comment further.

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544. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government if he will upgrade a general services supervision (details supplied) with Carlow County Council to the post of senior services supervisor due to their long number of years service. [26225/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Under section 159 of the Local Government Act 2001, each City and County Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible.

### **Local Authority Charges**

545. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the inequality in fees charged for applying for a disability access certificate, in which a small business of 30 sq mtrs is expected to pay the same as a huge shopping outlet; and if he will make the necessary provisions to make the system more equitable, based on the size of the premises. [26227/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A flat fee of €800 applies in the case of all applications for a Disability Access Certificate (DAC). The fee is an administrative charge and is necessary having regard to the requirements for local authorities in processing of DAC applications. Access and use provisions, including the accessibility of the approach route, access at entry level and access to sanitary and other facilities in general, applies generally to all new buildings or to existing buildings undergoing a material alteration or a material change of use. These key requirements are standard considerations relevant to all DAC applications irrespective of the size of the building concerned.

546. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government if he will consider allowing community based childcare facilities to be exempt from commercial rates. [26228/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. With regard to the application of rates to childcare facilities, where childcare provision is within a community facility, operating in non-profit capacity, commercial rates do not generally apply.

The levying and collection of rates are matters for each individual local authority. The annual rate on valuation (ARV), which is applied to the valuation of each property, determined by the Valuation Office, to obtain the amount payable in rates, is decided by the elected members of each local authority in the annual budget and its determination is a reserved function.

I recognise that these are difficult economic times for many businesses and I am continuing to keep all matters relating to rates under regular consideration in my Department.

### **Local Authority Staff**

547. **Deputy Brian Walsh** asked the Minister for the Environment, Community and Local Government if he anticipates that employees currently working in water services for local authorities will remain employed by local authorities following the establishment of Irish Water, or if they will be employed directly by the new entity; and if he will make a statement on the matter. [26255/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The initial transition strategy for the establishment of Irish Water as a public utility as recommended in the independent assessment envisages a staged approach involving local authorities acting as agents of Irish Water for a period, with Irish Water taking over their operations on

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a phased basis from January 2015, and the full transfer of operations being completed by end 2017.

This approach to transition is the subject of further detailed analysis as part of the development of an implementation strategy, which is currently underway. This more detailed implementation strategy for Irish Water will give further effect to the Government decision of 17 April to establish Irish Water as an independent state owned company within the Bord Gáis Group. The skills within the Bord Gáis Group will be paired with the specific water and wastewater capabilities and expertise that exist in local government to build the new organisation.

It will ultimately be a matter for Irish Water to determine the staffing and skills required for the new organisation. In the initial phase, Irish Water will work largely through service level agreements with local authorities. This will ensure a smooth transition to the new model and guard against the loss of local expertise. It will also mean that the majority of staff will remain in the direct employment of local authorities for a considerable period.

The Department has already had initial engagement with ICTU at the start of the independent assessment and as part of the consultation process. There will be detailed engagement with Staff and Trade Unions in the rollout of the proposed changes to ensure that the change is managed well.

### **Proposed Legislation**

548. **Deputy Derek Nolan** asked the Minister for the Environment, Community and Local Government his plans to introduce legislation to abolish the Library Council and create a Library Development Unit under the aegis of the Local Government Management Agency; when he expects this legislation to be passed; what will happen to the positions held by representatives of the Association of County and City Councils, Local Authorities Members' Association and the Association of Municipal Authorities of Ireland on the current council; the public representation that he expects will be on the new Library Development Unit; and if he will make a statement on the matter. [26290/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Miscellaneous Provisions) Bill 2012 was published on 9 May 2012 and was passed by Dáil Eireann on Thursday, 24 May 2012. The Bill is scheduled to be debated by Seanad Eireann on Wednesday, 6 and Thursday, 7 June 2012.

The Bill is required, inter alia, to facilitate my Department's agency rationalisation programme from 21 agencies/bodies to 11. This is in keeping with the Government's Public Sector Reform Plan announced on 17 November, 2011. In this regard, Part 3 of the Bill provides for the dissolution of An Chomhairle Leabharlanna.

It is intended that An Chomhairle Leabharlanna will be dissolved and any key residual functions will be subsumed into the newly established Local Government Management Agency.

Local authority members are represented on the Board of An Chomhairle and there has traditionally been input from members as well as a wide range of stakeholders to An Chomhairle.

My Department, in the context of the transfer of functions from An Chomhairle Leabharlanna to the Local Government Management Agency (LGMA), is considering, in consultation with the Board of the LGMA, the appropriate mechanism for the views of members' and other stakeholders' on library matters, to be facilitated under the new operation.

### Security of the Elderly

549. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the amount of funding being provided this year for the senior alert scheme 2012; the amount of funding provided for the same or similar scheme in the years 2008, 2009, 2010 and 2011; the reason for cutbacks in the scheme; and if he will make a statement on the matter. [26295/12]

550. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the reason smoke detectors and carbon dioxide detectors are not eligible for grant aid under the seniors alert scheme for 2012; and if he will make a statement on the matter. [26296/12]

551. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the maximum grant available for monitoring personal alarms, smoke detectors, carbon dioxide detectors, additional pendant reinstallation, external security lights, internal emergency lights, under the senior alert scheme 2011 and 2012 respectively; the reason for the changes in the scheme; and if he will make a statement on the matter. [26297/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 549 to 551, inclusive, together.

My Department manages the Seniors Alert Scheme which encourages and assists the community's support for older people by means of a community-based grant scheme to improve the security of people over 65 years of age.

The Scheme is administered by local community and voluntary groups with the support of my Department.

The funding provided this year for the Seniors Alert Scheme is €2.35m.

Funding provided for years 2008, 2009, 2010 and 2011 was as follows:

2008 — €3.059m.

2009 — €3.5m.

2010 — €3.10m.

2011 — €2.35m.

In 2011, grant support was available towards the purchase and installation of personal monitored alert systems (pendant alarms) and other items to improve the safety and security of the home (including monitored smoke and carbon monoxide detectors, internal emergency lighting and external security lighting).

In 2011, the maximum grants for equipment were as follows:

- Monitored Personal alarms (with pendant) — €250
- Monitored Smoke Detectors (per unit) — €75
- Monitored Carbon Monoxide Detectors (per unit) — €100
- Additional pendant/Re-installation — €50
- External Security lights — €120

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- Internal Emergency lighting — €50

Due to unprecedented demand for grant assistance under the Seniors Alert Scheme in 2011, the budget allocation of €2.35m was expended by the end of November 2011; there were a significant number of grant applications received in December 2011 that the Seniors Alert Unit was unable to grant-aid until receipt of the budget allocation for 2012.

A significant portion of the 2012 budget allocation (€2.35m) was expended early in 2012 as a result of this unprecedented demand. The Seniors Alert Unit is also continuing to register Community and Voluntary groups who wish to administer the Scheme and this will have further implications for funding in 2012.

As a result, my Department examined the operation of the scheme with the aim of ensuring its sustainability and an equitable distribution of funding country-wide. The following temporary changes were notified to groups on 26 March 2012, and took effect from 30 March 2012:

- Funding will continue to be available for the purchase and installation of socially monitored alarms at a maximum of €250 per alarm (Maximum funding of €50 is also available for additional pendants and reinstallations).

The aim of the Seniors Alert Scheme is to support independent living for those over 65 who live alone or who live with a person who is also over 65 years of age and of *limited financial means*. A key element of the Scheme is the provision of funding for a socially monitored alarm which supports this independence. Having regard to available funding in the current economic climate, my Department's objective is to continue to maintain the Scheme in a viable way and provide the maximum number of socially monitored alarms to as many older persons as possible in 2012.

The temporary changes made under the Scheme will be monitored on an on-going basis and may be revised later in the year in light of the overall demand for funding relative to the budget allocation for 2012.

### **Local Authority Charges**

552. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he will confirm the number of dwellings on which the household charge is being paid by instalment; if he will confirm the quantum of cash received in respect of such dwellings by 13 March, 2012 and the number who have paid the second instalment by 14 May, 2012. [26306/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver. The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he/she has a liability and, if so, to declare that liability and pay the household charge.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. Instalment payments were available by direct debit only and persons opting to pay in this way had to register their details with the LGMA before 1 March, 2012. This deadline was necessary in order to meet banking requirements for direct debit arrangements.

I understand, from data provided by the LGMA, that direct debits in respect of 42,054 residential properties, equating to €1,051,350, were processed in March. Direct debits in respect of 41,733 residential properties, equating to €1,043,325, were processed in May.

553. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government the reason a person (details supplied) in Dublin 9 has had their payment for the household charge returned to them; if this is an appropriate course of action in view of this person's willingness to pay the charge but omitted the late penalty fee. [26311/12]

558. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he will confirm that payments made on the household charge, post the deadline, have been returned to householders who paid the €100, but did not pay the penalty fee; if it is true, the number of households that had the payment returned to them and the value of same; if he will explain the rationale behind the move. [26358/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 553 and 558 together.

The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver.

The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he/she has a liability and, if so, to declare that liability and pay the household charge.

Section 7 of the Local Government (Household Charge) Act 2011 imposes late payment fees and late payment interest where the owner of a residential property fails to pay the household charge in accordance with the Act.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. The LGMA has informed me that the household charge payment system does not accept household charge payments made after the 31 March deadline unless accompanied by the appropriate late payment fee and late payment interest. I have asked the LGMA to make modifications to the payment system to allow for the retention of the €100 household charge payment in such circumstances, with appropriate follow up in respect of the collection of late payment penalties where due.

I understand that 945 late household charge payments that were not accompanied by the appropriate late payment penalties were returned, equating to €94,500.

### **Social and Affordable Housing**

554. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government the number of social and affordable housing units delivered over the last five years under the provisions of Part V of the Housing Bill. [26350/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The data requested in respect of units delivered under the provisions of Part V of the Planning and Development Acts can be viewed on my Department's website, [www.environ.ie](http://www.environ.ie). Data in respect of 2011 output have not yet been finalised.



### Regeneration Projects

555. **Deputy Thomas Pringle** asked the Minister for the Environment, Community and Local Government the amount of regeneration funding spent in 2009 on regeneration schemes (details supplied); the expenditure on project staff salaries on each of the said regeneration schemes; the project staff salaries as a percentage of overall expenditure on each scheme; and if he will make a statement on the matter. [26354/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** My Department supports an ambitious programme of regeneration projects to deliver integrated physical, social and economic regeneration, ranging from large-scale urban regeneration projects, such as in Ballymun and Limerick City, to smaller estate regeneration projects in a number of regional towns around the country.

As with all projects of this nature and complexity, outside consultants have been required for various planning, design and research activities. All local authorities have been advised that, in carrying out the planning and design stages of projects and in supervising construction/refurbishment works, in-house staff and resources should be used to the fullest extent possible before procuring these services from outside consultants and service providers. The extent to which this work is done in-house depends on the availability and skill-set of the relevant staff.

The detailed information sought in relation to regeneration programmes in five cities and towns could involve up to 28 individual regeneration projects, each with a research, planning/design and construction element. It will take some time for my Department to examine the relevant records, liaise with the local authorities involved and collate the detailed information sought. This will be forwarded to the Deputy in due course when this work is completed.

### Proposed Legislation

556. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he will consider introducing high hedges legislation for the control of evergreen trees in view of ongoing difficulties with lack of light and loss of light for affected householders; and if he will make a statement on the matter. [26355/12]

557. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if he will consider introducing legislation permitting local by-laws to give power to local authorities to adjudicate on disputes over the height of trees and hedges with the authority to reduce such heights to two meters maximum if required; and if he will make a statement on the matter. [26356/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 556 and 557 together.

I have no plans at present to introduce specific legislation to regulate the permitted heights of hedges and trees in privately owned gardens. Planning legislation does not place restrictions on the height of hedges or trees nor does it make any particular provision for recognition of a right to light or remedy from any other nuisance which may be caused by trees in an urban residential area.

Complaints relating to matters such as trees or shrubs overhanging a property are normally addressed, where necessary, under civil law between the parties concerned.

*Question No. 558 answered with Question No. 553.*

### Third Level Courses

559. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government the position regarding a third level degree course (details supplied) in Dublin; and if he will make a statement on the matter. [26385/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The status and the level of accreditation of the course in question is in the first instance a matter for consideration by the educational institution providing the course, working in conjunction with National Qualifications Authority of Ireland and the Society of Chartered Surveyors of Ireland; the latter has been designated under Part 5 of the Building Control Act 2007 as the registration body for Building Surveyors and as the relevant competent authority for purposes of EU Directive 2005/36/EC on the recognition of professional qualifications.

Section 43(2) of the Act of 2007 provides for the prescription of further educational bodies and courses in relation to the registration of Building Surveyors. No proposals of this nature are currently under consideration in my Department.

### Local Authority Charges

560. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if all the household tax registration forms received have now been processed. [26394/12]

561. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the number of households that registered for the household tax and the number of households which were deemed liable to pay the charge. [26395/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 560 and 561 together.

The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless entitled to claim a waiver or otherwise exempt.

The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he or she has a liability and, if so, to declare that liability and pay the household charge.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. I understand, from data provided by the LGMA, that as of 30 May 2012, a total of 916,214 property declarations had been processed by the household charge bureau. 899,121 registered for payment of the charge, equating to some €90.3m. 17,093 residential properties have been registered for a waiver from payment of the charge.

In addition, an estimated 28,800 postal declarations have been received in the household charge bureau, which have yet to be processed; these equate to a further €2.88m. This gives a total number of 945,014 declarations made equating to over €93m.

It is estimated that some 1.62 million residential properties are liable to the household charge.

562. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government his views on the Central Statistics Office data from the 2011 Census that there

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are 1,994,845 housing units in the State and that 1,850,870 are liable to register for the household tax total minus social and voluntary. [26396/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver. The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he/she has a liability and, if so, to declare that liability and pay the household charge.

The Local Government (Household Charge) Act 2011 provides for a number of exemptions and waivers from payment of the household charge. The exemptions from payment of the household charge are:

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,
- Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive,
- Voluntary and co-operative housing,
- Residential property subject to commercial rates and wholly used as a dwelling,
- Residential property owned by certain charities or discretionary trusts, and
- Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. elderly person that has moved into a nursing home).

The waivers which apply concern:

- Owners of residential property entitled to mortgage interest supplement, and
- Owners of houses in certain unfinished housing estates.

It is estimated that, having regard to exemptions and waivers, some 1.62 million residential properties are liable to the household charge.

### **Water Services**

563. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the position regarding septic tank registration in respect of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [26404/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** It is not yet possible to register domestic waste water treatment systems. The on-line and written facilities for the registration of domestic wastewater treatment systems are currently being developed by the Local Government Management Agency on behalf of the local authorities and I understand that the programming work for the on-line system will be completed shortly.

My Department is also examining a number of different payment options to facilitate householders to the fullest extent possible in the registration process. I have decided that when registration commences a reduced fee of €5 will be payable for the initial three months and a fee of €50 will apply thereafter. Ample time will be provided for householders to comply with

the requirement to register their on-site wastewater treatment systems. The current position regarding development of the registration facilities is included in an information leaflet published on my Department's website *www.environ.ie*. My Department will ensure that a public information campaign, including details of how and when to register, will be carried out in advance of registration commencing.

*Question No. 564 answered with Question No. 539.*

### Building Regulations

565. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government his views on the current level of on-site inspection of buildings by local authorities; if he will provide a tabular breakdown of the inspection rates achieved by each local authority; if he intends to change the level of inspections; and if he will make a statement on the matter. [26407/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** There is an inspection target of 12-15% of all buildings covered by valid commencement notices and Performance Indicators compiled for 2010 by the Local Government Management Agency (outlined in the following table) show that all but five Building Control Authorities (Galway County, Mayo, Tipperary North, Waterford City and Wexford County) met or exceeded the target

Buildings inspected as a percentage of new buildings notified to the local authority	
Carlow County Council	44.06
Cavan County Council	18.48
Clare County Council	20.23
Cork City Council	26.49
Cork County Council	17.32
Donegal County Council	16.99
Dublin City Council	28.07
Dun Laoghaire Rathdown County Council	18.51
Fingal County Council	12.71
Galway City Council	28.85
Galway County Council	6.28
Kerry County Council	28.93
Kildare County Council	58.68
Kilkenny County Council	15.79
Laois County Council	100.00
Leitrim County Council	20.00
Limerick City Council	60.00
Limerick County Council	16.78
Longford County Council	12.00
Louth County Council	14.12
Mayo County Council	10.98
Meath County Council	47.76
Monaghan County Council	25.69
North Tipperary County Council	9.55
Offaly County Council	22.39
Roscommon County Council	17.37
Sligo County Council	17.65

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Buildings inspected as a percentage of new buildings notified to the local authority	
South Dublin County Council	19.80
South Tipperary County Council	35.16
Waterford City Council	0.00
Waterford County Council	24.19
Westmeath County Council	22.22
Wexford County Council	0.00
Wicklow County Council	26.39

In July 2011, I announced a number of measures to be advanced by my Department and local authorities with a view to improving compliance with, and oversight of, the requirements of the Building Regulations.

In broad terms the measures will involve:

(a) the introduction of mandatory certificates of compliance by builders and designers of buildings confirming that the statutory requirements of the Building Regulations have been met;

(b) the lodgement of drawings at both commencement and completion of construction, demonstrating how the building has been designed and built to comply with all parts of the Building Regulations;

(c) more efficient pooling of building control staff and resources across the local authority sector to ensure more effective oversight of building activity;

(d) standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions;

(e) better support and further development of the building control function nationwide.

I have recently released, for public consultation, proposed Building Control (Amendment) Regulations which will provide for mandatory certification and the lodgement of drawings as referred to at (a) and (b) above. The closing date for submissions in relation to the proposed regulations was 24 May 2012 and some 500 submissions have been received and are currently being reviewed by my Department with a view to having the proposed Building Control (Amendment) Regulations finalised and signed into law later in 2012.

The other measures referred to above, relevant to more meaningful oversight of building activity by building control authorities and improved functioning of building control authorities, are being advanced separately by local authorities in consultation with my Department in the context of the wider programme of achieving greater efficiencies in the local government system.

566. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the position regarding his pledge to achieve zero carbon homes; and if he will make a statement on the matter. [26408/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government contains a commitment to further improve the energy efficiency of new buildings with a view to moving towards carbon neutral homes in the longer term. In tandem with this commitment, Directive 2010/31/EU on the energy performance of buildings

requires EU Member States, *inter alia*, to ensure that all new buildings will be nearly zero-energy by 31 December 2020 (or by 31 December 2018 in the case of new buildings owned and occupied by public authorities).

The Directive broadly defines a ‘nearly zero-energy building’ as a building with a high energy performance where the very low amount of energy required should, to a very significant extent, be met by energy from renewable sources, including renewable energy produced onsite or nearby.

Against this background, Ireland has been making significant progress in terms of both improving energy efficiency and reducing carbon dioxide emissions within the built environment. Taking the energy efficiency requirements established in 2005 as the benchmark, the Building Regulations (Amendment) Regulations 2007 set the requirements necessary to achieve a 40% improvement (over the 2005 standards) in the energy and carbon performance of new dwellings. These regulations came into effect on 1 July 2008 subject to certain transitional arrangements.

Furthermore, last year, I signed the Building Regulations (Part L Amendment) Regulations 2011 and the accompanying Technical Guidance Document L — Conservation of Fuel and Energy — Dwellings (2011) into law. These regulations came into effect on 1 December 2011 and build on the substantial improvements already introduced under the 2007 regulations by delivering a 60% aggregate improvement (relative to 2005 standards) in both the energy and carbon performance of new buildings.

Part L 2011 marks an important step on the road to carbon neutrality and puts Ireland at the forefront of EU Member States in terms of energy efficiency standards for new dwellings. All the signs indicate that Irish builders and manufacturers continue to innovate and adapt their approaches and products to meet new standards as they continue to evolve progressively over time. This is important in terms of continuing the development of the market for energy efficient buildings and products domestically while also increasing the considerable potential that exists for high energy efficiency products in export markets. The new regulations are important in maintaining the momentum that has already been created in this regard.

My Department is also working on the development of a framework for achieving a nearly zero energy framework for dwellings in order to meet our obligations under Directive 2010/31/EU within the prescribed timeframe. It is anticipated that a nearly zero energy framework for dwellings will require further amendments to the building regulations over and above the recent Part L 2011 requirements.

### **Unfinished Housing Developments**

567. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in County Dublin was not included in the list of unfinished estates designated by his Department for intervention; if he will consider including this estate on the list of unfinished estates; and if he will make a statement on the matter. [26564/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** As part of the process of preparing the National Housing Development Survey 2011, published by my Department in October 2011, local authorities provided details of all unfinished housing developments in their areas. Unfinished housing developments were divided into four categories as follows:



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- category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- category two, where a receiver has been appointed;
- category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and
- category four, where the development has been effectively abandoned and is posing serious problems for residents.

Other relevant factors for the purposes of the categorisation process include, *inter alia*:

- the state of completion of roads, footpaths, public lighting, piped water and sewerage facilities and open spaces or similar amenities within the development;
- the extent to which the development complies with the terms of applicable planning permission;
- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;
- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;
- the extent to which facilities within the development have been taken in charge by the local authority concerned; and
- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been complied with.

The Paddocks Estate, in Adamstown, Lucan, Co. Dublin was included in the 2011 survey as a category one estate.

568. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government the reason the residents of an estate (details supplied) in County Clare are not excluded from the household charge in view of the fact that there are many unresolved issues relating to the finishing of this estate. [26592/12]

569. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that the developer of an estate (details supplied) in County Clare has gone into receivership, that there are many unresolved issues relating to the finishing of this estate and the estate has not been taken in charge by Clare County Council; if he will clarify whether the developer paid a bond for this development to the council; in view of the fact that the developer has now gone into receivership will the bond now be used to finish any outstanding work on the development. [26593/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 568 and 569 together.

As part of the process of preparing the National Housing Development Survey 2011, published by my Department in October 2011, local authorities provided details of all unfinished

housing developments in their areas. Unfinished housing developments were divided into four categories as follows:

- category one, where the development is still being actively completed by the developer, or where no serious public safety issues exist;
- category two, where a receiver has been appointed;
- category three, where a receiver has not been appointed and the developer is still in place but effectively inactive; and
- category four, where the development has been effectively abandoned and is posing serious problems for residents.

Other relevant factors for the purposes of the categorisation process include, *inter alia*:

- the state of completion of roads, footpaths, public lighting, piped water and sewerage facilities and open spaces or similar amenities within the development;
- the extent to which the development complies with the terms of applicable planning permission;
- the extent to which it complies with the provisions of the Building Control Acts 1990 and 2007;
- the provisions of the Local Government (Sanitary Services) Act 1964 as they pertain to dangerous places and dangerous structures within the meaning of the Act;
- the extent to which facilities within the development have been taken in charge by the local authority concerned; and
- where there is an agreement regarding the maintenance of such facilities, the extent to which this agreement has been complied with.

The National Asset Management Agency has responsibility for Ashley Close, Westbury, Athlunkard, Co. Clare, and reports regularly to the National Co-ordinating Committee on Unfinished Housing Developments in progress in respect of unfinished developments for which the Agency has responsibility.

### **Waste Disposal**

570. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government if he intends to introduce measures to regulate the collection of domestic waste in order to reduce the frequency of visits to congested residential areas by competing waste collection companies; and if he will make a statement on the matter. [26594/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government contains a commitment to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service, a system otherwise known as “franchise-bidding”.

A public consultation designed to inform the policy development process concluded in September 2011. A large number of responses were received from a broad spectrum of interests. A consensus is not apparent and, on almost all of the relevant issues, a considerable

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breadth of opinion was expressed. All of the responses received, in addition to a summary document, are available on my Department's website, *www.environ.ie*.

My Department is currently finalising a regulatory impact analysis to examine the costs, benefits and other impacts of options for change, and to inform how best to regulate the household waste collection market.

I expect to be in a position to finalise proposals for Government in relation to household waste collection in the coming weeks. All policy proposals, including franchise-bidding, will be carefully considered by Government and will take account of the full range of issues and perspectives, including those related to overlapping collection networks operated by competing waste collection firms.

*Question No. 571 answered with Question No. 522.*

### **Departmental Funding**

572. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26630/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Infrastructure and Capital Investment 2012-16: Medium Term Exchequer Framework, published by the Minister for Public Expenditure and Reform in November 2011, sets out capital funding of some €3.3 billion in respect of my Department's programmes over the period. This investment will allow progress to continue to be made across the range of capital programmes for which my Department is responsible, including housing, water services, rural development, fire, libraries and other services, which in general are delivered by the local authorities.

As regards 2012, €895 million is provided for capital spending in my Department's Vote (including €34 million carried forward from 2011). This includes €390m for housing, €371m for water services and €97m for the Rural Development Programme. Total capital spending to end May 2012 is €112 million, with the balance of 2012 funding to be drawn down by year end.

The overall impact of this investment in 2012 will be reflected in my Department's Vote for 2013 under Key Outputs. Having regard to the range of programmes, the role of local authorities in delivering most of these programmes and the number of projects involved, the compilation of the information sought at project level would involve a disproportionate amount of time and work.

### **Appointments to State Boards**

573. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if new members have been appointed to An Bord Pleanála; the number of same; the name of the persons appointed. [26652/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** On foot of nomination and appointments processes initiated in December 2011 under Section 106 of the Planning and Development Acts 2000-2010 and associated regulations four new members have been appointed to An Bord Pleanála.

Names and periods of appointment for the new members are set out in the table below:

Board Member	Period of Appointment	
	From:	To:
Gabriel Dennison	21/05/2012	20/05/2017
Paddy Keogh	21/05/2012	20/05/2017
Michael Leahy	14/05/2012	13/05/2017
Nicholas Mulcahy	21/05/2012	20/05/2017

### Water Services

574. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government when tenders will be approved for a project (details supplied) in County Laois; and if he will make a statement on the matter. [26667/12]

575. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government when tenders will be approved for a project (details supplied) in County Laois; and if he will make a statement on the matter. [26669/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 574 and 575 together.

A number of contracts for the Laois Grouped Town Sewerage Scheme are included in my Department's Water Services Investment Programme 2010-2013 as contracts to start during the period of the programme.

My Department has approved proposals for a contract for network improvements in each of the towns in the scheme and the contract to design, build and operate waste water treatment plants in each of the towns to progress to the tender stage. I understand that the tender process for the contract for the waste water treatment plants is underway.

### Departmental Staff

576. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the numbers of persons in his Department earning over €100,000 per annum and the positions for which they receive these wages. [26683/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information in relation to staff earning over €100,000 is set out in the table below:

Position	No.
Secretary General	1
Assistant Secretary	6
Director Met Éireann	1
Inspector of Audits	1
Principal Adviser (Higher)	4
Principal Officer (Higher)	7
Total	20

### Local Authority Staff

577. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government the numbers of persons employed by local authorities earning over €100,000 per annum, the positions for which they receive these wages and the section they work in. [26685/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** As of 31 March, 2012 there were 235.8 local authority staff on salary scales the maximum points of which are in excess of €100,000, made up of City and County Managers, Assistant Managers and Directors of Service.

### Departmental Funding

578. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will provide, in tabular form, a breakdown of funding in respect of a school (details supplied) in County Tipperary from 2002 to 2012; and if he will make a statement on the matter. [26686/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The table sets out the payments made from 2002 to 2012 to Curreeney Hedge School in Co Tipperary under the LEADER+2000-2006 programme and the LEADER element of the Rural Development Programme 2007-2013:

Name of Project	Funding Programme	Grant Amount	Year
Curreeney Hedge School Project	LEADER +	€9,931.50	2006
Curreeney Hedge School Project	LEADER +	€7,570.75	2007
Curreeney Hedge School	RDP 2007-2013 (LEADER)	€816.75	2010

### National Asset Management Agency

579. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if funds released from National Asset Management Agency will be used to launch an upfront programme of remedial works for houses which contain heave inducing pyrite. [26694/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** It is a matter for the National Asset Management Agency to determine the appropriate arrangements for the utilisation of its funds and I have no function in that regard. My Department understands that, following its recently announced plans to invest up to €2 billion in development capital over the period to 2016, the Agency is currently assessing a wide range of projects that may be suitable for development by reference to expected demand; decisions to invest will be based on those projects which are capable of generating the greatest return to the taxpayer.

### National Drugs Strategy

580. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government if he will confirm plans to ensure the retention of the vital estate management projects in estates (details supplied) in Dublin 24; if he will appreciate the importance of these projects; and if he will make a statement on the matter. [26700/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** As part of the Government’s Comprehensive Review of Expenditure and the 2012 estimates process, difficult decisions had to be taken in relation to prioritising funding for core services in all programme areas. The provisional funding estimate to support the mainstreamed drugs projects under my Department’s Housing programme for 2012 was €100,000, compared with €400,000 in 2011. In view of this, my Department advised the relevant local authority that it would not be possible to continue funding the projects concerned throughout 2012.

My Department is providing pro rata funding to fund the projects concerned until end June 2012 only, in order to allow the projects and other bodies to explore alternative funding mechanisms and identify resources to deliver on the overall objectives of the projects beyond end June 2012.

Following a consultation process, South Dublin County Council has recently advised my Department that the Council has identified interim funding to maintain the projects concerned during the second half of 2012. The funding was identified on a partnership basis between the Council and the Tallaght Local Drugs Task Force. The Council has advised that this funding represents a once-off contribution and will allow the projects to continue while the report of my colleague, the Minister of State with responsibility for the National Drugs Strategy, on the review of the structures that underpin the strategy at local, regional and national level is finalised. It is understood that this report will consider how current funding structures can be improved or streamlined, particularly with regard to local and regional drugs task forces.

The provision of interim funding by South Dublin County Council and the Tallaght Local Drugs Task Force for the second part of 2012 provides a further opportunity to the projects to source alternative funds and/or to identify an alternative model for the delivery of services in the future.

### **National Spatial Strategy**

581. **Deputy Gerald Nash** asked the Minister for the Environment, Community and Local Government if he intends to initiate a detailed review of the national spatial strategy taking account of changing demographics and socio-economic trends since the adoption of the strategy in 2002; his views on the timeframe for any such review; and if he will make a statement on the matter. [26717/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The 2002 National Spatial Strategy (NSS) is a twenty-year planning framework designed to achieve a better balance of social, economic and physical development and population growth between regions, and it provides the spatial vision and principles for statutory regional planning guidelines across eight regions and for development plans at a local level.

A comprehensive review of implementation of the NSS was undertaken during 2010, culminating in the publication in October 2010 of the NSS Update and Outlook Report (available at [www.environ.ie](http://www.environ.ie)). This report reaffirmed the commitment to implementing long-term planning frameworks such as the NSS and identified new priorities and objectives to deliver more consistent implementation at all levels, taking account of experience since 2002 and the new environmental, budgetary and economic challenges that Ireland continues to face. In particular, the 2010 Report identified a series of actions in respect of:

- better alignment and prioritisation of sectoral infrastructure investment,



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- improved governance at national, regional and local levels, and
- the promotion of more sustainable patterns of development, both in rural and urban contexts, through more effective, evidence-based planning policies, with the aim of maximising the role of NSS implementation in supporting overall economic recovery.

In addition, the adoption of updated Regional Planning Guidelines in 2010 for the twelve-year period to 2022 and the new legislative provisions in the Planning and Development (Amendment) Act 2010 to include core strategies in development plans, taking account of regional policies, targets and priorities, are further embedding the NSS principles into the forward-planning process, and should help to deliver more co-ordinated, coherent and sustainable planning outcomes. I will as necessary consider the need for any further review of the National Spatial Strategy in light of evolving economic circumstances and the beneficial deployment of our now more constrained resources.

### **Plastic Bag Levy**

582. **Deputy Mary Mitchell O’Connor** asked the Minister for the Environment, Community and Local Government if he will provide, in tabular form, the usage, per capita, of plastic bags each year since the introduction of the plastic bag levy; and if he will make a statement on the matter. [26721/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The environmental levy on plastic bags was primarily introduced as an anti-litter measure and is designed to ensure people make more environmentally friendly choices by encouraging them to use reusable bags rather than disposable plastic bags. The introduction of the levy in March 2002 led to a dramatic reduction in the number of disposable plastic bags provided to consumers, from an estimated 328 bags per person per year prior to the introduction of the levy, to 21 bags per person by the end of 2002.

The table below provides the estimated per capita usage of disposable plastic bags each year since the levy was introduced, using population data produced by the Central Statistics Office and the number of bags for which levy receipts were remitted by the Revenue Commissioners to the Environment Fund. However, while the figures produced in the table below are indicative of trends in usage of disposable plastic bags, they are not a precise measurement of the number of bags supplied — each year’s figure will also take into account levies recovered in respect of earlier periods on account of retailers filing late returns and the recoupment of levies due following Revenue audit findings. Increases in levy receipts are also likely to arise from enforcement activity by local authorities and audit activity by the Revenue Commissioners, while fluctuations in levy receipts are also reflective of increases and decreases in consumer activity in the economy.

As the plastic bag levy does not apply to reusable bags, my Department does not have information regarding per capita usage of such bags. However, data from the National Litter Pollution Monitoring System are used to measure the impact of certain anti-litter measures such as the plastic bag levy. This demonstrates that plastic bags accounted for approximately 5% of litter arisings prior to the introduction of the levy while the most recent survey data (2010) show that plastic bags, including reusable bags, constitute approximately 0.25% of litter pollution nationally.

Year	Per Capita Usage of leviable bags
2002*	21
2003	22
2004	25
2005	28
2006	31
2007	28
2008	27
2009	24
2010	18
2011	16

\*10 months.

### Foreshore Licences

583. **Deputy Mary Mitchell O'Connor** asked the Minister for the Environment, Community and Local Government if he will set up a public enquiry to investigate the granting of a foreshore licence to a company (details supplied) to drill for oil and gas off Dalkey Island, County Dublin; and if he will make a statement on the matter. [26726/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The application from Providence Resources for a foreshore licence in respect of site investigations and the drilling of an exploratory well off Dalkey has been assessed by the Marine Licence Vetting Committee which recently submitted its report to my Department. I will consider the recommendation of the Marine Licence Vetting Committee and my Department in due course in making a determination on the licence application. Without prejudging my eventual determination of the current application, it is important to recognise that, should the project progress to commercial exploitation, it would be the subject of further formal applications for consents from the Minister for Communications, Energy and Natural Resources, in the first instance, and then An Bord Pleanála under the Planning Acts, and a full lease or licence under the Foreshore Acts, all of which will require an Environmental Impact Assessment, including full public consultation.

### Public Sector Reform

584. **Deputy Thomas Pringle** asked the Minister for the Environment, Community and Local Government if the Local Government Efficiency Review Group has considered and evaluated the report on the Whole System of Work from Donegal County Council submitted in 2010; if they have a view on the value of this project; and if he will make a statement on the matter. [26729/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Whole System of Work Framework Document developed for Donegal County Council was provided to the then Transforming Public Services Office in the Department of the Taoiseach as a contribution to the development of the strategy for public service transformation and was also provided to the independent Chairman of the Local Government Efficiency Review Group for consideration prior to the publication of the Report of the Local Group in July 2010.

[Deputy Phil Hogan.]

The Local Government Efficiency Review Group was established to evaluate the cost base, expenditure and numbers employed in the local government system with a view to preparing specific recommendations to reduce costs, considering the effectiveness of particular programmes and optimal efficiency in programme delivery, and any other proposals to enhance value for money in the delivery of services at local level. The assessment of any specific service delivery model and its potential to deliver efficiencies and contribute to its terms of reference was a matter for the Review Group. The Report does not contain evaluations of specific projects such as that contained in the Whole System of Work Framework Document.

### **Hydraulic Fracturing**

585. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if the same legislation include the requirement for identification of safe guard zones for the protection of drinking water supplied in accordance with Article 7(3) Directive 2000/60/EC especially when these are established local rural water schemes in the west Cavan north Leitrim areas; if there is a licence to conduct hydraulic fracking in these same areas in view of the fact that the detailed hydro geologic characteristics are not available and regular water monitoring sites are non-existent in these areas, especially as the source of the Shannon comes from Fermanagh into Cavan via the Shannon pot and the area has an extensive unexplored cave system. [26730/12]

586. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government in accordance with directive 2000/60/EC, if he will undertake groundwater monitoring programme for the purpose of establishing threshold values in this area for a monitoring period as recommended by the directive for six years prior to the consideration of any work that may impact the risk of ground water contamination in the west Cavan north Leitrim areas (details supplied) [26731/12]

587. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government in relation to the proposed process of hydraulic fracking exploration under the directive 2000/60/EC, if he will make it mandatory for exploration companies to publicly disclose the chemicals used in advance of any approval of exploration activities being done; if he will extend the minimum number of pollutants, in accordance with directive 2000/60/EC, and reduce their associated threshold values for material used in hydraulic fracking that are known to have a detrimental effect on environment and human health; and if he will make a statement on the matter. [26732/12]

588. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will introduce regulation on the construction and use of pit storage site for prevention of ground-water containment from hydraulic fracking especially from flow back fluids. [26733/12]

589. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government in accordance with directive 2000/60/EC, if he will introduce regulation and standards for the prevention of improperly plugged well heads that result in leaking into ground water system especially with capping existing and future well heads (details supplied) in place so that the risk to ground water contamination will be prevented. [26734/12]

592. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government his views on the drafting of the new Water Framework Directive compliant regu-

lations to include a modernised system of registration and prior authorisation will commence later in 2010. [26741/12]

625. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the position regarding the drafting of a new Water Framework Directive compliant regulations to include a modernised system of registration and prior authorisation will commence later in 2010; if these regulations will be in place at the latest by end of 2012 as outlined in the Shannon River Basin Amendment report, Appendix 1; if the same legislation will include the requirement for identification of safe guard zones for the protection of drinking water supplies in accordance with Article 7(3) Directive 2000/60/EC; in accordance with the same directive 2000/60/EC if he will undertake a detailed groundwater monitoring programme for the purpose of establishing threshold values in this area for a monitoring period as recommended by the directive for six years prior to the consideration of any work that may impact the risk of ground water contamination in the West Cavan North Leitrim areas; in relation to the proposed process of hydraulic fracking exploration under the same directive 2000/60/EC if he will make it mandatory for exploration companies to publicly disclose the chemicals used in advance of any approval of exploration activities being done, extend the minimum number of pollutants, in accordance with directive 2000/60/EC, and reduce their associated threshold values for material used in hydraulic fracking that are known to have a detrimental effect on environment and human health; if he will introduce regulation on the construction and use of pit storage sites for prevention of groundwater containment from hydraulic fracking especially from flow back fluids; if he will introduce regulation and standards for the prevention of improperly plugged well heads that result in leaking into groundwater system, with correct regulation for capping existing, Glangevlin and Kiltyclougher, Lough Macnean areas that may have a problem, and future well heads in place the risk to ground water contamination would be prevented; and if he will introduce legislation for the regulation of hydraulic fracking wastes to prevent any ground water contamination under directive 2000/60/EC. [27191/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 585 to 589, inclusive, 592 and 625 together.

Article 11 of the Water Framework Directive requires Member States to implement controls over the abstraction of fresh surface water and groundwater and over the impoundment of surface waters, including a register of abstractions and a system of prior authorisation for abstraction and impoundment. Proposals for legislation to implement these requirements will be developed later this year on completion of a comprehensive consultation process that will commence in the coming months. Ireland, generally, has abundant natural water resources and the Directive includes provision for Member States to exempt from control, abstractions or impoundments which have no significant impact on water status.

The European Communities (Drinking Water) (No. 2) Regulations 2007 are the main statutory instrument for the protection of drinking water. These Regulations, *inter alia*:

- set out a range of chemical, microbiological and indicator parameters which must be complied with by drinking water suppliers;
- provide that suppliers of drinking water ensure that the water supplied is wholesome and clean; and
- provide for direct intervention by supervisory authorities, if necessary, to ensure compliance with their directions.

[Deputy Phil Hogan.]

The proposed legislation referred to above will also introduce additional protections for drinking water sources.

The Environmental Protection Agency (EPA) published an advice note on Source Protection and Catchment Management to protect Groundwater Supplies in August 2011. This note provides an outline of the key groundwater protection policies, guidance and related legislation that water services authorities should have regard to when developing measures to protect groundwater used for drinking water. Groundwater Protection Plans have been prepared on a county by county basis by the Geological Survey of Ireland for most local authorities; there are four Groundwater Protection Plans outstanding but these will be completed by the end of this year. These plans are incorporated by local authorities into County Development Plans and are used to assist in the assessment of the potential impact of development on groundwater.

The EPA is responsible for carrying out Ireland's national groundwater monitoring programme. The programme consists of a network of some 350 monitoring points. The network has been designed to be representative of the variations in hydrogeology and anthropogenic pressures across a groundwater body and is subject to ongoing review as circumstances change. Threshold values for mandatory substances under the Priority and Dangerous Substances Directives have been established in the European Communities Environmental Objectives (Groundwater) Regulations 2010 and they apply to all groundwater bodies nationally. In relation to the specific areas mentioned in the question, I understand the EPA will be involved in commissioning a scientific study into hydraulic fracturing which will include baseline monitoring of groundwater in relevant areas. The Department of Communications, Energy and Natural Resources and the EPA are developing the scope for this study. The European Communities Environmental Objectives (Groundwater) Regulations 2010 transpose key elements of the Water Framework Directive and the Groundwater Directive and establish clear environmental objectives to be achieved in groundwater bodies.

In accordance with the Groundwater Regulations, public authorities including the Minister for Communications, Energy and Natural Resources, insofar as their functions allow, must, *inter alia*, take all reasonable steps to prevent or limit the input of pollutants into groundwater and prevent the deterioration of the status of all groundwater bodies. The Regulations prohibit the direct discharge of any pollutants into groundwater. Certain categories of discharges may be permitted subject to a requirement for prior authorisation provided such discharges, and the conditions imposed, do not compromise the achievement of the environmental objectives established for the body of groundwater into which the discharge is made.

Discharge authorisations are required by the Regulations to prohibit the input of hazardous substances and limit the input of non-hazardous substances into groundwater. The EPA is responsible for identifying and publishing a list of pollutants which it considers to be hazardous or non-hazardous based on technical criteria. This list was first published in December 2010 as part of the report *Classification of Hazardous and non-Hazardous Substances in Groundwater* and is available to download from the EPA website. The list is periodically reviewed by the EPA where it considers this to be necessary for the purpose of protecting groundwater.

As regards the construction and use of pit storage sites and the regulation of and standards for the operation of well-heads, overall responsibility for policy and regulation of hydraulic fracturing is a matter for the Minister for Communications, Energy and Natural Resources. The Minister is committed to obtaining further and more detailed scientific advice on hydraulic fracturing. I understand that until the results of the study to be commissioned by the EPA are available and have been considered, he will not make any decision on any application proposing the use of hydraulic fracturing.



590. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if he will introduce legislation for the regulation of hydraulic fracking waste to prevent any ground water contamination under directive 2000/60/EC. [26735/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Overall responsibility for policy in respect of exploration licences for hydraulic fracturing is a matter for my colleague, the Minister for Communications, Energy and Natural Resources, Pat Rabbitte T.D. Any proposed facilities that are granted exploration licences for hydraulic fracturing would be subject to the appropriate licensing and other legislative requirements. These would include, inter alia, the provisions of the Planning Acts, provisions of the Waste Management (Management of Waste from the Extractive Industries) Regulations 2009, which transposed Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries, the provisions of the Environmental Protection Agency Act 1992 in respect of Integrated Pollution Prevention and Control and the provisions of the European Communities Environmental Objectives (Groundwater) Regulations 2010 which, inter alia, transposed the relevant provisions of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. The broad objective of this corpus of legislation is to prevent or reduce as far as possible any adverse effects on the environment, including groundwater, and any resultant effects to human health.

#### **Departmental Funding**

591. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government if there are any grant schemes under his Department that allocate funding for local health initiatives; and if he will make a statement on the matter. [26738/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** This is a matter for my colleague, the Minister for Health, in the first instance. While my Department does not fund mainstream health initiatives it is, however, responsible for a range of programmes which support communities, including the Local and Community Development Programme which tackles poverty and social exclusion in disadvantaged communities; the RAPID Programme (Revitalising Areas through Planning Investment and Development) which tackles the spatial concentration of poverty and social exclusion in designated areas; and the Rural Development Programme 2007-2013 which implements measures to improve the quality of life in rural areas and facilitates the diversification of the rural economy. These Programmes do not specifically deal with health issues, but they have a role in addressing community well-being.

Although healthcare activities are not eligible for funding under the Rural Development Programme (RDP) 2007-2013, the RDP has elements that support the achievement of a healthy lifestyle, for example community gyms. Such funding is provided in a broader quality of life context and is not targeted at specific aspects of healthcare. In addition, it is widely recognised that a lack of adequate facilities, directly or indirectly related to health, is a major contributor to disadvantage in RAPID areas. Under the RAPID Programme, my Department has, in the past, co-funded a number of health projects in RAPID areas with the Department of Health and the HSE. Projects funded under the scheme covered a wide range of community health facilities, including premises for youth facilities, play areas for special needs playgroups, improvements to womens' refuges and services and facilities for older people to enhance and provide facilities that would enable older people to live independent lives. The RAPID budget



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for my Department for 2012 is fully committed to existing projects and our priority is to ensure that there is sufficient funding available to meet existing legal contractual commitments.

*Question No. 592 answered with Question No. 585.*

### **Household Charge**

593. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the position regarding household charges (details supplied). [26742/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver. The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he or she has a liability and, if so, to declare that liability and pay the household charge.

The Act provides for a number of exemptions and waivers from payment of the household charge. The exemptions are:

- Residential properties that are part of the trading stock of a business and have not been sold or been the source of any income since construction,
- Residential property owned by a Minister of the Government, a housing authority or the Health Service Executive,
- Voluntary and co-operative housing,
- Residential property subject to commercial rates and wholly used as a dwelling,
- Residential property owned by certain charities or discretionary trusts, and
- Residential property which an owner has vacated due to long-term mental or physical infirmity (e.g. elderly person that has moved into a nursing home).

The waivers which apply concern:

- Owners of residential property entitled to mortgage interest supplement, and
- Owners of houses in certain unfinished housing estates.

The Local Government (Charges) Act 2009, as amended, broadened the revenue base of local authorities through the introduction of a charge on non-principal private residences. The charge is set at €200 and is being levied and collected by local authorities. If a person does not inhabit a property as his or her sole or main residence, he or she will also be liable for this €200 charge on the property concerned unless otherwise exempt.

The Local Government (Charges) Act 2009 does not provide for waivers and instead places collection of the charge under the care and management of local authorities. I have recently issued guidelines to local authorities in relation to the operation of this “care and management” provision in the context of individual situations where genuine hardship in having to discharge a liability in a single payment can be demonstrated. In such cases, the guidelines set out the modalities for local authorities in entering into payment arrangements for the discharge of outstanding liabilities in instalments over a specified period. I also intend to issue guidance

shortly to local authorities on hardship in the context of the operation of the “care and management” provisions of the Local Government (Household Charge) Act 2011.

### Planning Issues

594. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the reason persons have to pay a charge on a small extension to a house (details supplied). [26747/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Section 48 of the Planning and Development Act 2000 provides that a planning authority may, when granting a planning permission, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and provided, or intended to be provided, by or on behalf of a local authority. The Act provides that the basis for the determination of development contributions should be set out in a development contribution scheme which is made by the elected members following a public consultation process.

Details of individual development contribution schemes are available directly from each planning authority. It is open to an applicant for planning permission to appeal a planning decision to An Bord Pleanála if the applicant considers that the terms of a development contribution scheme or supplementary development contribution scheme have not been properly applied in respect of any planning condition laid down by the planning authority.

### Household Charge

595. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question Nos. 125 of 9 May 2012 and 115 of 17 May 2012, if he will give a specific answer to the two previously specific Parliamentary Questions, namely the background reason tenants of residential properties, whether in public or in private residential accommodation, are considered to be not liable for the household charge, and that he will not just repeat the terminology of the legislation, as was done in the two previous Parliamentary Questions, in view of the fact that the legislation underpinning the Local Government (Household Charge) Act 2011 and the Local Government (Household Charge) Regulations 2012 is clear. [26783/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The household charge is levied on owners of residential properties. A tenant, whether in public or private rented accommodation, is not an owner of the property in which he or she is living and is therefore not liable in respect of that property. The charge is assessed on the basis of ownership of property, not on individuals personally. However, a tenant who is the owner of another property in which he or she is not living would be liable for the household charge and for the non-principal private residence charge on that property unless specifically exempted.

### Departmental Correspondence

596. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when a reply will issue to this Deputy’s letters to him in relation to Áras Rónáin, Árann, Contae na Gaillimhe, dated 9 December 2011 and 17 May 2012 respectively; and if he will make a statement on the matter. [26790/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** A response to the letter in relation to Áras Rónáin has recently

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issued to the Deputy, advising that a meeting will be arranged by my Department with the relevant parties including Galway County Council, the HSE and Áras Rónáin Tithíocht Soisialta Teoranta.

### Unfinished Housing Estates

597. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the reason an estate (details supplied) in County Kildare was not included or classified as an unfinished estate in the National Housing Survey 2010 or updated version 2011, despite the estate appearing to be a category 4 unfinished estate — inactive; and if he will make a statement on the matter. [26834/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** The National Housing Survey was initiated to identify unfinished or partially completed housing developments. Finished housing developments (for more than three years and where more than 10% of the units remained unoccupied) were also included. In the context of the survey, a “*housing development*” comprised of two or more dwellings set out in free standing, semi-detached, terraced, duplex and/or apartment formats. An “*unfinished housing development*” is one where the approved dwellings and their associated services and amenities had not been completed and occupied. “Completed” in this context does not necessarily mean that all the works required in terms of building regulations and/or the planning permission have been completed.

Planning permissions may well have many conditions attached which relate to different physical aspects of a project. Minor outstanding works, such as individual house electricity connections, entrance gates, decoration etc. would not be regarded as significant. A development will be regarded as finished if an Inspector considers, on the basis of a normal visual on-site inspection, that the following have been substantially completed: dwellings, roads and footpaths, lighting, water supply, waste water infrastructure, open spaces as defined for the purposes of this survey. In cases where one or more phases of a development had been completed but no work has commenced on subsequent phases, then the development would be regarded as being unfinished.

Louisa Park, Leixlip, Co.Kildare was not included in the 2010 or 2011 surveys as it was deemed not to meet the criteria for inclusion.

### Plastic Bag Levy

598. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government the levels of enforcement action taken in relation to the plastic bag levy; the way members of the public can report suspected breaches of this levy; the number of inspections that take place each year to ensure that this levy is enforced; the number of inspections of temporary retail settings such as weekend markets that are carried out to ensure that this levy is adhered to; and if he will make a statement on the matter. [26854/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Primary responsibility for enforcement of the plastic bag levy rests with the local authorities and members of the public should report suspected breaches of the plastic bag levy legislation to the enforcement officer in their local authority. Local authorities undertake a range of actions to ensure compliance by retailers with their obligations in respect of the levy, including—

- carrying out spot checks at retail premises;

- ensuring that the levy is passed on in full to customers;
- ensuring that exemptions are not being abused;
- checking tills to confirm that customers are being charged the 22 cent levy for plastic bags where applicable;
- taking appropriate action where it has been established that the levy has not been charged to customers — such as issuing a letter informing the retailer of their obligations under the legislation and taking appropriate follow up action to ensure compliance where necessary;
- investigating complaints from the public in respect of failure by a retailer to charge the levy.

In relation to non-compliance discovered by a local authority enforcement officer, a warning letter is issued and a follow up inspection is carried out. If the retailer is still non-compliant, the next step would be for the local authority to pursue legal action. The Revenue Commissioners will also be contacted if it is suspected that the non-compliance has been ongoing, resulting in a significant amount of levy not having been collected. Statistics collected by the Environmental Protection Agency on local authority enforcement activities indicate that approximately 800 plastic bag levy inspections were carried out by local authorities in 2010. However, my Department does not have information regarding the number of inspections specifically targeting temporary retail settings such as weekend markets.

The Revenue Commissioners are responsible for collection and recovery of the levy and for ensuring that businesses are aware of their obligation in relation to making returns. This involves a range of actions, including—

- identification of accountable persons;
- processing returns and payments received from accountable persons;
- carrying out verification checks relating to the accuracy of returns;
- pursuing accountable persons who fail to deliver returns and payments within the statutory time limits;
- raising estimates where returns are not received or where liability is understated;
- dealing with appeals against estimates raised.

All complaints received in my Department concerning non-compliance are forwarded to the relevant local authority and the Revenue Commissioners. The operation of the levy is also subject to the normal Revenue Commissioners auditing arrangements.

### **Building Regulations**

599. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if he will bring forward legislation requiring mandatory geological testing as part of the planning process for quarries; if he will bring forward legislation to require on-going geological testing of active quarries as a quality control measure; his views on whether the current regulatory regime which gave rise to pyrite problems is insufficient; and if he will make a statement on the matter. [26856/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Pyrite Panel which I set up in September, 2011 is due to report to me shortly. On receipt of the Panel's report I will give careful consideration to any recommendations it may contain in relation to the adequacy of existing testing regimes for quarries and the need for revised standards or testing requirements in relation to the end use of aggregates. A strong statutory framework for the regulation of construction activity already exists under the Building Control Acts 1990 and 2007 and relevant European standards.

The Building Regulations set out the legal requirements for the design and construction of buildings, including houses and extensions. Related Technical Guidance Documents (TGD) provide technical guidance on how compliance with the regulations can be achieved in practice. Work carried out in accordance with the guidance provided in the TGDs is considered *prima facie* evidence of compliance with the Building Regulations. The key requirements relevant to the use of hardcore material for buildings are set out in Part C (Site Preparation and Resistance to Moisture) and Part D (Materials and Workmanship) of the Second Schedule to the Building Regulations. The Building Regulations and related TGDs are subject to on-going review.

The Construction Products Directive provides for a system of harmonised technical specifications for construction products. There are a suite of European Standards and Guidance Documents for the use of aggregates including their use in concrete, bituminous mixtures, mortar etc. The standards and guidance documents set out testing requirements for the aggregates depending on their end use. Quarries are required to have in place a testing regime to ensure compliance with the requisite standard.

IS EN 13242:2002 is a harmonised European Product Standard for "Aggregates for unbound and hydraulically bound materials" for use in civil engineering work and road construction. IS EN 13242:2002 was published by the National Standards Authority of Ireland (NASI) in 2002 and came into effect in January, 2003. Standard Recommendation (SR) 21, published by NSAI in 2004, provides guidance on the use of IS EN 13242:2002. It was revised in 2007 to give additional specific guidance on reducing the risk of reactive forms of pyrite being present in material fill for use under concrete floors in dwellings and buildings.

### **Local Authority Charges**

600. **Deputy Nicky McFadden** asked the Minister for the Environment, Community and Local Government if those who have paid the household charge are entitled to receipts; from where those receipts are issued; when those who have paid may expect to receive their receipts; and if he will make a statement on the matter. [26862/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver. The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he or she has a liability and, if so, to declare that liability and pay the household charge.

Section 10 of the Act specifically provides that a receipt shall issue on payment of the charge. Receipts are issued by the Local Government Management Agency (LGMA), which administers the household charge system on a shared service/agency basis for all county and city councils. When the online system is used for payment, a receipt issues automatically. When a payment is made by post, a receipt issues on processing of that payment. I understand from data provided by the LGMA that, as of 30 May 2012, 28,800 postal applications received had

yet to be processed. Every effort is being made by the LGMA to clear this postal backlog as soon as possible.

### **Departmental Funding**

601. **Deputy Nicky McFadden** asked the Minister for the Environment, Community and Local Government if funding will be made available to an organisation (details supplied); and if he will make a statement on the matter. [26872/12]

629. **Deputy James Bannon** asked the Minister for the Environment, Community and Local Government if he will provide funding in respect of a charitable company (details supplied) which provides emergency accommodation and care for homeless men, women and children, but which is facing a crisis in funding and possible closure; and if he will make a statement on the matter. [27288/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 601 and 629 together.

My Department recoups to local authorities 90% of their approved current expenditure on the provision of accommodation and related expenses for homeless persons in accordance with Section 10 of the Housing Act 1988. In this context funding is currently provided to the TEAM organisation through recoupment to Westmeath County Council. Additional funding has now been sought through an application received on 21 May, 2012. This proposal is currently under consideration in my Department and a reply will issue to the local authority shortly.

### **Building Regulations**

602. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the position regarding the registration of architects (details supplied); and if he will make a statement on the matter. [26873/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 27 of 30 November 2011 which sets out the arrangements already in place under the Building Control Act 2007 for the registration of practically trained persons as architects. To date 31 practically trained persons have been deemed eligible for inclusion on the register of architects. Of these, 6 underwent the technical assessment process and 25 underwent the register admission examination. Membership of the RIAI is not a prerequisite for registration under the Act and the legislation is clear and unambiguous in this regard.

I have no plans to amend the registration arrangements currently provided for under the Part 3 of the Building Control Act 2007. I would encourage practically trained architects to pursue the routes to registration which are open to them with a view to joining the small but growing numbers of practically trained architects already on the register.

### **Planning Issues**

603. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government if he will provide for 2011 and 2012 respectively, the number of cases at An Bord Pleanála that were determined within 18 weeks, within 22 weeks, or took more than 26 weeks to determine; the current backlog of cases; and if he will make a statement on the matter. [26876/12]



**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Under section 126 of the Planning and Development Acts 2000-2011, it is a statutory objective of An Bord Pleanála to determine appeals and certain other matters within 18 weeks. The statutory objective period was achieved in 81% of all cases in 2011, a significant increase on the figure of 63% achieved for 2010. The equivalent figure up to the end of April 2012 is 45%. The specific information requested regarding cases determined within 22 and 26 weeks, respectively, is not available in my Department.

### **Election Management System**

604. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government the total cost respectively for 2008, 2009, 2010, 2011 and budgeted for 2012 for storing the E-voting machines; the progress he has made towards selling the E-voting machines; and if he will make a statement on the matter. [26877/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The total costs for storage of the electronic voting equipment for the years 2008, 2009, 2010 and 2011 are set out in the following table:

Year	Total Cost
2008	€204,225.21
2009	€183,075.97
2010	€144,320
2011	€139,750.62

Storage costs are collated annually and figures for 2012 are not yet available. Over 60% of the electronic voting machines (4,762 in total) are stored at Gormanston Army Camp where there are no ongoing rental costs in respect of the use of this property. Costs of €552.83 were incurred in 2009 in respect of equipment to monitor the environmental storage conditions at the Gormanston premises and these are incorporated into the above table. The remaining machines, apart from a small number kept in the Custom House, are stored at 13 local premises that were originally identified by Returning Officers for this purpose.

Following the Government meeting of 11 January 2012, a Request for Tenders was published on 19 January 2012 seeking proposals for either the purchase of the equipment or for its recovery as waste, consistent with environmental and other obligations. The deadline for receipt of tenders was set for 3pm on 15 March 2012. Seven tenders were received by this time and these have been considered by the Task Force on the Cessation of the Electronic Voting Project. The process to conclude the tendering process and to agree a contract with a preferred tenderer is expected to be completed shortly.

### **Housing Grants**

605. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if he intends making a further allocation to local authorities under the housing aid for older persons grant and the housing adaption grant in view of the demand for these schemes; and if he will make a statement on the matter. [26905/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Exchequer allocations for 2012 in respect of the Housing Adaptation Grant Schemes for Older People and People with a Disability, totalling some €54.2 million, were notified to local authorities on 28 February. My Department monitors expenditure under

these schemes on an ongoing basis and any savings, resulting from an under-spend by local authorities of their 2012 allocation, will be made available for re-allocation to authorities whose allocations have been fully spent.

606. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the percentage of the housing grant that is considered to be self financing from an Exchequer point of view taking into account the construction activity such grants create, deadweight and the taxes received from increased economic activity as well as social welfare savings; and if he will make a statement on the matter. [26906/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** The Housing Adaptation Grant Schemes have a major impact on the quality of life for the many thousands of beneficiaries and are vitally important in assisting older people and people with a disability to continue to live independently in their own homes. In 2011 alone, a combined Exchequer and Local Authority contribution of over €76m facilitated the payment of over eleven thousand grants to householders all across the country.

There are substantial social and fiscal benefits accruing as the grant schemes also generate local employment opportunities for builders and businesses. My Department estimates that up to 12 man-year jobs are sustained for each €1 million investment in housing retrofitting and improvement works. The detailed socioeconomic indicators referred to are not available in my Department.

#### **Local Authority Charges**

607. **Deputy Arthur Spring** asked the Minister for the Environment, Community and Local Government if the non principal private residence online payment system can be set up in a way to prevent information notices being sent to NPPR owners who have previously paid the charge online. [26925/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government Management Agency (LGMA) administers the online payment system for the non-principal private residence charge. I am informed by the LGMA that prior to both e-mail and postal information notices being issued, accounts where payment had been made for 2012 were excluded. However, it is possible in some cases that owners could have paid after the date the data were extracted from the system and prior to the notices issuing and this possibility was referred to in the information notice.

608. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on an anomaly regarding the non principal private residence tax (details supplied); and if he will make a statement on the matter. [26938/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Charges) Act 2009 broadened the revenue base of local authorities through the introduction of a charge on non-principal private residences. The charge is set at €200 and is being levied and collected by local authorities. A number of exemptions were set out in the Act, including an exemption where a building to which Schedule 3 of the Valuation Act 2001 applied. This means that a property on which commercial rates were payable would not have been liable for the charge in 2009, 2010 or 2011.

However, amendments to this provision made by the Local Government (Household Charge) Act 2011 have the effect that from 2012 onwards, only buildings wholly used as dwellings and in respect of which local authority rates are payable are exempt. A residential property

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within a building on which commercial rates are payable is therefore liable for the charge from 2012 onwards unless the property in question is the sole or main residence of the owner or is otherwise exempt under the Act.

### **Ministerial Appointments**

609. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26954/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My colleague, Minister of State O’Sullivan, appointed a replacement civilian driver, who is not a retired public servant, on 7 May 2012. His annual salary is €32,965. I have made no appointments since last March.

### **Local Authority Staff**

610. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that Dublin City Council are about to force into retirement on disputed ill health grounds a blind employee (details supplied) despite their wish to remain in employment; and if his Department monitor the record of local authorities with regard to their employing and accommodating persons with disabilities. [26979/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Under section 159 of the Local Government Act 2001, each City and County Manager is responsible for staffing and organisational arrangements necessary for carrying out the functions of the local authorities for which he or she is responsible. Part 5 of the Disability Act 2005 outlines the obligations on public service bodies to employ people with disabilities. There are three interlinked requirements. Firstly public bodies must, insofar as practicable, take all reasonable measures to promote and support the employment of people with disabilities. Secondly, unless there are good reasons to the contrary, at least 3% of their employees must be people with disabilities. Finally on an annual basis public bodies must report to the statutory Monitoring Committee and to the Minister of their parent Department on the number of people with disabilities in their employment and the measures they are taking to support them in employment.

A Monitoring Committee was established in 2007 to monitor compliance by local authorities and public bodies under the remit of my Department with Part 5 of the Disability Act. The Committee reviews employment targets to determine levels of compliance with the Government’s 3% target for the employment of people with disabilities and reports each year in relation to compliance by the local authorities and public bodies under the aegis of my Department to the National Disability Authority (NDA) and to me.

### **Environmental Policy**

611. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if he will introduce legislative reform to remove the immunity from prosecution that the Environmental Protection Agency currently enjoys; and if he will make a statement on the matter. [26985/12]

612. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government when he intends acting on the recommendations made in last year's Environmental Protection Agency review group report; and if he will make a statement on the matter. [26986/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 611 and 612 together.

The Environmental Protection Agency (EPA) Review Implementation Plan was published on 31 January 2012 and is available on my Department's website *www.environ.ie*. Implementation of the recommendations is under way. The plan contains a list of actions arising from the review, some of which are a matter for my Department and others which are the responsibility of the EPA and others. I have prioritised a large number of actions for implementation in 2012, while others will be considered over a longer period as they will require detailed consultation and possibly primary legislation. Details of the expected timeframes for the implementation of individual recommendations are set out in the implementation plan.

The review recommended that immunity from prosecution, as applicable to the EPA in carrying out its functions, be reconsidered. As set out in the implementation plan, I propose to consider this issue, which is likely would require primary legislation if it is decided to progress it, in the latter half of 2013.

### **Building Regulations**

613. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the options available to a person (details supplied) in Dublin 5. [26988/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Firstly I acknowledge the distressing and stressful situations which individuals face when building works are not completed to the required acceptable standard. The Building Control Act 1990 clearly places responsibility for compliance with the Building Regulations on the owner of the building concerned and on the builder/developer who carries out the works. The Building Regulations set out the legally enforceable minimum standards which a new building must achieve. Enforcement of the Building Regulations is primarily the responsibility of the 37 local Building Control Authorities who have strong powers to serve enforcement notices for non-compliance or to institute proceedings for breaches of regulatory requirements within a period of five years from the date the building has been completed. Homeowners should be advised to report any concerns about non-compliance with the Building Regulations to the local Building Control Authority, in this case Dublin City Council.

There is no mention in the details supplied as to whether the builder/developer was a member of any structural guarantee warranty/scheme, such as that provided by HomeBond, and this should be ascertained and pursued if relevant. Remediation of defects is a matter between the parties concerned, the owner and the builder/developer and their insurers. If satisfactory resolution cannot be achieved through dialogue and negotiation the option of seeking civil legal remedy may be considered. It is noted that the homeowner in question has already been in contact with a solicitor and is therefore already receiving professional advice in relation to the options available having regard to the particular circumstances.

### **Local Authority Housing**

614. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government if a person who has been sentenced to prison is liable to pay rent on their

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local authority house while serving their sentence; and if he will make a statement on the matter. [26998/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Decisions on whether a person who has been sentenced to prison is liable to pay rent on their local authority house while serving their sentence are a matter for the housing authority concerned. However, I have examined the practice across a number of authorities and my understanding is that where a person who has a local authority tenancy receives a custodial sentence that the local authority will look at the individual circumstances of the case, as well as taking into consideration any remaining household members, to determine whether to continue with the tenancy and, if so, the appropriate level of differential rent.

### Local Authority Charges

615. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the number of home owners that have separately paid the non principal private residence charge and household charge; the number that have paid both; the total money collected under each category; and if he will make a statement on the matter. [27029/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 and the Local Government (Charges) Act 2009, as amended, set out the legislation underpinning the household charge and the charge on non-principal private residences respectively. Both the household charge and the charge on non-principal private residences are on a self-assessment basis and it is a matter for an owner of a residential property on the relevant liability date to determine if he or she has a liability and, if so, to declare that liability and pay either charge.

The Local Government Management Agency (LGMA) is administering the household charge system on a shared service/agency basis for all county and city councils. I understand, from data provided by the LGMA, that as of 30 May 2012, a total of 916,214 property declarations has been processed by the household charge bureau. 899,121 registered for payment of the charge, equating to some €90.3m. 17,093 residential properties have been registered for a waiver from payment of the charge. In addition, an estimated 28,800 postal declarations have been received in the household charge bureau, which have yet to be processed; these equate to a further €2.88m. This gives a total number of 945,014 declarations made equating to over €93m.

The information, as of 31 May 2012, in relation to the charge on non-principal private residences is set out in the table below:

Year	Amount	No. of Non-Principal Private Residences
2009	€73,060,420	328,873
2010	€71,913,620	329,621
2011	€68,372,280	328,015
2012	€13,074,200	65,358

I am advised by the LGMA that the data on residential property owners who have paid both the household charge and the charge on non-principal private residences are not yet available.

The LGMA is currently carrying out an analysis of both datasets to identify the relevant properties.

### Motor Taxation

616. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the amount of income to the Exchequer from motor tax receipts for each of the past six years and to date in 2012; and if he will make a statement on the matter. [27054/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Motor tax receipts are paid into the Local Government Fund. The following table contains net income figures from motor tax to the Fund from 2006 to 2011. It also contains a figure to the end of May 2012, which gives the amount of motor tax received into the Fund to date. This may not represent the final net figure, as reconciliation processes are ongoing.

Year	Net Motor Tax Receipts €
2006	878,261,123
2007	957,089,036
2008	1,055,317,645
2009	1,056,324,243
2010	1,021,366,254
2011	1,011,640,768
2012 (to 30 May 2012)	462,735,431

### Social and Affordable Housing

617. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government if he has given approval to Monaghan County Council and a housing association (details supplied) to seek planning permission for the development of a group home for women with physical and sensory disabilities at Carrickmacross, County Monaghan; the projected timeframe for the completion of this project; and if he will make a statement on the matter. [27056/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** My Department's involvement with voluntary and co-operative housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the schemes, and the certification that projects comply with the terms and conditions of the funding schemes, are the responsibility of the relevant local authority.

Monaghan County Council submitted a funding proposal under the Capital Assistance Scheme (CAS) to my Department in December 2009 for the provision of a group home for people with physical and sensory disabilities at Drummond Otra, Carrickmacross. Provisional approval for the project issued in July 2010 subject to certain cost and design issues being addressed. Revised proposals, submitted by Monaghan County Council, have since been examined by my Department. Further information and documentation in relation to the design of the proposed scheme has been sought from the Council and a response is awaited. The proposal will be further considered once this information is to hand.

### Local Authority Housing

618. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if qualification for inclusion on the local authority housing lists will be



[Deputy Bernard J. Durkan.]

reviewed to cater for women and children who have left the family home and awaiting process of the separation proceedings via legal aid and who find themselves without any source of housing other than shelters which may not be suitable in some circumstances; and if he will make a statement on the matter. [27069/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** Decisions on eligibility of households for social housing support and the allocation of that support are solely a matter for housing authorities. Regulation 22 of the Social Housing Assessment Regulations 2011 provides that an applicant household for long-term social housing support is ineligible for such support if a household member owns alternative accommodation that could reasonably be expected to be used to meet its housing need, either by occupying it or by selling it and using the proceeds to secure suitable accommodation. For this reason, if either member of a separated couple applies, housing authorities require evidence of legal separation or divorce before considering a household’s eligibility for long-term social housing support, as the separation agreement will provide certainty regarding property ownership.

My Department and the Housing Agency have provided guidance on these provisions to housing authorities. I acknowledge, however, that situations may exceptionally arise that may not be easily dealt with under the current Regulations. My Department is currently reviewing the social housing assessment provisions and will consider what wider discretion might be given to housing authorities to address difficult and complex cases which may present to them.

### **Social and Affordable Housing**

619. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government the funding provided to Laois County Council for the construction or purchase of social housing and for major extensions to existing social houses where there is a medical need due to the disability of a person in the house for 2012; and if he will make a statement on the matter. [27078/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** In March I announced details of the 2012 housing capital allocations to local authorities, totalling some €251.5 million. In excess of €1 million has been made available for the various housing programmes in the Laois County Council area. Of this, €170,000 has been allocated to meet commitments under the Council’s social housing supply programme and €106,504 is being made available in respect of extensions and adaptation works to local authority houses.

*Question No. 620 answered with Question No. 524.*

### **Election Management System**

621. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government further to comments (details supplied) by Deputy Griffin if he plans to legislate to hold all future polling days at weekends, that all polling clerks, presiding officers and count staff would be chosen from the live register; and if he will make a statement on the matter. [27156/12]

624. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the number of unemployed persons taken off the live register to work at polling stations on the referendum day 31 May 2012. [27182/12]

628. **Deputy Michael McCarthy** asked the Minister for the Environment, Community and Local Government the terms and conditions for the hiring of poll clerks and presiding officers; and if he will make a statement on the matter. [27212/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 621, 624 and 628 together.

The primary role of my Department in electoral matters is to provide an appropriate policy and legislative framework for a modern and efficient electoral system. Within that framework, local returning officers are responsible for all matters in connection with the actual conduct of elections and referendums, including the selection, appointment and training of polling station and count staff in accordance with the relevant provisions of electoral law. Accordingly, there is no information in my Department about the number of election staff chosen from the live register.

To assist returning officers, my Department issues guidance to them in advance of each election and referendum. The guidance emphasises that the smooth conduct of polls is dependent on maintaining a cadre of sufficiently skilled and experienced people. Having regard to that overall objective, returning officers are advised to employ competent and efficient persons as polling staff and asked to give consideration, where possible, to employing suitable persons who are unemployed.

The Electoral Acts allow for the taking of a poll on any day of the week, and this flexibility allows all relevant factors to be taken into account at any given time in setting the polling day.

#### **Local Authority Works**

622. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government when he expects the work to begin on a project (details supplied) in Dublin 1; or if his attention has been drawn to any reasons preventing this work from proceeding. [27160/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O'Sullivan):** A tender report for the works in question was received in my Department from Dublin City Council on 4 May and is currently under consideration. The proposal was discussed at a meeting between my Department and the Council on 1 June. The Council was asked to review a number of issues including costs and a response is awaited.

*Question No. 623 answered with Question No. 539.*

*Question No. 624 answered with Question No. 621.*

*Question No. 625 answered with Question No. 585.*

#### **Mortgage Arrears**

626. **Deputy Michael Conaghan** asked the Minister for the Environment, Community and Local Government the guidance he is giving to local authorities regarding mortgage arrears on local authority mortgages and shared ownership schemes; and if he will make a statement on the matter. [27207/12]

627. **Deputy Michael Conaghan** asked the Minister for the Environment, Community and Local Government the guidance he is giving to local authorities regarding mortgage to rent on local authority mortgages and shared ownerships schemes; and if he will make a statement on the matter. [27208/12]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Jan O’Sullivan):** I propose to take Questions Nos. 626 and 627 together.

The Government is acutely conscious of the difficulties many households are facing in terms of mortgage arrears. Where any borrower, either from a local authority or from a private financial institution, is facing difficulties in meeting mortgage repayments, they should engage proactively and constructively with the lender to seek to achieve an agreed solution. The services of the Money Advice and Budgeting Service are also available to such borrowers and support is available through the Supplementary Welfare Allowance Scheme. 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) provides that a local authority may make such monetary arrangements with a borrower as they consider equitable to take account of the particular circumstances of the borrower.

In addition, my Department issued comprehensive guidance to local authorities on the treatment of mortgage arrears, including local authority mortgages for shared ownership transactions, in March 2010. That guidance was closely based on the Central Bank’s first statutory *Code of Conduct on Mortgage Arrears* to ensure that cases of local authority mortgage arrears are handled in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned.

To reflect the content of the Central Bank’s revised Code of Conduct — which replaced the previous code from 1 January 2011 and was informed by the deliberations of the Expert Group on Mortgage Arrears and Personal Debt — my Department is currently preparing updated guidance to local authorities in consultation with the City and County Managers Association.

This guidance will issue shortly and will include a common Mortgage Arrears Resolution Strategy. This will provide for the options available to distressed borrowers from private lenders to continue to be made available to distressed local authority borrowers also.

*Question No. 628 answered with Question No. 621.*

*Question No. 629 answered with Question No. 601.*

### **Departmental Funding**

630. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government if he will make funding available to Dublin City Council to commence and complete the work necessary for those homes seriously affected by pyrite; and if he will make a statement on the matter. [27340/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Funding may be available under the Social Housing Investment Programme to fund major refurbishment works to dwellings with serious structural defects including problems arising from pyrite. My Department is currently assisting Dublin City Council with regard to social housing schemes affected by pyrite at a number of locations.

### **Litter Pollution**

631. **Deputy Patrick Nulty** asked the Minister for the Environment, Community and Local Government if consideration will be given to the introduction of container deposit legislation as proposed in correspondence (details supplied); if he agrees that this will help prevent littering; and if he will make a statement on the matter. [27378/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste (the Packaging Directive) classifies items such as bottles, drink cans and plastic containers as packaging. The Packaging Directive is based on the concept of producer responsibility, which effectively requires producers to contribute to the waste management costs of products which they have placed on the market.

Under the Directive, Ireland's requirement to achieve a 60% recovery rate for packaging waste in 2011 has already been exceeded and, in 2010, a recovery rate of 74% was achieved. The material-specific recycling targets of 60% for glass, 50% for metals and 22.5% for plastics had also been achieved by 2010, with recycling rates of 78%, 63% and 39% respectively, recorded.

The *Programme for Government* contains a commitment to drive a waste reduction programme as part of the overall policy in the area of sustainable waste management. One of the possible elements of this waste reduction strategy, which is contained in the Programme, is the introduction of a levy on packaging.

My Department commenced a process of consultation with industry, other stakeholders and the public on a possible levy on packaging to obtain the overall view of stakeholders on the broad subject of a packaging levy in 2011.

The main issues examined in this initial consultation were as follows:

- The overall views of stakeholders on a packaging levy;
- How a packaging levy might be operated;
- International experiences of similar levies; and
- How a possible packaging levy might be structured in order to contribute to a reduction in packaging waste.

Following on from this consultation I have commenced a *Review of the Producer Responsibility Initiative (PRI) Model in Ireland* which will build on the initial levy consultation and will examine other relevant issues in the packaging area, such as container deposit and refund schemes. The aim of the review is to identify any changes to PRI policy which are required to ensure that Ireland is in a position to meet more challenging waste recovery and recycling targets in the future in the most cost-effective manner possible and to inform the policy development process which is now underway and is expected to be completed by the end of this year.

In connection with a possible packaging levy, the review will include the following:

- (i) an economic analysis of the possible affects of a packaging levy;
- (ii) options on how a possible packaging levy might operate;
- (iii) possible alternatives to a packaging levy which would yield corresponding reductions in packaging;
- (iv) how might a packaging levy work in tandem and affect the operation of the compliance schemes; and
- (v) an examination of initiatives such as deposit and refund and reverse vending either as stand alone options or in tandem with a packaging levy.

[Deputy Phil Hogan.]

It is my view that economic decisions should only be taken when they have been placed in an environmental context, including the potential impact of such economic decisions on littering, and the Review will inform my approach to deliver the best possible results for Ireland and our environment.

### Fire Service

632. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government the amount of funding provided to Dublin Fire Brigade in 2010, 2011 and to date in 2012 towards the cost of purchasing new fire appliances, equipment or refurbishment to fire stations; and if he will make a statement on the matter. [27448/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The provision of fire services in local authority areas, including the establishment and maintenance of fire brigades, the assessment of fire cover needs and the provision of premises, is a statutory function of the individual fire authorities under the provisions of the Fire Services Act 1981. My Department supports fire authorities through the setting of general policy and guidance, and the provision of capital funding, including the recoupment (within the overall funding available) of costs incurred by fire authorities in relation to the approved purchase of fire appliances and emergency equipment as well as construction and upgrading of fire stations. Dublin City Council provides fire services on behalf of the four Dublin local authorities.

During the years 2010 and 2011, and to date in 2012, a total of €1,561,577 has been paid to Dublin City Council from my Department towards the cost of purchasing new fire appliances, equipment or refurbishment to fire stations, as follows:

Year	Amount
2010	€1,056,167
2011	€389,697
2012 (to date)	€115,713
Total	€1,561,577

Continued investment in the fire appliance fleet has been identified as a key national priority, given the current constraints on public finances. In order to deliver cost efficiencies in line with recommendations of the Local Authority Efficiency Review Group, and following the development of an agreed national fire appliance specification, a programme is currently underway which involves fire authorities aggregating demand and inviting tenders for 17 new fire appliances, 2 of which have been allocated to Dublin Fire Brigade.

Further support from my Department's fire services capital programme for any fire appliances, equipment or fire station projects will be considered within the constraints of available resources and will have regard to local authorities' priorities, the value for money offered by proposals and the totality of requests from fire authorities.

*Question No. 633 answered with Question No. 522.*

### Local Authority Charges

634. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will clarify the position (details supplied) regarding the household charge; and if he will make a statement on the matter. [27462/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Household Charge) Act 2011 provides the legislative basis for the household charge. Under the Act, an owner of a residential property on the liability date of 1 January 2012 is liable to pay the household charge, unless otherwise exempted or entitled to claim a waiver. The household charge is on a self-assessment basis and it is a matter for an owner of a residential property on the liability date to determine if he or she has a liability and, if so, to declare that liability and pay the household charge.

The Act provides at section 2(2)(d) that buildings wholly used as dwellings and in respect of which local authority rates are payable are exempt from the charge. A dwelling that forms part of a mixed hereditament within the meaning of the Local Government (Financial Provisions) Act 1978 is specifically excluded from this exemption.

### **Building Regulations**

635. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he will add additional consumer representation to the Building Regulations Advisory Body; and if he will make a statement on the matter. [27548/12]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Section 14 of the Building Control Act 1990 provides for the establishment of the Building Regulations Advisory Body (BRAB) to advise me on matters relating to the Building Regulations.

The BRAB is comprised of nominated representatives of key construction industry stakeholders (both private and public sectors) and includes a member nominated by the National Consumer Agency. It provides expert advice on proposed changes to Building Regulations and has no executive function. Building Regulations are subject to ongoing review by my Department, working in conjunction with the BRAB. All proposed changes to the Building Regulations must also be subjected to public consultation and a rigorous Regulatory Impact Analysis before being signed into law. Every reasonable effort is made, and will continue to be made, to ensure that the broadest possible range of interests, not least those of the consumer, is included in the ongoing review of the regulations.

### **Mortgage Arrears**

636. **Deputy Brendan Griffin** asked the Minister for Justice and Equality his views on correspondence regarding distressed mortgage holders (details supplied); and if he will make a statement on the matter. [27353/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Personal Insolvency Bill is currently being drafted by my Department in cooperation with the Office of the Attorney General and Parliamentary Counsel. This is a very lengthy and complex Bill from a legal standpoint, with proposed provisions which do not currently exist in Irish law. I can assure the Deputy that the Bill remains a legislative priority for the Government and it is expected that the Bill will be published at the end of this month with the strong intention to commence Second stage in the Dáil prior to the Summer recess to facilitate early passage of the legislation through the Oireachtas in the Autumn session.

### **Proposed Legislation**

637. **Deputy John Lyons** asked the Minister for Justice and Equality the statutory situation regarding paternity leave; his plans to introduce paternity leave as currently it is not recognised



[Deputy John Lyons.]

in employment law in Ireland and employers are not obliged to grant male employees special paternity leave, either paid or unpaid, following the birth of their child. [27556/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** My Department is currently working on the draft Heads of the Family Leave Bill which will transpose Council Directive 2010/18/EU. Among other things this new legislation will provide for an additional 4 weeks parental leave for both mothers and fathers. This Bill will also consolidate all various family leave legislation (maternity, adoptive, parental and carer's leave) in one Bill. This will also provide an opportunity to examine whether there is scope for additional improvements in current provisions in the area of leave for fathers.

### Human Rights Issues

638. **Deputy Seán Crowe** asked the Minister for Justice and Equality the date on which he intends to ratify the convention on Human Rights for people with disabilities; and the reasons behind the delay in ratifying this treaty. [26154/12]

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** It is the Government's intention to ratify the UN Convention on the Rights of Persons with Disabilities as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy may be aware, Ireland does not become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of our National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable ratification. At the Committee's request, the National Disability Authority, the lead statutory agency for the sector, are in the process of assisting the Committee to assess the remaining requirements for ratification so as to ensure conclusively that all such issues will be addressed.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government's Legislation Programme as announced on 11 January 2012, indicates that the Mental Capacity Bill is expected to be published in the current Dáil session. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

### Sentencing Policy

639. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if a person (details supplied) will serve the remainder of their sentence in their country of origin; the procedures or guidelines in place for informing families of victims, or victims themselves, when there are changes to the sentencing arrangements of those convicted of perpetrating a crime against them; and if he will make a statement on the matter. [26156/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I will write to the Deputy directly on this matter.

### Proposed Legislation

640. **Deputy Mattie McGrath** asked the Minister for Justice and Equality if the metal theft forum has finalised its report on the metal theft crime prevention and reduction plan in view of the fact that it was expected to do so by the end of March; when this report will be published; the efforts that are being taken to ensure that this report is not further delayed; and if he will make a statement on the matter. [26182/12]

647. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality his views on the expected introduction of legislation in relation to regulation of the scrap metal industry, following an increase in the number of scrap metal thefts; and if he will make a statement on the matter. [26244/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 640 and 647 together.

The drafting of a Metal Theft Crime Prevention and Reduction Plan is at an advanced stage and this work is proceeding in consultation with the stakeholders represented on the metal theft forum. I expect to receive a further update from the Garda authorities on this matter in the coming weeks. This Plan will focus on prevention, the Garda operational response and an examination of the regulation of the scrap metal industry. I look forward to the outcome of this process and will study any Garda recommendations concerning regulation, in conjunction with all stakeholders and relevant Departments.

### Private Security Authority

641. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on the number of employers and employees in the private security sector that have been detected by the Private Security Authority to be non-compliant with licensing requirements each year since the authority was established; the sanctions that have been imposed on non-compliant private security employers and employees; the number of checks carried out by the PSA each year on operators and employees in the sector; and if he will make a statement on the matter. [26185/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Private Security Authority, established under the Private Security Services Act 2004, as amended, is the regulatory body with responsibility for regulating and licensing the private security industry in the State. The Authority is an independent body under the aegis of my Department.

I am informed by the Authority that, to date, there have been 44 successful criminal prosecutions in the Courts and over 6,300 applications have been rejected or refused. The tables below sets out enforcement statistics since 2008. Comparable figures for the years 2006 and 2007 are not available as the Authority's enforcement policy was evolving as the licensing of the private security industry matured during the early years of licensing.

Contractor Enforcement Details 2008 — 2012 (to date)

Year	2008	2009	2010	2011	2012
Number of Contractor Investigations	661	520	518	474	146
Number of Contractors no longer operating, as a result of the PSA's enforcement work	132	173	134	106	16
Number of Contractor Licences Revoked	5	0	1	0	0

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Year	2008	2009	2010	2011	2012
Number of Contractor Licences Suspended	8	1	2	3	0
Number of Contractor Licences issued with sanctions (e.g. warnings, cautions, etc)	49	23	73	58	38

## Individual Enforcement Details 2008 — 2012 (to date)

Year	2008	2009	2010	2011	2012
Number of Individual Investigations	25	350	544	419	101
Number of venues visited	519	679	850	940	398
Number of Individuals Inspected at venues	1,436	1,468	1,479	2,343	878
Compliance with wearing ID Badges	N/A	N/A	79%	91%	92.5%
Number of unlicensed individuals no longer working, as a result of PSA's enforcement work	30	96	86	86	14
Number of Individual Licences Revoked	0	3	0	0	0
Number of Individual Licences Suspended	0	0	3	0	1
Number of Individual Licences issued with sanctions (e.g. warnings, cautions, etc.)	0	94	304	256	58

642. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on his recent introduction of new regulations for the electronic security sector; and if he will make a statement on the matter. [26186/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Private Security Authority, established under the Private Security Services Act 2004, as amended, is an independent agency under the remit of my Department responsible for the regulation and licensing of the private security industry. The licensing of installers of security equipment encompassing intruder alarm, CCTV and access control systems is one such activity covered by the 2004 legislation.

I recently consented to the making of regulations, by the PSA, to extend licensing to contractors providing security services installing CCTV and access control systems. In accordance with these regulations, from 1st October 2012, all existing contractors providing licensable CCTV and access control services must be in possession of the appropriate licence(s) or have an application lodged with the Authority. The regulations also provide for the licensing of contractors who maintain intruder alarms systems.

As with other activities licensed by the Authority, the validity of licenses will be based upon continued certified compliance with the required standards. The standard required for the access control sector is SR 40:2005 — an Irish Standard Recommendation for electronic security services. For CCTV, both the SR 40 standard and PSA 2006:12 are required, the latter being the Authority's requirements for CCTV installation. The Authority has also specified standards for contractors who maintain intruder alarms.

As a measure to alleviate the cost of the introduction of licensing to these new sectors, existing licensed intruder alarm installers will be able to add the CCTV and access control

sectors to their existing licence at no additional cost. Furthermore, in terms of compliance costs, existing licence holders will be allowed to synchronise the timing of their standard certification audits for the new sectors with their existing intruder alarm auditing arrangements.

I am informed by the Authority that the extension of its licensing to these sectors has been in preparation for a considerable time and has involved consultation with the industry stakeholders. This extension of licensing, as outlined, marks the completion of the Authority's licensing for the electronic security sector.

643. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the legislation he proposes to bring forward to licence all sectors of the private security industry under the remit of the Private Security Authority; and if he will make a statement on the matter. [26187/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Private Security Authority, an independent agency under the remit of my Department, is the regulatory body with responsibility for regulating and licensing the private security industry in the State. The Private Security Services Act 2004, as amended, sets out the activities in the private security industry which are, or will be, subject to licensing.

Licensing is being introduced on a phased basis by the Authority, who currently licence contractors in the Door Supervisor (Licensed Premises), Security Guard (Static), Security Guard (Monitoring Centre), Installer (Intruder Alarm) and Cash In Transit sectors. Individuals working in the Door Supervisor (Licensed Premises) and Security Guard (Static) sectors, whether employed by a licensed contractor or directly by a business as in house security personnel, also require a licence.

Last month, I consented to the making of Regulations by the PSA to extend licensing, from 1st October 2012, to contractors installing CCTV and Access Control systems. This completes the Authority's licensing of contractors in the electronic security sector.

I am informed by the Authority that it is currently planning to introduce the licensing of certain individuals working in the Cash In Transit sector later on this year, as well as the licensing of contractors in the CCTV Monitoring and Event Security sectors in 2013. It is not possible to give a precise date, at this stage, for the regulation of the remaining sectors.

### **Citizenship Applications**

644. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding citizenship in respect of a person (details supplied) in Dublin 9 [26207/12]

**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 May, 2012. 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.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State which confers

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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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Departmental Funding**

645. **Deputy Gerry Adams** asked the Minister for Justice and Equality the funding streams available for organisations that provide supports for victims of the conflict in the North who are living south of the border. [26215/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** My Department did provide significant funding over a number of years through the Remembrance Commission which operated a Scheme of Acknowledgement, Remembrance and Assistance for victims in this jurisdiction of the conflict in Northern Ireland. The term of appointment of the Remembrance Commission ended in October 2008 at which point funding under the Scheme came to an end. However, one organisation working with victims in this jurisdiction did continue to receive additional funding for a period to enable it to continue to operate while seeking to put alternative funding options in place.

My Department does not currently provide funding to organisations that provide support solely for victims of the conflict in the North who are living south of the border. As I said in reply to the Deputy's party colleague in a recent adjournment debate I regret that I am not in a position in the current financial circumstances to create funding that is not available.

### **Citizenship Applications**

646. **Deputy Michael Conaghan** asked the Minister for Justice and Equality when a decision will issue on a naturalisation application in respect of a person (details supplied); and if he will make a statement on the matter. [26230/12]

**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 October 2008. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation, such as good character and lawful residence, and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

*Question No. 647 answered with Question No. 640.*

### **Property Service Regulatory Authority**

648. **Deputy Billy Timmins** asked the Minister for Justice and Equality the position regarding the appointment of a Property Regulator; and if he will make a statement on the matter. [26260/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the Property Services Regulatory Authority was formally established on 3 April 2012 pursuant to the Property Services (Regulation) Act 2011. The Authority consists of a Chairperson and ten ordinary members. One of the main statutory functions of the Property Services Regulatory Authority is the licensing of property service providers, i.e. auctioneers, letting agents and property management agents. It will take over the licensing of auctioneers and letting agents from the Courts and the Revenue Commissioners and also licence for the first time, property management agents with effect from 6 July, 2012.

### **Garda Operations**

649. **Deputy Seán Ó Fearghaíl** asked the Minister for Justice and Equality his views on issues raised in correspondence (details supplied) regarding policing cost; and if he will make a statement on the matter. [26278/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have received correspondence in relation to the matter raised by the Deputy and replies have been issued to the parties concerned.

The overall position is that section 30 of the Garda Síochána Act 2005 provides a statutory basis for the Garda Commissioner to charge for police services for certain events, including sporting events. Therefore, a decision to charge for policing services, or the cost, is entirely a matter for the Commissioner. In that regard I have been informed by the Garda authorities that they have been in contact with the organisers of the event referred to by the Deputy.

### **Missing Persons**

650. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will provide an update on the case of a missing person (details supplied); the efforts to find them. [26324/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the person in question was reported missing to the Spanish Police in January 2008 and that their disappearance is being investigated by the Guardia Civil in Spain. An Garda Síochána is liaising with the Spanish authorities in providing whatever assistance is required to progress the investigation in that jurisdiction. I am further informed that the Gardaí recently held a meeting with the family of the person concerned and will continue to do whatever it can to assist them.



### Refuge Status

651. **Deputy Ciarán Lynch** asked the Minister for Justice and Equality if he will delay the deportation of a person (details supplied) in County Cork while an application for leave to remain on humanitarian grounds is lodged; and if he will make a statement on the matter. [26333/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned arrived in the State in June 2005 on a work visa and was permitted to remain in the State until September 2005. After the expiration of his permission, he remained in the State illegally until he applied for asylum on 10 January 2008. Later that month, he was informed that the Refugee Applications Commissioner was recommending that he not be declared a refugee. He appealed this decision but subsequently withdrew his appeal in May 2008.

In August 2008 he was informed that the Minister was refusing his refugee status and was proposing to deport him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State.

Following consideration of his case under Section 3 of the Immigration Act 1999, as amended, a Deportation Order was made by the Minister on 12 February 2009 in respect of the person concerned. His legal representatives lodged papers applying for a judicial review of this decision in April 2009. However, the Court dismissed his application.

Representations were received in October 2011 on behalf of the person concerned requesting that the Deportation Order be revoked on the basis of the person's medical condition. Following consideration of his case under Articles 3 and 8 of the European Convention on Human Rights (ECHR), it was determined that there were no exceptional circumstances that would be a breach of Article 3 or 8 of the ECHR.

The making of the Deportation Order placed a legal requirement on the person concerned to remove himself from the State. His continuing presence in the State is in breach of the Deportation Order against him. The enforcement of the Deportation Order remains an operational matter for the GNIB.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited

### Legal Aid Service

652. **Deputy Terence Flanagan** asked the Minister for Justice and Equality his views on a matter regarding free legal aid (details supplied); and if he will make a statement on the matter. [26359/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** It would not be appropriate for me to comment on the particular circumstances referred to by the Deputy. Under the Criminal Justice (Legal Aid) Act 1962, free legal aid may be granted, in certain circumstances, for the defence of any person of insufficient means in criminal proceedings. An applicant for legal aid must establish to the satisfaction of the court that his/her means are insufficient to enable him/her to pay for legal aid and the court must also be satisfied that by reason of the "gravity

of the charge” or “exceptional circumstances”, it is essential in the interests of justice that the applicant should have legal aid. The Supreme Court judgment in the 1976 case *State (Healy) v. Donoghue* established that an accused person has, in certain circumstances which are quite wide in practice, a constitutional right to legal aid.

Under the Act, the decision to grant free legal aid is a matter for each court. However, an applicant may be required by the court to complete a statement of means. The Act also provides for certain sanctions in cases where an applicant knowingly makes a false statement or false representation for the purpose of obtaining free legal aid.

A Bill is currently being drafted to update the legislation governing criminal legal aid which dates from 1962. In that context a range of matters are being considered including provisions on eligibility for criminal legal aid, criteria for the determination of the means of applicants and recouping of monies where appropriate.

### Work Permits

653. **Deputy Regina Doherty** asked the Minister for Justice and Equality if he will consider lifting working visa restrictions for skilled non-EU nationals (details supplied); and if he will make a statement on the matter. [26366/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Employment Permits Acts 2003 and 2006 provided for the establishment of the “Green Card” employment permit for occupations where high level strategic skills shortages exist. This Green Card Scheme replaces the work visa/work authorisation scheme which has been discontinued. The Deputy will be aware that the issuing of Green Cards and employment permits to non-EEA nationals is, along with labour market policy generally, a matter for my colleague, the Minister for Jobs, Enterprise and Innovation.

A person who has obtained a Green Card permit will then have little difficulty in obtaining an Irish visa if they are coming from a visa required country such as China.

In addition to the opportunities available to non-EEA migrants to avail of a “Green Card” employment permit the Government this year approved two new schemes, proposed by myself, which are designed to stimulate investment and enterprise in Ireland by suitably qualified foreign nationals. The Immigrant Investor Programme and the Start up Entrepreneur Programme were formally launched on 30 March and the Irish Naturalisation and Immigration Service has been open to accept applications since 16 April. The Programmes capitalise on the opportunities that exist for our immigration system to tap into the entrepreneurial capacity of current and future migrants and also to bring investment into Ireland.

### Crime Levels

654. **Deputy Ann Phelan** asked the Minister for Justice and Equality if his attention has been drawn to the recent rise in calls to the crime helpline most notably about burglary (details supplied). [26424/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am of course concerned at the increase in number of burglaries in 2011, while noting that for most crime groups, including robbery, the most recent statistics indicate a decline in recorded crime.

All crime trends are monitored closely by Garda management, with intelligence-led initiatives put in place to target burglary and other criminality. The Deputy will be aware that the Garda Commissioner has recently announced the introduction of a wide range of measures as part of a new operation aimed at tackling gangs involved in burglaries.

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These measures are encompassed in *Operation Fiacla*, which is particularly focused on identifying and targeting mobile gangs involved in burglaries around the country so as to disrupt their activities and bring them before the Courts. Specific burglary related initiatives are being implemented in each Garda Region in support of *Operation Fiacla*.

In terms of prevention, the National Crime Prevention Unit (NCPU) and Crime Prevention Officers at divisional level provide advice, information and support to organisations, businesses and individuals aimed at reducing burglary crime and the opportunity to commit burglary. These specially trained officers are skilled at identifying environmental design risks and advise on ways to reduce opportunities to commit burglary and other property crime. The NCPU has designed a number of crime prevention advice leaflets including advice on home security and burglary prevention through a step by step checklist. These leaflets and the checklist are available on the Garda website [www.garda.ie](http://www.garda.ie).

During 2012, the national Garda Supporting Safer Communities Campaign will continue to highlight key issues, in particular burglary prevention. The primary objective of this Garda Community Safety Campaign is to engage with, and raise awareness within communities of initiatives aimed at preventing crime, reducing the fear of crime and promoting community safety. The first campaign was launched last month by the Garda Commissioner and the second will take place in September.

In addition, the Crime Victims Helpline, to which the Deputy refers, is funded by my Department through the Commission for the Support of Victims of Crime and acts as a central point of contact for all victims of crime. The Helpline is a confidential national helpline which offers support and an initial contact point for victims and their families. It also provides them with information on other organisations that offer victim services and information on all aspects of the criminal justice system.

Insofar as the closure of Garda stations is concerned, when preparing the Policing Plan for 2011 the Garda Commissioner reviewed all aspects of An Garda Síochána's policing model, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations, both in terms of opening hours and possible closures. In addition, all Divisional Officers were asked to assess the level of activity in each Garda station in their area. It must be stressed that the key objective of the station closures is to promote the more efficient and effective deployment of resources rather than secure modest cash savings. In this context the Commissioner has concluded that Garda resources could be better deployed and more effectively used on the frontline if a particular station no longer had to be staffed and maintained.

I am conscious of the deep distress which burglary can cause to householders and to the broader impact it can have in terms of fear of crime in our communities and therefore welcome the fact that the Garda Commissioner is deploying the substantial resources available to him in a targeted and strategic approach to confronting those who are engaging in this form of criminality.

### Visa Applications

655. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality if he will provide an update on the situation facing a person (details supplied) whose student visa expired earlier this month; the steps they can take to extend their visa; and if he will make a statement on the matter. [26422/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy will be aware the new immigration regime for full time non-EEA students has been in operation since 1 January 2011. Under this regime I have introduced maximum periods of residence in the State on foot of a student permission and introduced a differentiated approach as between “Degree Programme” courses and those at the “Language or Non Degree Programme” level.

In relation to the case referred to by the Deputy, it is not possible to give a definitive answer because each student’s options can depend on their immigration history (for instance the number of years they have been in Ireland and the courses they have pursued). It will be necessary for my officials to look in more detail at what course was pursued by this person before a decision can be made with regard to extending her student permission in the State.

I have been informed that an application was received in General Immigration Division on 10 April 2012 from the person mentioned by the Deputy requesting permission to remain in the State as the Defacto partner of an Irish citizen. Correspondence issued to the applicant on 15 May 2012 seeking documentary evidence to support this application. To date no reply has been received. When the documents are received, this application will be processed and a decision will issue shortly thereafter.

Queries in relation to general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy’s view, inadequate or too long awaited.

### **Road Traffic Offences**

656. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality his views on correspondence regarding speeding offences (details supplied); and if he will make a statement on the matter. [26436/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy will appreciate, speeding is a significant contributory factor in road traffic collisions. As part of the Road Safety Strategy 2007-2012 and in accordance with the strategic goals of the Garda Síochána Policing Plan, a targeted approach to speed enforcement is being undertaken in order to reduce the incidence of fatal and serious injuries on our roads and improve road safety. Insofar as the proposals contained in the details supplied by the Deputy are concerned, the position is that road traffic legislation is the responsibility of my colleague the Minister for Transport, Tourism and Sport and the question of any amendments of the legislation is a matter for consideration by him.

### **Citizenship Applications**

657. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied); and if he will make a statement on the matter. [26513/12]

**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 October 2009. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation, such as good

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character and lawful residence, and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Residency Permits**

658. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality the current average processing time for applications for long-term residency; if certain categories of case are expedited; if so, the type and the average processing time for these and the options open to a person with Stamp 4 status whose application is currently being processed and who wishes to travel to Britain for a wedding with their spouse and two children, including one Irish born; if there is any facility for them to avoid having to pay for re-entry visas in view of the fact that these add significant expense to the cost of a short trip. [26516/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I think it is important to point out that even if a person was granted long term residence in advance of his trip, they would still be required to obtain a re-entry visa and to pay the necessary fees for that visa on top of the €500 they would be required to pay for long term residence.

An application for long term residency generally takes about 6 months to process. For instance, if a person submitted a valid application in May 2012, that application should be finalised by the end of November 2012. However, for a variety of reasons, some applications may take longer. Applications for long term residency would not be expedited for the sole reason of circumventing other elements of the immigration process.

Without any personal information or reference numbers, I cannot give the Deputy an indication of when the application of the person concerned will be finalised. However, the Deputy can, if he so wishes, ascertain this information by using the Oireachtas Mail facility. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process.

### **Court Procedures**

659. **Deputy Mattie McGrath** asked the Minister for Justice and Equality the procedures available to a citizen affected by court orders to ensure that all such orders are recorded and available for inspection by all affected; and if he will make a statement on the matter. [26517/12]



**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy is aware, the Courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions. Practice and procedure relating to the operation of the courts is determined either by relevant legislation or by Rules of Court defined by the Rules Committees of the various court jurisdictions. Any person being a party to civil proceedings would be entitled to inspect an order made in the case. In addition, any person being a party may, upon payment of an appropriate fee, obtain a copy of any order made by the court.

Court offices also maintain a number of registers which are open to inspection by the public on payment of an appropriate fee. Examples include the Judgments Register maintained in the Central Office of the High Court and the Licensing Register in the District Court. In addition, the result of every High Court application, including the nature of the order made, can be viewed on-line for all cases, other than those required by law to be heard otherwise than in public e.g. family law cases.

660. **Deputy Mattie McGrath** asked the Minister for Justice and Equality if he is satisfied that an Garda Síochána is discharging its duty to take proper heed or proper notice of concerns expressed in the courts as to abuse of the summary summons or special summons process by the filing of affidavits containing untrue or unfounded averments of fact and law; and if he will make a statement on the matter. [26520/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The summary summons procedure is one whereby civil proceedings can be commenced in the High Court and those proceedings are heard on affidavit without pleadings and with or without oral evidence. The special summons procedure is one that may be adopted where there is no other procedure prescribed by the Rules of the Superior Courts and the proceeding is one which is required or authorised by law.

Where people knowingly file affidavits containing falsehoods they may be guilty of committing the offence of perjury. One of the functions of the Garda Síochána is to bring criminals to justice by detecting and investigating alleged crimes and if the Deputy is aware of any particular instance where the offence of perjury may have been committed he should bring this to the attention of the Garda authorities so that the matter can be investigated.

### **Citizenship Applications**

661. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality the position regarding a naturalisation application in respect of a person (details supplied); and if he will make a statement on the matter. [26577/12]

**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 January, 2012.

The application is at an advanced stage of processing and the person concerned will be informed of the outcome in due course.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State which confers



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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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Garda Strength**

662. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the position regarding the change in Garda numbers, if any, at a station (details supplied) in County Donegal; the current staffing numbers; if there are any retirements likely to happen in the near future; the impact of any such retirements on staffing numbers and the long term plans for the station; and if he will make a statement on the matter. [26580/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no function in the matter. This allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Notwithstanding the foregoing, I have been informed by the Commissioner that the strength of Moville Garda station on 30 April 2009 and on 30 April 2012, the latest date for which figures are readily available, was 8 and 6 respectively. Moville Garda Station forms part of the Buncrana Garda District in the Donegal Garda Division. The personnel strength of Buncrana Garda District and Donegal Garda Division on 30 April 2012 was 73 and 434 respectively. There are also 24 Garda Reserves and 29 Civilians attached to the Donegal Garda Division. These resources are augmented, when appropriate, by Gardai from national units. Members of the Garda Síochána may retire at any time once they have reached 50 years of age and have 30 years of service and they must retire at 60 years of age. One member attached to Moville has applied to retire from An Garda Síochána before December, 2012.

Any changes in the opening or closing of Garda stations must be highlighted by the Commissioner in his annual policing plan which is submitted to me before November of each year.

### **Crime Levels**

663. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will outline in tabular form the total number of drug arrests in relation to the illegal sale of prescription drugs and their location annually from 2005 to 2011; and if he will make a statement on the matter. [26599/12]

664. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will outline in tabular form the total number of drug arrests in relation to the illegal sale of prescription drugs and their locations to date in 2012; and if he will make a statement on the matter. [26600/12]

667. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will outline in tabular form the total number and location of arrests for drug dealing of non-prescription drugs from 2005 to 2011. [26607/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 663, 664 and 667 together.

I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The data sought is currently being collated by An Garda Síochána and all available information will be forwarded to the Deputy as soon as it is to hand.

### Drug Seizures

665. **Deputy Dara Calleary** asked the Minister for Justice and Equality the volume, estimated value and type of prescription drugs seized during the arrests of persons engaged in the illegal sale of prescription drugs in 2012. [26601/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that the following table provides the available data relating to the type, quantity and value of prescription drugs seized by An Garda Síochána during the arrest of persons engaged in the illegal sale of prescription drugs for the first quarter of 2012 (January 1 to 31 March inclusive).

Garda data from arrests of persons engaged in the illegal sale of prescription drugs for the period  
January-March 2012

Drug	Volume in Grams	Tablets/Capsules	Value
Alprazolam	263	1,388	€2,776
Bromazepam		1	€1
Clonazepam		627	€627
Diazepam		95,831	€101,091
Flunitrazepam		1,667	€3,334
Fluoxetine		1	€1
Flurazepam		134	€268
Lormetazepam		10	€20
Morphine		40	€40
Oxycodone		1	€1
Phenacetin	2,737	0	€2,737
Temazepam		4	€4
Triazolam		143	€143
Amylobarbitone		35	€35
Tramadol		10	€10
Sildenafil		59	€59
Zolpidem		151	€302
Zopiclone		3,124	€6,248

\*This table was prepared from information provided by the Forensic Science Laboratory (FSL) and is based on prescription drugs analysed at the FSL valid up to 15 May 2012.

### Garda Deployment

666. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of Garda personnel currently stationed in Howth Garda Station, County Dublin; the number that were stationed there in 2009, 2010, 2011 and 2012; and if he will make a statement on the matter. [26604/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner is responsible for the detailed allocation of resources, including personnel,

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throughout the organisation and I have no function in the matter. This allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

I have been informed by the Garda Commissioner that the personnel strength of Howth Garda Station on 31 December 2009, 2010, 2011 and on 30 April 2012, the latest date for which figures are readily available, was 44, 38, 39 and 40 respectively.

Howth Garda Station forms part of the Raheny Garda District. The personnel strength of Raheny Garda District on 30 April 2012 was 182. There are also 12 Garda Reserves and 8 Civilians attached to the Raheny Garda District. These resources are augmented, when appropriate, by Gardaí from national units.

*Question No. 667 answered with Question No. 663.*

### **Proposed Legislation**

668. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality if he expects new legislation to be proposed in the near future in relation to right of way on private land; and if he will make a statement on the matter. [26617/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The position is that Part 8 (Chapter 1) of the Land and Conveyancing Law Reform Act 2009 updated the law concerning the acquisition of easements, including rights of way other than public rights of way. Parts 12 and 13 of the Civil Law (Miscellaneous Provisions) Act 2011 contain amendments to the 2009 Act and the Registration of Title Act 1964 respectively which simplify the procedures for registering easements set out in the 2009 Act. The amendments permit the Property Registration Authority (PRA) to register such easements without a court order where there is no disagreement between the parties concerned. Rules applicable to the new arrangements are set out in the Land Registration Rules 2011 (S.I. No. 559 of 2011).

As regards public rights of way, the position is that such rights may arise under common law where the landowner is held to have dedicated the way to the public and the public has accepted the dedication. They may also arise where a local authority has exercised its statutory powers under the Local Government Acts.

### **Departmental Funding**

669. **Deputy Niall Collins** asked the Minister for Justice and Equality the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26635/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** There are currently no capital projects being undertaken by my Department. Additionally, it is not currently envisaged that any such capital projects will be undertaken by my Department in the immediate future.

However, with regard to the agencies under my remit, a total of €56 million is available for capital projects in 2012. Given that much of this funding is currently subject to, or will be subject to public tender process it would not be prudent on the grounds of commercial sensitivity and achieving best value for the State to disclose any further detail of estimates at this point.

### **Garda Investigations**

670. **Deputy Brendan Griffin** asked the Minister for Justice and Equality the progress that has been made on the Garda investigation into the financial collapse of the bank formerly known as Anglo Irish; and if he will make a statement on the matter. [26639/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Commissioner has advised me that the Garda investigations in relation to Anglo Irish Bank are substantially complete. A number of Garda investigation files have been submitted to the Director of Public Prosecutions and her independent directions are awaited. A full investigation team remains employed at the Garda Bureau of Fraud Investigation to conduct necessary follow up enquiries. The Garda Commissioner has assured me that this work is receiving absolute priority.

### **Proposed Legislation**

671. **Deputy Michael McGrath** asked the Minister for Justice and Equality when he will publish his proposed amendments to the Legal Services Bill 2011; if a regulatory impact statement will be published with the amendments; and if he will make a statement on the matter. [26648/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy will be aware the Legal Services Regulation Bill completed Second Stage in the Dáil on 23rd February, 2012. In closing the Second Stage debate I have outlined the approaches being taken to enhancing the Bill in preparation for Committee Stage. On the 14th of April I delivered a statement on the Bill and its programme of reform at the annual conference of the Law Society of Ireland which further outlined the scope of the amendments to the Bill that are under consideration — the full text is available on the Department website, *www.justice.ie*, for ease of reference. Work on the details of the proposed amendments to the Bill is ongoing at my Department including in conjunction with the Offices of the Attorney General and of Parliamentary Counsel and the amendments will, as I have previously explained, be made available in advance of Committee Stage as will the relevant Regulatory Impact Analysis. It remains my objective, notwithstanding the competing legislative demands of our EU/IMF/ECB Programme commitments, that Committee Stage of the Legal Services Regulation Bill should commence as soon as possible after the summer recess.

### **Asylum Applications**

672. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in respect of an application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [26650/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** 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 30th May, 2007, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and, following consideration of this application, it was deter-

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mined that the person concerned was not eligible for Subsidiary Protection in the State. The person concerned was notified of this decision by letter dated 30 September 2011.

The case 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.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Crime Levels**

673. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will outline in tabular form the total number of offences recorded annually under Section 18 of the 1977 Misuse of Drugs Act, relating to the forging of prescriptions that have occurred from 2005 to 2011, and to date in 2012 by location; and if he will make a statement on the matter. [26654/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office (CSO), as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide statistics directly to the Deputy.

### **Garda Transport**

674. **Deputy Sean Fleming** asked the Minister for Justice and Equality the number of Garda cars in the Laois Offaly division on the 1 January 2011 and the number of cars currently in the division; and if he will make a statement on the matter. [26697/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision and deployment of Garda resources, including transport, is a matter for the Garda Commissioner in the context of his identified operational requirements.

I am advised by the Garda authorities that on 1 January 2011 there were 57 vehicles allocated to the Laois/Offaly Division of which 43 were Garda cars. I am further informed that as at 31 May 2012 there were 49 vehicles allocated to the Laois/Offaly Division of which 35 were Garda cars.

I am further advised by the Garda authorities that the policing requirements of the Laois/Offaly Garda Division are subject to ongoing review and that a comprehensive policing service continues to be delivered within the Division. In addition, the future needs of the Division will be considered in the light of An Garda Síochána's identified policing priorities and the availability of financial resources.

### **Garda Equipment**

675. **Deputy John O'Mahony** asked the Minister for Justice and Equality when a Garda

station (details supplied) in County Mayo will have broadband installed; and if he will make a statement on the matter. [26708/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision of Garda information technology resources is a matter for the Garda Commissioner.

I am informed by the Garda authorities that the stations referred to by the Deputy are connected to the Garda Data Network which provides them with broadband facilities.

### Work Permits

676. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality the mechanisms in place to police the actual number of hours worked per week by students who have permission to work here under the language and non-degree student and the degree student programmes; and if he will make a statement on the matter. [26753/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Non-EEA students who are permitted to reside in the State on a stamp 2 are allowed to avail of a work concession. Under this concession a student may work in Ireland without a work permit for a maximum of 20 hours per week during academic terms and a maximum of 40 hours per week during holiday period. Any employment which exceeds these limits will be in breach of the Employment Permits Acts. The National Employment Rights Authority, a body under the aegis of the Department of Jobs, Enterprise and Innovation, is responsible for securing compliance with these Acts.

### Non-EEA Student Statistics

677. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality the number of applications and renewals that were granted for each of the past ten years to non-EEA applicants who sought permission to study and work here under the degree students programme; and if he will make a statement on the matter. [26754/12]

678. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality the number of applications and renewals that were granted for each of the past ten years for non-EEA applicants who sought permission to study and work here under the language and non-degree programme; and if he will make a statement on the matter. [26755/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 677 and 678 together.

Statistics on non-EEA student registration are available from 2006. The total number of registrations on student immigration permission was 32,876 in 2006; 39,720 in 2007; 44,942 in 2008; 45,518 in 2009; 45,460 in 2010; and 46,509 in 2011. It should be noted that these figures cover both existing permissions carried over from the previous year. Students on visits of less than 90 days, however, are not included as such persons are not required to register.

At present, it is not possible to accurately differentiate between the different education sectors and levels. The Deputy will be aware that the new immigration regime for full-time non-EEA students was introduced in January 2011 and that before this date, the Internationalisation Register of courses was not categorised into Degree courses and Language or Non-Degree Courses.

However, an analysis of the student records carried out in March 2012 provides a breakdown of non-EEA students with reference to the type of course students are registered as attending. Approximately 28% of students are undertaking English language courses, 20% non-degree



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programmes; and 40% degree programmes. The remaining 11% includes students at secondary level, students on Graduate Schemes and those on Timed Out student permission.

679. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality in each of the past ten years, the number of students under the language and non-degree student and the degree student programmes who have been found to be working more than the permitted hours per week; and if he will make a statement on the matter. [26759/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The information sought by the Deputy is not available in my Department.

Since 2001, Non-EEA students who are permitted to reside in the State on a stamp 2 have been allowed to avail of a work concession. Under this concession a student may work in Ireland without a work permit for a maximum of 20 hours per week during academic terms and a maximum of 40 hours per week during holiday period. Any employment which exceeds these limits will be in breach of employment permits legislation. Since 2007, the National Employment Rights Authority, a body under the aegis of the Department of Jobs, Enterprise and Innovation, has been responsible for securing compliance with employment rights law.

### **Citizenship Applications**

680. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the procedures to be followed in respect of an application for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26775/12]

**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 April, 2011.

The application is at an advanced stage of processing and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

681. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the procedures to be followed in respect of an application for citizenship in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [26776/12]

**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 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, such as good character and lawful residence, and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

#### **Departmental Correspondence**

682. **Deputy Finian McGrath** asked the Minister for Justice and Equality his views on correspondence regarding amending the Criminal Justice Spent Convictions Bill. [26780/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Criminal Justice (Spent Convictions) Bill 2012 was presented to the Seanad on 2 May 2012, and will be debated at Second Stage on 13 June 2012.

The purpose of the Bill is to assist with the rehabilitation of offenders and to remove some of the obstacles that they face when seeking to access employment. It allows offenders to withhold details of certain qualifying convictions once certain conditions have been met and an appropriate conviction-free period has elapsed.

The Bill provides for a self-administered system of non-disclosure that excludes three categories of sentence:

- a sentence of imprisonment of 12 months or more (irrespective of whether the sentence is suspended in whole or in part);
- a sentence for an offence that is reserved to be tried by the Central Criminal Court; and
- a sentence imposed in respect of a sexual offence.

In arriving at the range and type of sentences that should be covered by the Bill, I had to balance the legitimate aim of ensuring that the measure is of benefit to those offenders who want to move on and leave their pasts behind, with the need to ensure that those convicted of serious offences should not benefit from the Bill. In drawing the line at a sentence of 12 months, compared to the 6 months recommended in the Law Reform Commission Report, I believe that this balance has been largely achieved, and while I will be open to considering amendments

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that improve the Bill during its passage through the Oireachtas, these will have to respect the core principles of the Bill.

### Residency Permits

683. **Deputy Martin Ferris** asked the Minister for Justice and Equality the position regarding a residency application in respect of a person (details supplied). [26808/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30 January 2009, 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. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection on the 20 February 2009. This application was later withdrawn on 2 August 2011.

The person concerned has since submitted correspondence dated 24 October 2011 to state that he gave false information when he arrived in this country. The person concerned now claims he is not a national of Sudan but is in fact a national of Nigeria. The case 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, including those relating to the Zambrano judgment 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.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### Community Garda Scheme

684. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality his plans for the expansion of the community Garda scheme in County Meath; and if he will make a statement on the matter. [26812/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no function in the matter. This allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

While all Gardaí have responsibility, *inter alia*, to deal with Community Policing issues as and when they arise, I have been informed by the Garda Commissioner that the total number of dedicated Community Gardaí in the Meath Garda Division on 30 April 2012, the latest date

for which figures are readily available, was 14. The personnel strength of the Meath Garda Division, on the same date, was 296. There are also 29 Garda Reserves and 26 Civilians attached to the Meath Garda Division. These resources are augmented, when appropriate, by Gardaí from national units.

### **Criminal Prosecutions**

685. **Deputy Dara Calleary** asked the Minister for Justice and Equality the estimated number of cases affected by the Supreme Court in its judgment in the case of *Ali Charaf Damache v The Director of Public Prosecutions, Ireland and the Attorney General*; and if he will make a statement on the matter. [26835/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will appreciate that neither I nor my Department are involved in the prosecution of cases.

Following the judgment by the Supreme Court in the case of *Ali Charaf Damache v The Director of Public Prosecutions, Ireland and the Attorney General*, there has been extensive contact between An Garda Síochána and the Office of the Director of Public Prosecutions.

An examination of cases that might be affected by the above judgement is ongoing at present. In cases where prosecutions are being considered it will be a matter for the DPP to decide whether to proceed or not. Where convictions have already occurred, it will be a matter for the Courts, in the event of a challenge to such convictions, to consider whether they should still stand. In those circumstances the Deputy will appreciate that it would not be possible or appropriate at this stage to give a reliable estimate of the number of cases that will ultimately be affected by this judgment.

The Deputy will also be aware that the Government approved my proposals for a Bill on 27 March, 2012. The Bill will replace Section 29 of the Offences against the State Act 1939 with a search warrant provision which takes account of the Supreme Court judgement. The Bill will be published shortly and it is planned to have it enacted before the Summer recess.

### **Proposed Legislation**

686. **Deputy Dara Calleary** asked the Minister for Justice and Equality the time frame for legislation to update the search warrant provision in section 29 of the Offences Against The State Act 1939; and if he will make a statement on the matter. [26836/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am pleased to inform the Deputy that I obtained Government approval of the text of the Criminal Justice (Search Warrants) Bill 2012 yesterday. Subject to the completion of the printing process I expect that the Bill will be available to Members this Friday.

The Bill will restore, in updated form, the search warrant provision in section 29 of the Offences against the State Act 1939 which was struck down by the Supreme Court in the case of *Ali Charaf Damache v The Director of Public Prosecutions, Ireland and the Attorney General* (23 February 2012). I hope to have this Bill enacted before the Summer recess in order to ensure that An Garda Síochána has all the legislative back-up it requires to investigate subversive and other serious crimes.

### **Ministerial Appointments**

687. **Deputy Robert Troy** asked the Minister for Justice and Equality if he will outline all staff appointments he has made since last March; the name of those appointed; their position;

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their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26959/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can confirm that I have made no staff appointments since March 2012.

### **Citizenship Applications**

688. **Deputy James Bannon** asked the Minister for Justice and Equality the reason an application for citizenship which was submitted in 2007 is still outstanding in respect of a person (details supplied) in County Longford, with the last correspondence received by the applicant being in 2011 and stating that the matter would be resolved expediently; and if he will make a statement on the matter. [26967/12]

**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 August, 2007.

The application is at an advanced stage of processing and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

It is a statutory requirement that, inter alia, applicants for naturalisation be of good character. In some instances that can be established relatively quickly and in other cases completing the necessary checks can take a considerable period of time.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Garda Records**

689. **Deputy Dara Calleary** asked the Minister for Justice and Equality if An Garda Síochána has any policy on the retention of Garda station logbooks; if any logbooks have been retained by the State for Garda stations in Divisions which contained Magdalene Laundries; if so, if they will be made publicly available; and if he will make a statement on the matter. [26973/12]

690. **Deputy Dara Calleary** asked the Minister for Justice and Equality if it is his position that any gardaí who took women and girls to the Magdalene Laundries or assisted in returning women and girls who had escaped from the laundries were acting entirely outside their authority as Gardaí and without orders; if so, his explanation for the witness and documentary evidence that gardaí in different geographical divisions consistently took women and girls back



to the laundries over a period of several decades; and if he will make a statement on the matter. [26974/12]

691. **Deputy Dara Calleary** asked the Minister for Justice and Equality if, in view of the witness and documentary evidence that gardaí in different geographical divisions consistently took women and girls back to the Magdalene Laundries over a period of several decades, he will encourage serving and retired gardaí with relevant information to share it with Senator McAleese's Inter-Departmental Committee, including in particular any information as to whether they were acting under orders in taking and returning women and girls to the laundries; and if he will make a statement on the matter. [26975/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 689 to 691, inclusive, together.

I am advised that records are maintained by An Garda Síochána in compliance with the Criminal Procedures Act 1993, the National Archives Act 1986 and the Data Protection Acts 1988/2003 with appropriate instructions issued for the information and strict compliance of all members of An Garda Síochána.

An Garda Síochána is also working with the Inter-Departmental Committee, independently chaired by Senator Martin McAleese, to assist in the matters under examination by it. The Deputy will be aware that the Committee was set up by Government to establish the facts of State involvement relating to the Magdalen Laundries. Its interim progress report was published on the 25th October 2011 and is available on my Department's website at [www.justice.ie](http://www.justice.ie).

The Committee's final report is expected to be presented in mid 2012 and will be made public.

### Prisoner Visits

692. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if a prisoner (details supplied) in Mountjoy Prison, Dublin, has refused visits recently; the number of visits they have refused; if they are still in the medical unit of the prison; and the length of time they will remain there. [27002/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Irish Prison Service that the person referred to has declined 5 visits booked by family members between the dates of 20 April, 2012 to 4 June, 2012. He is currently accommodated in the High Support Unit part of the Medical Unit in Mountjoy Prison and is under the care of the medical professionals attached to that area. The length of time that he will remain there will be guided by any future recommendation made by the medical team and the Governor.

The Governor and the Complex Nurse Officer in Mountjoy Prison have both indicated that they are willing to discuss this man's case with his family if they wish.

693. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if his attention has been drawn to the difficulties entailed in trying to contact Mountjoy Prison, Dublin, to arrange visits by phone; if his further attention has been drawn to the fact that persons are being left on hold for lengthy periods before being cut off; if he will intervene to ensure that staff in Mountjoy answer phone queries efficiently and in a manner that allows family members and friends of prisoners to arrange visits without undue delay. [27003/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Irish Prison Service that the phone lines referred to are manned every day, during the hours 9.30 a.m. to



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12.30 p.m. and 2.00 p.m. to 4.00 p.m., with the exception of Sundays. The staff detailed on this work arrange for close to 1,000 booked family visits each week in addition to a considerable number of professional visits.

The Deputy will appreciate that there is a significant demand on available resources at this time which are further constrained by the security needs in a prison setting. This issue has nevertheless been highlighted with the Governor who has given an undertaking to prioritise resources in this area where possible.

### **Prison Education Service**

694. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if his attention has been drawn to the fact that the lack of internet or intranet in Cloverhill Prison, Dublin, makes it difficult for prisoners to complete ECDL courses; his plans to address the matter; and if he will make a statement on the matter. [27004/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Director General of the Irish Prison Service that he is aware of the difficulties encountered by prisoners in completing course work where internet access is required. The Irish Prison Service is piloting a system which allows prisoners to complete course work on-line but at the same time complies with the necessary security parameters that pertain to the prison environment. This system will provide internet access for prisoners in designated areas of prisons in a very secure and safe manner. Access will be to approved sites only and all sessions will be overseen by education or prison staff.

This system is currently being piloted in Portlaoise Prison and, pending the outcome, it is expected to be rolled out to other prisons in the near future.

695. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ensure that there are post-release measures in place to ensure that prisoners can complete education or training courses that they began while in prison; and if he will make a statement on the matter. [27005/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Irish Prison Service places a strong emphasis on the provision of vocational training and educational activities for prisoners. Training activities are chosen to give as much employment as possible in prison and to give opportunities to acquire skills which help secure employment on release.

With regard to employability and placement programmes, the Irish Association for the Social Integration of Offenders (IASIO), formerly known as Business in the Community Ireland (BITC), is the main provider of support in this area. Since 2007, another IASIO programme, the GATE Service, has been operating in six institutions; Mountjoy, Dóchas, St. Patrick's Institution, the Training Unit, Midlands and Portlaoise Prisons. The service was introduced to Wheatfield Prison in 2011. Funded by the Irish Prison Service, four GATE Service Training and Employment Officers work on a full-time basis in the prisons concerned and provide a training, education and employment placement service.

IASIO personnel interact with all national and local services to maximise the opportunities for prisoners on release from prison. At national level, the Gate and Linkage Services, the Irish Prison Service, the Probation Service and FÁS have agreed a protocol to facilitate the smooth and effective referral of prisoners and ex-prisoners to FÁS courses and their successful completion of the identified programme. IASIO's social inclusion programmes also interact with

the Department of Social Protection, in particular with the Jobs Facilitators, and, where appropriate, with the Community Welfare Officers.

Training and Employment Officers working with the Gate or Linkage Services also interact with local partnerships to access the full range of services that may be available.

The development of prisoner programmes forms a central part of the Prison Service's Three Year Strategic Plan with a clear commitment to enhance sentence planning including Integrated Sentence Management and the delivery of prison based rehabilitative programmes. The Irish Prison Service will engage with other statutory agencies, including the Probation Service, and the community and voluntary sector to enhance sentence management from pre to post imprisonment in a way which will facilitate improved prisoner outcomes.

### **Residency Permits**

696. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when Stamp 4 will be updated in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [27070/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by officials in the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy was granted permission to reside in the State in 2003 and has a valid stamp 4 permission at present.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

697. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and expected position in relation to the determination of eligibility for residency in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [27071/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 24 August, 2009, 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. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with 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

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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.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### **Citizenship Applications**

698. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the reason for the delay in progressing application for naturalisation in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [27072/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the application has entered the final stage of processing and I intend to grant citizenship. A letter informing her of the position was issued to the person concerned on 28 May, 2012.

Once the prescribed fee and requested documents have been submitted, an invitation to a citizenship ceremony will issue to her at which she will make a declaration of fidelity to the Irish Nation and loyalty to the State and receive her certificate of naturalisation.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### **Asylum Applications**

699. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and expected position with regard to the determination of application for residency/citizenship in the case of a person (details supplied) in County Louth; and if he will make a statement on the matter. [27073/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30 September 2005, 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. Representations were submitted on behalf of the person concerned at that time. He was subsequently invited to apply for Subsidiary Protection in accordance with 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, including those relating to the Zambrano judgment 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.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

700. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and expected position with regard to an application for residency/naturalisation in the case of a person (details supplied) in Dublin 18; and if he will make a statement on the matter.  
[27074/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 18 February, 2002, 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. Representations have been received from and on behalf of the person concerned.

The person concerned applied for permission to remain in the State on the basis of being a parent of an Irish born citizen child, born before 1 January, 2005, in accordance with the revised arrangements announced by the then Minister on 15 January, 2005, commonly referred to as the IBC/05 scheme. His application was refused as he did not meet the Scheme's good character requirements. He was notified of this decision by letter dated 8 September, 2005.

By letter dated 26 January, 2010, the person concerned was notified of his 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 Subsidiary Protection application 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. In advance of a final decision being made, the case of the person concerned will be examined to determine what, if any, impact the European Court of Justice judgment in the 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.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### Residency Permits

701. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will indicate what is required to facilitate update of Stamp 4 in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [27075/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned was granted Leave to Remain in the State for a period up to 22 March 2012. This decision was conveyed by letter dated 1 June 2011. The person concerned was advised in this letter that he should attend his local Garda Registration Office to renew this permission. The person concerned was again advised by this Department in a letter dated 21 May 2012, that he should attend his local Garda Registration office to renew his permission. Give that the person concerned does not appear to have renewed his leave to remain he should attend his local Garda Registration Office without further delay.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

### Citizenship Applications

702. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress to date in the determination of an application for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27076/12]

**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 September, 2011.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation, such as good character and lawful residence, and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

703. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress to date in the determination of an application for naturalisation in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [27077/12]



**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 March, 2008.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation, such as good character and lawful residence, and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

#### **Departmental Correspondence**

704. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will advise on a matter (details supplied) [27122/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it would not be appropriate for me to provide advice on private legal matters.

#### **Legal Aid Service**

705. **Deputy John O'Mahony** asked the Minister for Justice and Equality the average waiting time in County Mayo for civil legal aid; and if he will make a statement on the matter. [27171/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Legal Aid Board is a statutory, independent body in accordance with the Civil Legal Aid Act 1995. The issue raised by the Deputy is a matter for the Board. However, in order to be helpful to the Deputy I have had enquiries made with the Board. I am informed by the Board that the maximum waiting time for an initial appointment with a solicitor in the Castlebar law centre at the end of April 2012 was 6 months.

I can further inform the Deputy that, as set out in a number of recent replies to Deputies, there has been a significant increase in demand for legal services provided by the Board in recent years. However, a number of measures have been taken to alleviate the impact of the increased demand. Firstly, I have ensured that the Board's grant-in-aid for general civil matters, which accounts for the vast majority of its funding, has effectively been maintained for 2012 at its 2011 level. I have also now incorporated the grant for asylum services into the grant-in-aid which should give the Board greater flexibility in using its resources.



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Secondly, as indicated in recent replies to Deputies, there are a number of additional measures, taken or being taken, which I believe will have a positive impact on persons seeking services from the Board:

- The Board has outsourced to private solicitors significantly more work in recent years than it did a number of years ago. There is of course a budgetary constraint on what can be referred and it is not possible to accommodate all of the additional demand through private referral;
- As of 1 November 2011, the Board assumed responsibility for the Family Mediation Service (following the enactment of the Civil Law (Miscellaneous Provisions) Act 2011). The Board is currently reviewing the operation of the State funded mediation service with a view to achieving synergies with its legal services and better options in terms of resolving family disputes;
- The arrangements on foot of which barristers are retained have been in place since 1998 and are currently under review. There will be a level of restructuring of the current arrangements;
- The Board is working with individual law centres with a view to trying to deliver greater efficiencies in a number of its centres. It is assisted in this regard by the preparation of a Value for Money Review Report prepared by my Department and the Department of Finance (now the Department of Public Expenditure and Reform); and
- The Board has commenced piloting a “triage” service. The objective of the pilot is to ensure that every applicant for services gets to see a solicitor for the purpose of getting early legal advice within a period of one month. It is recognised that those seeking further services will experience a wait, however it is anticipated that an early consultation will benefit the client in terms of signposting actions the client can take themselves and signposting other support service. The pilot has commenced in five of the Board’s law centres — Sligo, Nenagh, Cavan, Wicklow and Athlone. It is anticipated that the pilot will commence in the remaining centres shortly.

### **Sexual Offences**

706. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will support the Turn Off the Red Light campaign to end prostitution and sex trafficking in Ireland. [27174/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The “Turn off the Red Light” campaign calls on the Government to introduce legislation criminalising the purchase of sexual services, based on the legislative model in Sweden for combating prostitution.

Our prostitution legislation is currently under review. As part of that review, I have announced a public consultation process to inform the future direction of legislation in this area. A detailed discussion document to facilitate and get the public consultation underway will be published shortly.

The Deputy will appreciate that until the consultation exercise and review are completed, it would not be proper to commit to any particular legislative approach. There are differing and genuinely held views on the appropriate legislative response to prostitution. The consultation process must be and be seen to be objective, transparent, open-minded and fair. It is important

that I facilitate the expression of all views on this subject and that those views are examined in due course.

### Crime Prevention

707. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will provide maximum support to a person (details supplied) in Dublin 1 [27175/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the business referred to is located within Store Street Garda District. Local Garda management is aware of difficulties being experienced by the owner of the business. Local Gardaí have been in contact with the person referred to and arrangements are being made for crime prevention and personal protection advice to be provided by the Divisional Crime Prevention Officer.

I am further informed that the area concerned is patrolled by foot and mobile patrols, including mountain bike personnel, who have been directed by local Garda management to pay particular attention to the business referred to.

Current policing policy is predicated on the prevention of public order offences and the prevention of crime including crimes of violence against persons and property. Community Policing within this area is a central feature and a core value in policing policy. The Community Policing Unit has developed a good partnership with the community in the area concerned in addressing any problems arising.

### Legislative Programme

708. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality the position regarding a matter (details supplied); the time frame for when it will be introduced; and if he will make a statement on the matter. [27178/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The matters to which the Deputy refers are covered by the Government's proposals introduced in the Legal Services Regulation Bill 2011 which deals with the reform of the legal sector and of legal costs. The Bill completed Second Stage in the Dáil on 23 February and I very much appreciate the considered contribution made by Deputy O'Donovan to the Second Stage debate in support of the Bill's reform agenda.

That agenda is laid out in the Government's commitment under the Programme for National Recovery 2011-2011 to "establish independent regulation of the legal professions to improve access and competition, make legal costs more transparent and ensure adequate procedures for addressing consumer complaints". The Legal Services Regulation Bill provides the statutory framework for meeting all of these commitments. By the same token, the Bill supports the urgent objectives of structural reform, national competitiveness and economic recovery contained in the EU/IMF/ECB Memorandum of Understanding while taking account of the relevant recommendations for reform made by the Legal Costs Working Group and by the Competition Authority.

The Legal Services Regulation Bill has 3 pillars of reform—

- a new, independent, Legal Services Regulatory Authority with responsibility for oversight of both solicitors and barristers supported by appropriate statutory powers and objectives. The Authority will have a lay majority and a lay chair;

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- an independent complaints system to deal with complaints about professional misconduct. This will provide a first port of call for the public independent of the professional bodies. There will also be an independent Legal Practitioners' Disciplinary Tribunal to deal with both professions which will be independent of both the new Regulatory Authority and the professional bodies. In response to the Deputy's query I can confirm that Section 2 of the Bill, as it currently stands, defines an admissible complaint as a complaint which is received by the Authority not later than 3 years after the occurrence of the act or omission which it is alleged constitutes misconduct — unless, for example, it relates to fraud or dishonesty by a legal practitioner;
- an Office of the Legal Costs Adjudicator that will assume the role of the existing Office of the Taxing-Master which will be conferred with enhanced transparency in its functions. The determination of disputed legal costs by the Adjudicator is being bolstered by new Legal Costs Principles, the publication of the Adjudicator's decisions and the issue of legal costs guidelines.

In my comprehensive statement to the Annual Conference of the Law Society on the 14 of April I have elaborated on the scope of the amendments to the Bill that are under consideration. The full text of the statement is available on the Department website, [www.justice.ie](http://www.justice.ie), for ease of reference. This approach to the development of the Bill reflects the substantial progress already made in realising the desired balance between the Government's stated policy objective of independent regulation and the independence of the legal professions to the benefit of all concerned. Work on the details of the proposed amendments to the Bill is ongoing at my Department including in conjunction with the Offices of the Attorney General and of Parliamentary Counsel and the amendments will be made available in advance of Committee Stage along with the relevant Regulatory Impact Analysis. It remains my objective, notwithstanding the competing legislative demands of our EU/IMF/ECB Programme commitments, that Committee Stage of the Legal Services Regulation Bill should commence as soon as possible after the summer recess so that the Bill can be given the necessary consideration by Members and thereafter brought to Final Stage for timely enactment and implementation.

### **Garda Deployment**

**709. Deputy Michael McCarthy** asked the Minister for Justice and Equality if he will provide an update on the position in relation to An Garda Síochána provision in an area (details supplied) in County Cork; if there are plans to reinstate the vacated post; and if he will make a statement on the matter. [27206/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner is responsible for the detailed allocation of resources, including personnel, throughout the organisation and I have no function in the matter. This allocation of resources is constantly monitored in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

I have been informed by the Garda Commissioner that Ballydehob Garda Station forms part of the Bantry Garda District in the Cork West Garda Division. The personnel strength of Bantry Garda District and Cork West Garda Division on 30 April 2012 was 48 and 308 respectively. There are also 25 Garda Reserves and 22 Civilians attached to the Cork West Garda Division. These resources are augmented, when appropriate, by Gardaí from national units.

### Visa Applications

710. **Deputy Eric Byrne** asked the Minister for Justice and Equality the position regarding the short stay visa in respect of a person (details supplied); the reason in some cases the visa is issued for six months and the person is only allowed to stay for three months; if there is any procedures for family re-unions for foreign nationals who are resident here; and if he will make a statement on the matter. [27252/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The visa referred to by the Deputy is a short stay multiple entry visa which is valid for a period of six months. This allows the holder to travel to Ireland on a number of occasions during the dates shown on the visa for short stays with each stay not exceeding a period of 90 days.

Regarding family reunification on a more permanent basis, it is open to the person concerned to apply for a 'join spouse' visa in order to reside with his spouse. Each visa application is considered on its individual merits with the onus resting on the applicant to satisfy the visa officer as to why the visa sought should be granted.

Guidelines on the visa application process, including details of the required supporting documents, are available on the website of the Irish Naturalisation and Immigration Service ([www.inis.gov.ie](http://www.inis.gov.ie)).

Queries in relation to general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### Legislative Programme

711. **Deputy Finian McGrath** asked the Minister for Justice and Equality his views on correspondence (details supplied) regarding a recent judgement of the Supreme Court. [27256/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am pleased to inform the Deputy that I obtained Government approval of the text of the Criminal Justice (Search Warrants) Bill 2012 yesterday. Subject to the completion of the printing process I expect that the Bill will be available to Members this Friday.

The purpose of the Bill is to replace, in updated form, section 29 of the Offences against the State Act 1939 which was found to be repugnant to the Constitution by the Supreme Court because it allowed a person who was not independent of the investigation concerned to issue a search warrant in relation to a dwelling (*Ali Charaf Damache v. The Director of Prosecutions, Ireland and the Attorney General*; 23 February 2012).

The Bill will meet the requirement for independence by providing that an application for a warrant may be made to a District Court judge, or in circumstances of urgency requiring the immediate issue of a warrant that would render it impracticable to apply to a District Court judge, to a senior member of An Garda Síochána who is neither involved in, nor in charge of, the investigation concerned.

In the circumstances, it is not my intention to expand the role of peace commissioners in the issuing of search warrants at this time. The matter will instead be examined in the context of a review of search warrants generally which I have instructed my officials to undertake and which will be informed by the report of the Law Reform Commission on the subject, which is due to be published in July.

### Visa Applications

712. **Deputy James Bannon** asked the Minister for Justice and Equality the reason a person (details supplied) in County Westmeath has been refused a long stay visa; and if he will make a statement on the matter. [27284/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can advise the Deputy that an appeal seeking to overturn the decision to refuse the granting of a visa was received on the 21 May 2012. A visa appeals officer has considered the appeal and is satisfied that a visa should be granted.

Queries in relation to general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### Residency Permits

713. **Deputy Derek Nolan** asked the Minister for Justice and Equality the reason a minor immigrant (details supplied) in County Galway was given a Stamp 2 visa and not a Stamp 3 visa when they arrived in the State in July 2002; and if he will make a statement on the matter. [27292/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by officials in the Irish Naturalisation Immigration Service (INIS) that the person referred to by the Deputy was first registered with the Garda National Immigration Bureau (GNIB) on the 3 April, 2007. He was not registered with GNIB prior to April 2007 as there is no legal requirement to register under the age of 16. He was granted a Stamp 2 student permission upon registering with GNIB. This particular type of permission allows an individual to work up to 20 hours a week during term time and 40 hours a week in holiday time without the need for a work permit. A Stamp 3 residency permission would not allow the person referred to by the Deputy any access to the employment market.

Generally a Non-EEA minor who reaches the age of 16 would attend to the GNIB and have an stamp placed in their passport in line with their activities in the State.

It is open to the person referred to by the Deputy to make an application to the General Immigration Division, INIS, 13/14 Burgh Quay, Dublin 2 seeking a change of status in their immigration permission.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

### Legislative Programme

714. **Deputy Terence Flanagan** asked the Minister for Justice and Equality his views on correspondence regarding the personal insolvency legislation (details supplied); and if he will make a statement on the matter. [27344/12]



**Minister for Justice and Equality (Deputy Alan Shatter):** The Personal Insolvency Bill is currently being drafted by my Department in cooperation with the Office of the Attorney General and Parliamentary Counsel. This is a very lengthy and complex Bill from a legal standpoint, with proposed provisions which do not currently exist in Irish law. I can assure the Deputy that the Bill remains a legislative priority for the Government and it is expected that the Bill will be published at the end of this month with the strong intention to commence Second stage in the Dáil prior to the Summer recess to facilitate early passage of the legislation through the Oireachtas in the Autumn session.

### **Citizenship Applications**

715. **Deputy Michael McNamara** asked the Minister for Justice and Equality if he will confirm if and when a decision will be made on an application for naturalisation in respect of a person (details supplied); and if he will make a statement on the matter. [27368/12]

**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, such as good character and lawful residence, and will be submitted to me for decision as expeditiously as possible.

It is recognised that all applicants for citizenship would wish to have a decision on their application without delay. Considerable resources are deployed to process applications and these resources together with the necessary administrative arrangements are kept under review.

As well as being a significant event in the life of its recipient, the granting of Irish citizenship through naturalisation as provided for in law is also a major step for the State 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.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

716. **Deputy Anthony Lawlor** asked the Minister for Justice and Equality the average waiting time for the processing of naturalisation applications; when he expects that the changes introduced in June 2011 will allow for applications to be completed within a six month timeframe; and if he will make a statement on the matter. [27406/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my recent reply, appended below, to Parliamentary Question No. 72 of 8 May 2012:

#### *Reply to PQ No. 72 of 8 May 2012*

When I came into office just over a year ago one of my first objectives was to address the length of time taken to process applications for naturalisation and to significantly reduce the number of cases on hand. At that time there were over 22,000 cases on hand and applications were taking an average time of over two years to process and many were waiting 3 to 4 years. I regarded this as unacceptable. In June 2011, I announced a



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series of measures to address this issue including improved application forms, which are currently available online with an associated online residence checker, re-engineering of processes that were a barrier to achieving maximum efficiency plus streamlined and accelerated procedures for certain types of application.

Through these and other measures enormous progress has been made, notwithstanding a substantial increase in the volume of valid applications received in 2011, during which a total of 18,500 valid applications were received compared to 12,500 in 2010. In the period 9 March 2011 to 8 March this year, a total of 17,500 valid applications were determined. By contrast, in 2010, a decision was reached in just under 7,800 cases. So far this year I have made decisions on some 9,200 applications and I expect to have made a decision on a further 3,500 applications by the end of May and on around another 12,000 applications between June and the year end. Thus this year will see approximately 24,000 cases dealt with, which represents a more than three fold increase in the number of cases dealt with over 2010 levels. I think the House will agree that by any standards of reasonable measurement this represents a major achievement.

I also undertook to get to the stage by the second quarter of this year, that in the generality of cases i.e. around 70%, that persons applying for a certificate of naturalisation will be given a decision on their application within six months. In this regard, a major effort has and continues to be made in reducing the time taken to process applications. It is expected that the six month timeframe for the generality of new applications received from this month onwards will be achieved.

Under the new Job-Bridge Programme announced by the Government a total of sixteen individuals have been engaged by the Citizenship Division of my Department to date. The primary purpose of the scheme is to provide work experience for those involved and to improve their prospects of getting back into the workforce. I am advised that the scheme is extremely successful and mutually beneficial in addressing the backlog and enabling the individuals in question to gain good experience in the workplace.

Last Summer I also decided to introduce citizenship ceremonies for the first time since the foundation of the State. This allows candidates for citizenship make their declaration of fidelity to the Irish nation and loyalty to the State and receive their certificate of naturalisation in a meaningful and dignified manner which befits the importance and solemnity of the occasion. To date, 47 such ceremonies have been held at which almost 11,000 candidates have become Irish citizens under the new procedures. These ceremonies are an unqualified success.

The nature of the naturalisation process is such that for a broad range of reasons some cases will take longer than others to process. It is a statutory requirement that, inter alia, applicants for naturalisation be of good character. In some instances that can be established relatively quickly and in other cases completing the necessary checks can take a considerable period of time. The primary aim over the past year has been to reduce the large volume of cases on hand as swiftly as possible and this has been achieved in the generality of cases. I am also confident that significant inroads will also be made with the remaining cases by year end. In such a fast moving environment where large volumes of cases are processed quickly, the calculation of averages for processing times has little meaning and the priority of the Immigration Service has been to deal with the cases on hand rather than divert resources to other activities.

### **Anti-Social Behaviour**

717. **Deputy Brendan Griffin** asked the Minister for Justice and Equality if reports regarding anti social behaviour at an estate (details supplied) in County Kerry will be addressed; and if he will make a statement on the matter. [27409/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the area referred to is within Cahirciveen Garda District. Local Garda management is aware of difficulties being experienced by local residents.

I am further informed that An Garda Síochána liaise with the residents' association in the area referred to and regularly attend meetings with local residents, with a Garda Liaison Officer appointed under the District Estate Management Plan.

The area referred to is the subject of regular patrols by uniform and plain clothes units, including the Community Policing Unit, the Garda Mountain Bike Unit personnel and the local Detective and Drugs Units.

Local Garda management closely monitors the situation, including complaints and patrols being conducted in the area, in conjunction with other policing needs of the residents to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public. Local Garda management is satisfied with the level of policing provided to the area, which will continue to receive adequate Garda attention.

Current policing plans in the area are designed to address issues of crime and public order offences. Community policing is a central feature and core value of our policing policy and current policing strategies are predicated on the prevention of crime, public order offences and anti-social behaviour. This strategy is, and will continue to be, central to the delivery of a policing service to the area in question. I am further informed that the situation is being kept under review.

### **Court Procedures**

718. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of warrants currently outstanding for more than one month, three months, six months, 12 months and 24 months on the PULSE system; and if he will make a statement on the matter. [27443/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I expect to receive a detailed report shortly from the Garda authorities which I have sought in relation to outstanding warrants. I will contact the Deputy again when the report is to hand.

### **Garda Operations**

719. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on Garda operation Delivery; the number of persons arrested and charged to date; the number of successful convictions secured to date; the amount of cash seized; the number of vehicles recovered to date; the amount of stolen property recovered; and if he will make a statement on the matter. [27444/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have asked the Garda authorities for the information sought in the Deputy's question. I will communicate with the Deputy as soon as the information is to hand.

### Crime Levels

720. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of mobile phones seized at each prison here for the years 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [27445/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** Section 36 of the Prisons Act 2007, which was brought into operation on 1 May, 2007, makes it an offence for prisoners to have unauthorised possession of or use of mobile telecommunication devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalties for such an offence, on summary conviction, include a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction or indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both. It is Irish Prison Service policy to report and hand over seizures of mobile phones to the Gardaí.

Cell and area searches for contraband such as mobile phones take place in all prisons on a daily basis. These include random, targeted and intelligence-led searches. These searches have been particularly effective and local intelligence indicates that the availability of mobile phones has decreased across the prison system. Details of mobile seizures as requested are set out in the table below. It is important to note that not all of the phones were confiscated directly from prisoners but were instead retrieved at entry point or before they got to the prisoner population. This is as a direct consequence of security measures currently in place including airport style scanners and x-ray machines, which are in operation at the entrances of all the relevant closed prisons.

Establishment	2010	2011	2012 to 13.05.12
Arbour Hill	1	2	0
Castlerea	43	42	9
Cloverhill	16	20	18
Cork	13	30	6
Dóchas	12	42	8
Limerick	133	100	78
Loughan House	155	104	33
Midlands	92	123	26
Mountjoy Male	742	420	119
Portlaoise	18	27	2
Shelton Abbey	88	77	30
St. Patrick's Institution	138	220	119
Training Unit	191	113	36
Wheatfield	76	48	6
Total	1,718	1,368	490

Figures for 2011/2012 are provisional pending the publications of their respective annual reports.

### Garda Equipment

721. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of mountain bikes purchased in each of the past four years to date in 2012; the number of these bikes that have been stolen; the cost of repairing these bikes in each of the past four years; if the bikes are insured for theft or damaged; and if he will make a statement on the matter. [27446/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy further in relation to this matter.

722. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of Garda command and control vans currently in use; if this number will be increased; and if he will make a statement on the matter. [27447/12]

**Minister for Justice and Equality (Deputy Alan Shatter):** The provision and allocation of Garda resources is a matter for the Garda Commissioner in the context of his identified operational priorities.

I am informed by the Garda authorities that there are five Incident Command Vehicles attached to the Garda fleet and they are satisfied that this is sufficient to meet their current policing requirements. In addition, the Garda authorities have indicated that the situation will be kept under on-going review.

### Defence Forces Review

723. **Deputy Anne Ferris** asked the Minister for Defence if he will confirm that he intends to undertake a review of the redress of wrongs process within the Defence Forces; the likely timescale for this review; the processes he intends to put in place for the review; the persons who will be involved in consultation around the review; and if he will make a statement on the matter. [26525/12]

724. **Deputy Anne Ferris** asked the Minister for Defence the reason he has decided to conduct a review of the redress of wrongs process within the Defence Forces; if such a review has been sought by the Defence Forces, their representative bodies or other associated organisations; and if he will make a statement on the matter. [26526/12]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 723 and 724 together.

A review of the internal redress system and procedures of the Defence Forces as provided for in Section 114 of the Defence Act 1954, is scheduled to commence during 2012. A review of the redress of wrongs process was a recommendation contained in the second report of the Independent Monitoring Group (IMG) and is being progressed on this basis. The IMG report included many recommendations to chart the way ahead in continuing to meet the demands for dignity and equality in the military workplace. The 2008 IMG report contains in excess of forty (40) specific recommendations and this is one of the last few recommendations remaining to be implemented.

A Working Group will be set up shortly to draft terms of reference and progress the review of the redress of wrongs process. It is envisaged that the Working Group will consult with all stakeholders and carry out a full review of primary and secondary legislation underpinning the system, including the Defence Acts, Regulations, Administrative Instructions and other relevant documentation. It is anticipated that the review will be significantly advanced by the year-end.

### Army Barracks

725. **Deputy Mattie McGrath** asked the Minister for Defence the reason the provision of security on Kichham Barracks, Clonmel, County Tipperary was not put out to tender; the way

[Deputy Mattie McGrath.]

the company chosen to provide the security was selected; and if he will make a statement on the matter. [26229/12]

**Minister for Defence (Deputy Alan Shatter):** Following the closure of Kichham Barracks Clonmel a company was contracted on a temporary basis to provide security at the barracks. These arrangements were put in place pending the installation of additional security measures in the barracks. These additional measures will be completed shortly and the situation will be reviewed at that stage. If it is decided that a more permanent security arrangement is required a tender competition for the provision of such services will be held. Security fencing being installed in the barracks is being done following a tender competition.

### Defence Forces Personnel

726. **Deputy Terence Flanagan** asked the Minister for Defence the position regarding travel warrants (details supplied); and if he will make a statement on the matter. [26233/12]

**Minister for Defence (Deputy Alan Shatter):** In respect of the situation regarding the granting of free travel passes to which the Deputy refers, Defence Force Regulations Q10 Part 4 Paragraph 35(1) provides that members of the Permanent Defence Force and members of the Army Nursing Service may be issued with free travelling warrants when proceeding on leave with pay, other than sick leave, to their home addresses in Ireland, provided that not more than two free travelling warrants are granted to any such soldier or member for this purpose within any one leave year. I have no plans to increase the number of warrants at this time.

### Army Barracks

727. **Deputy Robert Troy** asked the Minister for Defence if he will reaffirm his commitment to the future of Custume Barracks, Athlone, County Westmeath; if he will commit to ensuring that this barracks will remain as a headquarters for any new brigade; and if he will make a statement on the matter. [26476/12]

**Minister for Defence (Deputy Alan Shatter):** In response to the revised strength ceiling of 9,500 Permanent Defence Force personnel, a major re-organisation of the Defence Forces, including the Reserve Defence Force, has been initiated and will encompass a reduction in the number of Army Brigades from the current three to two. The primary focus of the re-organisation is to free up the maximum number of military personnel from administrative and support tasks. It is the Government's intention that the Defence Forces retain the capacity to fulfil all of the assigned roles, to the greatest extent possible.

I have asked the Chief of Staff and the Secretary General of the Department of Defence to bring forward detailed proposals for my consideration. This will include proposals regarding territorial areas of responsibility and the location of Brigade Headquarters. It will also include proposals relating to the Reserve Defence Force, which is currently organised along similar lines to the Permanent Defence Force. This task is a significant undertaking and there are a range of issues that must be considered. However, the primary focus will be the maintenance of operational outputs and capabilities. This work is underway and I am being kept informed of progress.

You will appreciate that in advance of receipt and consideration of proposals from the Secretary General and the Chief of Staff, I will not be in a position to comment on any speculation relating to the re-organisation. I do not intend to pre-empt the work of the Chief of Staff and the Secretary General and limit their scope to bring forward recommendations.

### Departmental Funding

728. **Deputy Niall Collins** asked the Minister for Defence the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26628/12]

**Minister for Defence (Deputy Alan Shatter):** The Department is engaged in an ongoing capital building programme designed to modernise and enhance the training, operational and accommodation facilities available to members of the Defence Forces. The programme provides for new projects and the continuation of capital building work already underway. An overall capital provision of €9m has been allocated to the Department for 2012. Some €2.8m of this overall amount has been allocated for IT hardware and associated licensing support costs and €6.2 million has been allocated for capital works projects at military installations. A further €500k is also available for capital works projects as capital carryover from 2011.

Approximately €2.7m of the 2012 capital works allocation is being expended on a range of capital building projects which were already in progress from 2011 and which are at various stages of completion across a number of military locations. These include the installation of an Automated Marking System at the firing range at Kilworth Camp and the renovation of facilities for military personnel at Aiken Barracks, Dundalk.

The balance of the provision for capital works will facilitate new starts in 2012. Principal new projects proposed for 2012 include the construction of a replacement Hangar at Casement Aerodrome, Baldonnell and the provision of further Automated Marking facilities. They also include the development of proposals for the upgrade of the Ammunition Depot Buildings at the Defence Forces Training Centre at the Curragh.

The Capital funding for 2012 is reduced from the previous year's allocation, following the trend of recent years, and this is reflected in the number of new start projects to be undertaken in the current year.

### Defence Forces Personnel

729. **Deputy Éamon Ó Cuív** asked the Minister for Defence if it is intended to have an enquiry into the circumstances surrounding the disappearance of an Irish soldier (details supplied) while on duty in Lebanon and the response of the army to the disappearance; and if he will make a statement on the matter. [26893/12]

**Minister for Defence (Deputy Alan Shatter):** Private Hugh Doherty and Private Kevin Joyce were serving with the United Nations Interim Force in Lebanon (UNIFIL), when on 27 April 1981, an observation post manned by them came under attack. Private Doherty was later found dead from gunshot wounds and Private Joyce was missing. Two inquiries have already been conducted into this incident, one by the United Nations in 1981 and the second by the Defence Forces in 1982.

The incident and the disappearance of Private Joyce has also been the subject of ongoing investigation by successive Irish units in UNIFIL, including a Military Police investigation (1985) and an intensive investigation by 88th Battalion in 2000/2001, assisted by diplomatic efforts at the highest level, to endeavour to locate the whereabouts of Private Joyce. To date, no information has been elicited to lead to the recovery of Private Joyce.

Unless new information becomes available, I do not consider that there is a basis for setting up another inquiry into the circumstances of this tragic incident.



### Ministerial Appointments

730. **Deputy Robert Troy** asked the Minister for Defence if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26952/12]

**Minister for Defence (Deputy Alan Shatter):** Four new staff have been appointed by me since last March. None of these appointees are former retired public servants.

### National Lottery Funding

731. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine the amount of funding that has been allocated to Horse Sport Ireland through the National Lottery; the criteria used by the National Lottery and his Department in recognising a good cause; and if he will make a statement on the matter. [27163/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department is not responsible for the disbursement of assistance from national lottery funds and in any event, my Department understands from Horse Sport Ireland that it has not received funding from the National Lottery.

### Milk Quota

732. **Deputy Michael Lowry** asked the Minister for Agriculture, Food and the Marine if he will provide information on the additional milk quota allocation provided in respect of a person (details supplied) in County Waterford; the rationale behind the allocation of this amount; the factors taken into account in determining same; if the amount is in line with other allocations in which there was a similar quota and lock-down period; and if he will make a statement on the matter. [26198/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In order to mitigate some of the difficulty experienced by milk producers whose animal are locked up for disease reasons, my Department operates an Animal Disease Scheme whereby an allocation of additional quota is allocated under certain circumstances. The size of the allocation is dependent on both the number of applications received and the availability of quota from the National Reserve. The allocations are made on the basis of recommendations received from an independent Assessment Panel, who objectively examine each of the applications submitted. The Panel take factors like past production records; length of restrictions and nature of disease into account when making their recommendation. Demand for this quota significantly exceeds supply and this means that in general allocations are significantly less than that sought by the individuals concerned.

I understand the Tribunal recommended an allocation of 56,667 litres for the benefit of the named person.

### Íocaíochtaí Deontas

733. D'fhiafraigh **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine Talmhaíochta, Bia agus Mara cén uair a bheidh feirmeoir (sonraí tugtha) ag fáil a chuid íocaíochtaí faoin Scéim AEOS; agus an ndéanfaidh sé ráiteas ina thaobh. [26240/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Cuireadh in iúl don duine ainmnithe go ndearnadh é a fhormheasadh le bheith rannpháirteach sa scéim um Roghanna Comhshaol Talmhaíochta a tháinig i bhfeidhm ón 01 Meán Fómhair 2011.

Faoi Rialacháin an AE a rialaíonn an Scéim um Roghanna Comhshaol Talmhaíochta agus scéimeanna íocaíochta bunaithe sa cheantar, ní mór seiceáil riaracháin chuimsitheach, tras-sheiceáil leis an gCóras Aitheanta Dáileachtaí Talún ina measc, a chur i gcrích ar gach iarratas sular féidir íocaíocht ar bith a eisiúint. Tarlaíonn na seiceálacha seo i bhfad roimh ré agus táim ag súil leo a bheith curtha i gcrích go luath amach anseo agus go dtosófar ag déanamh íocaíochtaí a luaithe agus is féidir. Má eascraíonn aon fhiosruithe as na seiceálacha seo beidh mo Roinn i dteagmháil go díreach leis an duine ainmnithe.

### **Aquaculture Development**

734. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine if he will provide details of the number of times that the Natura 2000 Steering Committee met in the past six months; the dates and the issues discussed; and if he will make a statement on the matter. [26352/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Steering Group on Natura Compliance in Sea Fisheries and Aquaculture was an informal co-ordination group established by and co-chaired by my Department and the Department of Arts, Heritage and the Gaeltacht, which has responsibility for the National Parks and Wildlife Service (NPWS), together with the relevant State Agencies.

The main purpose of this informal co-ordination group was to put in place structures, procedures and arrangements which would enable progressive delivery by Ireland, in a multi year plan, of its obligations for compliance in respect to sea fisheries and aquaculture under the EU Habitats and Birds Directives. The arrangements or road map drawn up by this co-ordination group and approved by Ministers was laid before the EU Commission in the context of the European Court of Justice Judgement against Ireland in this matter. The informal co-ordination steering group put in place arrangements for the progressive collection of necessary benthic, ornithological and other data in relevant marine Natura sites, the progressive development of conservation objectives in those sites, the progressive completion of Appropriate Assessments and the establishment of fisheries Natura plans and other arrangements so as to enable a progressive role out of consent determination in line with the Natura obligations once all the requested preconditions are met.

The informal Steering Group was established a number of years ago and met very frequently at the point where it was establishing the structures, procedures and arrangements for delivering compliance with the obligations under the Natura Directives. The programmes and arrangements put in place under the Steering Group are now being implemented by the relevant Departments and Agencies who are and have been driving this process forward. There are regular inter Agency and inter Departmental contacts and meetings on specific issues arising. The primary functions of the informal Steering Committee in establishing the arrangements is to an extent met and the informal Steering Group last met on 26th of October 2011.

There are now regular inter Agency and inter Departmental meetings and close operational contacts on specific aspects of this matter. For example, an all day meeting took in Galway on 23rd May on Aquaculture Natura related issues. That meeting was between the two Departments and their Agencies and discussed specific aquaculture licensing aspects arising from the Natura Directives. Further such meetings are anticipated. In the event that broader difficulties or issues arise in the implementation of the arrangements put in place, or there is any other useful purpose which can be contributed to, the Steering Committee it can be re-convened at short notice whenever necessary.

### Single Payment Scheme

735. **Deputy Tom Fleming** asked the Minister for Agriculture, Food and the Marine if a farmer may declare riparian zone as they did in the past as other and in claimed area for sps managed as in the past not topped, having no such specification as to top in reps 1, 2, 3; declare riparian zone as they did in the past as other and in claimed area for sps topping as topping is very difficult due to topography of grassland zone; graze the riparian zone as they did pre-reps, change designation from other to forage in sps and manage grassland in gaec; do any of the above or are they limited in their choice to retain land eligibility for sps; if landscaping around the farm yard option 8a reps 3 — trees planted eligible for sps in 2012. [26360/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Applicants under the Single Payment Scheme, who are former participants in REPS, who wish to continue to maintain Riparian Zones, will continue to benefit on these areas under SPS, provided they are maintained as heretofore, in accordance with REPS requirements. With regard to the landscaping issue as described, such areas are not eligible under the Single Payment Scheme.

### Irish Land Commission

736. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the year in which the Irish Land Commission last collected annual bog rents for turbary on a bog (details supplied); and if he will make a statement on the matter. [26365/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** From records to hand for the former Irish Land Commission it appears that annual bog rents on the bog mentioned in the details supplied were last collected in 1987.

### Turbary Rights

737. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine his policy regarding the acquisition of prescriptive rights of turbary on land vested in his Department; if his Department in general, dispute or acquiesce to such claims; and if he will make a statement on the matter. [26369/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department does not acquiesce to such prescriptive claims for turbary rights on land vested in the Minister for Agriculture, Food and the Marine as successor in title to the former Irish Land Commission.

### Single Payment Scheme

738. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding a single farm payment in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [26531/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named has not applied under the Single Payment Scheme until this year. An application under the 2012 Single Payment Scheme/Disadvantaged Areas Scheme was received from him on 15 May 2012. The processing of over 130,000 applications received by my Department under the Single Payment Scheme and other area based schemes is on-going.

As stated on page 45 of the Terms and Conditions which govern the Single Payment Scheme for 2012 “Under EU Regulations, payments under the Single Payment Scheme are due to commence on 01 December 2012”. In order to receive payment under the Single Payment scheme it is a requirement to hold entitlements under the Single Payment Scheme and to

declare one eligible hectare of land for each Single Payment entitlement held. As of the time of application the person named has no Single Payment entitlements registered against his herd number. An official from my Department will contact the person named to explain in detail the procedures involved in making a claim under the Single Payment Scheme.

### **Aquaculture Controls**

739. **Deputy Michael McNamara** asked the Minister for Agriculture, Food and the Marine if he will confirm, as per the sea lice monitoring protocol for offshore fin fish farms, if a notice to treat was issued to the salmon farm operator (details supplied) in County Galway following a sea lice inspection in 11 April 2012 in view of the fact that the trigger level on this particular licence is set at 0.3 egg bearing lice per fish; and if he will make a statement on the matter. [26540/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The protocols operated by the Marine Institute on behalf of the State for the control of sea lice are in accordance with the “Strategy for improved pest control on Irish salmon farms”, May 2008. In relation to the site referred to by the Deputy, the slight increase in sea lice levels observed at the April inspection by the Marine Institute was addressed by the operator on 24 April, in accordance with the conditions of the Aquaculture Licence, without the need for the Marine Institute to issue a Notice to Treat.

### **Forestry Grants**

740. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine the reason for the delay in issuing a forestry grant to a person (details supplied) in County Cork; when the grant will be provided; and if he will make a statement on the matter. [26609/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The 2012 forestry premium is currently being withheld until the plantation is deemed by the Forest Service to be up to the required standard. When the standard is achieved the second instalment or “maintenance” portion of the grant will also be paid. Following a site inspection in 2010, the applicant was notified that remedial works were required on the plantation. The Forest Service received a letter on 28th May 2012 from the applicant’s forestry company confirming that the works have now been completed and, on this basis, a re-inspection will be carried out in the near future.

### **Grant Payments**

741. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine the reason for the delay in issuing a grant to a person (details supplied) in County Cork; when the grant will be provided; and if he will make a statement on the matter. [26610/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The holding in question was restricted under the TB scheme on 5 April 2012 following the disclosure of 15 reactor animals in the herd. These animals were valued under the On Farm Market Valuation Scheme on 16 April and removed from the herd on 25 April. Compensation of €10,551.01 payable under this scheme has been certified by the Regional Office and it is expected that payment will reach the herd owners account by the end of this week or early next week at the latest.

### **Departmental Funding**

742. **Deputy Niall Collins** asked the Minister for Agriculture, Food and the Marine the

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amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter.  
[26624/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The total capital budget for my Department in 2012 is €194.9m of which €97m has been spent up to the end of May 2012. The latest forecast indicates that the full capital allocation will be spent in 2012. The capital allocation of the breaks down into the following broad categories:

Vote Expenditure

	Allocation	Jan-May
(i) Administrative Budget	€2.7m	€0.4m
(ii) Demand led schemes.	€153.7m	€87.2m
(iii) Grants to the food processing sector	€18.5m	€2.7m
(iv) Non commercial State sponsored bodies	€14.5m	€4.1m
(v) Horse and Greyhound Fund	€5.5m	€2.6m
Total 2012 capital budget	€194.9m	€97m

The demand led scheme category of capital expenditure comprises capital schemes which are currently open to receiving new applications and other schemes which are closed to new applicants but for which the Department must continue to provide funding to enable outstanding grants be drawn down. In the case of demand led schemes, expenditure in any one year is driven by a number of factors, such as by external economic factor, future expectations as well as the number and value of claims for payment received, processed and approved for payment during the year.

The following is a detailed breakdown of the above headings:

Capital Project	Budget 2012 €m	Expenditure Jan-May 2012 €m	Balance of Expenditure 2012 €m
Office Machinery (incl IT)	1.1	.20	0.9
Laboratories Backweston	1.5	.16	1.34
Installation Aid — 2000/06 scheme	.10	.03	.07
Installation Aid — 2007/13 scheme	.05	.12	-.007
Farm Improvement Scheme	.30	1.88	-1.58
Waste Processing Facilities Scheme	.30	0.00	.30
Dairy Hygiene Scheme	.05	.006	.044
Alternative Enterprises	.05	0.00	.05
Animal Welfare (pig welfare) Scheme	.20	.12	.08
Horticulture Grants Scheme	3.3	.07	3.23
Organic Sector Grants Scheme	1.0	.25	0.75
Farm Waste Management Scheme	.20	.30	-0.1
Livestock Breeding (incl sheep breeding)	1.4	.25	1.15
Equine Infrastructures (Breeding/Quality)	.90	.04	0.86
Food Industry; Marketing and Processing grants	18.5	2.66	15.84

Capital Project	Budget 2012 €m	Expenditure Jan-May 2012 €m	Balance of Expenditure 2012 €m
On Farm investment Schemes (Pre — 2000 NDP)	.019	0.00	.019
Targeted Agricultural Modernisation Scheme (TAMS)	20.0	4.91	15.09
Afforestation — capital	104.5	76.49	28.01
NDP support schemes (forestry)	5.5	1.97	3.53
Other forestry support schemes	.03	0.00	.03
IFORIS/forest inventory	.07	0.00	.07
Bio energy — Miscanthus/Willow	1.6	.07	1.53
Haulbowline	1.5	0.00	1.5
Environmental compliance	.75	0.00	.75
Fish processing	1.5	0.00	1.5
Aquaculture	4.5	0.00	4.5
Fisheries Harbours	6.0	1.08	4.92
Teagasc	.75	0.00	.75
Marine Institute	8.0	3.30	4.7
BIM	4.0	.35	3.65
Sea Fisheries Protection Authority	1.8	.44	1.36
Horse and Greyhound Racing Fund	5.5	2.60	2.9
Total	194.9	97.3	97.6

### Grant Payments

743. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding the agri environment option scheme payment in respect of a person (details supplied) in County Kerry and when payment will issue [26651/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named has been informed in writing that he was approved for participation in the 2011 Agri-Environment Options Scheme with effect from 1st September 2011. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check of all applications, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This process is under way with a view to commencing payments as soon as possible. In the event of any queries arising from these checks my Department will be in direct contact with the person named.

### Departmental Offices

744. **Deputy Sean Fleming** asked the Minister for Agriculture, Food and the Marine if he has considered the provision of a new office building in Portlaoise, County Laois, for his Department staff in view of the large number of staff who have transferred to the town and are located in several different locations throughout Portlaoise, as such a proposal would make economic sense; if he will discuss this matter with the Office of Public Works and the Department of Public Expenditure and Reform; and if he will make a statement on the matter. [26671/12]



**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department, in conjunction with the Office of Public Works, has engaged in a review of the Department's accommodation needs in Portlaoise with a view to consolidating our accommodation footprint in the town. Following on from this review, the Office of Public Works recently submitted proposals to the Department of Public Expenditure and Reform setting out options for consolidation. These options are now being considered by that Department.

In reviewing our accommodation needs my Department's overriding objective is the redeployment of staff so as to reintegrate business areas that have been split between different locations and, in so far as possible, to co-locate different business areas that have cross-over functions or can exploit any existing operational synergies from such co-location. This makes for much greater flexibility and efficiency if we use our own resources. In addition, significantly reducing the number of my Department's locations in Portlaoise will accrue substantial savings to the Exchequer.

### **Veterinary Inspection Service**

745. **Deputy John McGuinness** asked the Minister for Agriculture, Food and the Marine if the report into the Special Investigation Unit investigation of animal pharmacy, Kilkenny has now been completed; if the report will be made available in full to the business concerned; if he will specify what the process will be after the report is completed and submitted to the concerned parties; the persons who will receive the report; and if he will make a statement on the matter. [26692/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The report referred to by the deputy has now been completed. It is being considered at present and the parties involved will be contacted directly by my Department within the next two weeks.

### **Milk Quota**

746. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine his views on a matter (details supplied) regarding milk quotas; and if he will make a statement on the matter. [26711/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The primary means of acquiring milk quota is through the Milk Quota Trading Scheme. The Trading Scheme is run twice annually in respect of each Co-op collection area. I expect to announce details of the first stage of the 2013/2014 Trading Scheme in the autumn, and this will be followed by a second stage, which I intend to announce in early 2013. Quota traded under each stage will transfer with effect from 1 April 2013.

The Scheme for the Allocation of Milk Quota to New Entrants, which I introduced in 2009, provides an opportunity for new entrants to dairying to acquire a milk quota. Under this scheme 50 successful applicants will each receive an allocation of 200,000 litres. My Department is currently processing applications to the fourth of five schemes. The final scheme will be announced in early 2013. Other means by which milk quota may be acquired are through the purchase of land and quota on the open market, the purchase of quota only from a qualified relative or through the leasing of land and quota from a qualified relative. Full details of all options referred to above can be obtained by contacting the Milk Quota Section in my Department.

### **Animal Welfare**

747. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine

if under the provisions of the Greyhound Industry Act 1958, the regulation of coursing is chiefly a matter for the Irish Coursing Club subject to the general control and direction of Bord na gCon, which is the statutory body with responsibility for the improvement and development of the greyhound industry, greyhound racing and coursing. [26723/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the provisions of the Greyhound Industry Act, 1958 the regulation of coursing is chiefly a matter for the Irish Coursing Club (ICC) subject to the general control and direction of Bord na gCon, which is the statutory body with responsibility for the improvement and development of the greyhound industry, greyhound racing and coursing.

A Monitoring Committee on Coursing was established in 1993/94 comprising of officials from my Department and representatives from both the National Parks and Wildlife Service (NPWS) and the ICC to monitor developments in coursing and in that regard the situation is kept under constant review to ensure that coursing is run in a well controlled and responsible manner in the interest of animal welfare both for hares and greyhounds alike. The Minister for Arts, Heritage and the Gaeltacht, under section 34 of the Wildlife Act 1976, has responsibility for the issue of an annual licence to the Irish Coursing Club, ICC, and its affiliated clubs to capture live hares.

748. **Deputy Derek Nolan** asked the Minister for Agriculture, Food and the Marine if the exemptions on fishing, hunting and hare coursing underlined in section 12(12) of the Animal Welfare Bill will be retained; and if he will make a statement on the matter. [26765/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** It is my intention to maintain these exemptions and I do not intend to interfere with legitimate field sports which are carried out in a proper manner.

### **Sugar Industry**

749. **Deputy Pat Deering** asked the Minister for Agriculture, Food and the Marine if he will provide an update on the possible return of a sugar industry to Ireland following on from the two feasibility studies prepared last year. [26811/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The EU Sugar Regime underwent a radical reform in 2005 and Greencore, the holder of the entire Irish sugar quota availed of the sugar restructuring scheme, dismantled its facilities and ceased production in 2006. Post reform production is now concentrated in 18 Member States. The present regime runs from 1 September 2006 to the 30 September 2015. There is no mechanism under the present EU Regulations which would allow for the re-instatement of the sugar quota for the growing of sugar beet in Ireland for the production of sugar.

I have strongly supported the full abolition of sugar quotas from September 2015 as part of the CAP reform discussions which are currently underway in the Council of Ministers, and which, if agreed, would replace the existing quota regime. I also raised the issue with Commissioner Ciolos during his visit to Ireland in January 2012.

In 2011 I met with two separate groups who have conducted feasibility studies, into the possibility of establishing a sugar/bioethanol facility here. At both meetings, I stated that 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 make sound economic sense in order to be viable. I also further suggested to both groups the desirability of there being only one single proposition in play, as both studies had indicated a potential for

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only one such viable project and both groups had appeared to accept the reasonableness of this position at the time.

*Question No. 750 withdrawn.*

### **Grant Payments**

751. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he will provide a time frame for when an agri environment options scheme payment will issue to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [26867/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st September 2010 and full payment totalling €472.28 issued in respect of 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, must be completed before any payment can issue.

Payment in respect of the 2011 Scheme year is subject to a similar administrative checking process which includes verification of capital investment through checks on receipts. During these checks queries were identified in relation to the capital expenditure claim of the person named. My Department is currently investigating this issue and once satisfactorily resolved the application will be further processed. Payment will issue at the earliest opportunity once all validations have been successfully completed.

### **Suckler Welfare Scheme**

752. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a decision has been made on an appeal in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [26895/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted an application in 2008 to participate in the Suckler Welfare Scheme. The Terms and Conditions of this scheme require that applicants must undertake the prescribed measures on all beef breed cows and the calves they are suckling on the holding for the full term of the five year period of the Scheme and notify these measures to the Department.

No information has been received for any of the animals born in 2009 and as the Terms and Conditions of the Scheme were not complied with the person named was excluded from the scheme for 2009 and subsequent years. A review of this decision was sought by the herd owner by letter dated 6th March 2012 and following this review the decision to exclude the person named was upheld. A letter issued to the applicant on 31 May 2012 notifying him of the position and advising him of his right to appeal this decision to the Agriculture Appeals Office.

### **Single Payment Scheme**

753. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine if he will clarify all of the circumstances in which land owners are entitled to stack their entitlements; and if he will make a statement on the matter. [26920/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In Member States, like Ireland, who adopted the Historical model for implementing the Single Payment Scheme, applicants are obliged to declare one eligible hectare of land for each payment entitlement

held. The number of payment entitlements held is equal to the average number of hectares of eligible land declared during the 2000-2002 reference period.

Farmers in Member States who are applying the Historical Model would have encountered difficulties if, in 2005 and subsequent years, they were not farming the same number of hectares that they had during the reference period. It was for this reason that the concept of Consolidation of Entitlements was introduced under Article 7 of Commission Regulation 795/2004.

Farmers, who, for specific reasons, were farming less lands in 2005 or in subsequent years than the average number of hectares farmed during the reference period may apply to consolidate their entitlements. In Ireland the following categories of farmers were deemed eligible to participate in the programme:

Farmers, who were farming a reduced number of hectares when compared to the reference period for one of the following reasons;

(i) the sale of lands under a Compulsory Purchase Order to a Public Authority for non-agricultural purposes;

(ii) the afforestation of lands (no longer applicable to forestry planted from 1 January 2009)

(iii) the loss of leased/rented land on expiry of a lease or rental agreement

In all cases applicants for consolidation must retain at least 50% of the average number of hectares declared during the reference period.

Applicants are entitled to apply for consolidation in more than one year provided all the conditions are met, however, land farmed during the reference period and not available when the applicant previously consolidated cannot be used again as a reason to further consolidate. The closing date for receipt of applications under the Consolidation measure of the 2012 Single Payment Scheme was 15th May 2012. My Department to date has received a total of 1,357 applications in respect of the 2012 Scheme year.

### Consultancy Contracts

754. **Deputy Arthur Spring** asked the Minister for Agriculture, Food and the Marine the total amount of expenditure by his Department on outside consultants for each year since 2007. [26931/12]

755. **Deputy Arthur Spring** asked the Minister for Agriculture, Food and the Marine the top five paid consultancy companies contracted by his Department since 2007; and if he will make a statement on the matter. [26932/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 754 and 755 together.

My Department uses private contractors, consultants and agencies to provide certain services when such proves to be more cost effective and Department staff are not available. This can include services such as specialised laboratory services, computer services, legal advice or independent auditing services. The information requested can be found in the following table:

Total Amount of Expenditure on Consultants

2007	2008	2009	2010	2011
1,378,502	2,890,638	2,778,490	1,882,866	1,531,181

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## The top five paid consultancy companies contracted since 2007

	Consultant/Consultancy Company	Nature of Work	Expenditure in 2007 €
1	Deloitte	Certifying Body, providing independent certification of the Department's EAGF/EAFRD annual accounts and compliance with EU accreditation criteria, as required under EU Council Regulation 1290/05.	481,118.75
2	Mott MacDonald Consulting Engineers, 5 Eastgate Avenue, Little Island, Cork	Various Harbour Developments	259,581.22
3	Jacobs Engineering UK Ltd., Jacobs House, 427 London Road, Reading, Berkshire RG6 1BL, UK	Castletownbere Harbour Development — Site Works supervision	233,525.00
4	RPS Consulting Engineers, Elmwood House, 74 Boucher Road, Belfast BT12 6RZ Northern Ireland	Various Harbour Developments	130,255.72
5	Mazars	Provision of IT audit expertise to the Internal Audit Unit	58,147

	Consultant/Consultancy Company	Nature of Work	Expenditure in 2008 €
1	Mott MacDonald Consulting Engineers, 5 Eastgate Avenue, Little Island, Cork	Various Harbour Developments	704,560.40
2	Deloitte	Certifying Body, providing independent certification of the Department's EAGF/EAFRD annual accounts and compliance with EU accreditation criteria, as required under EU Council Regulation 1290/05.	519,168.15
3	Haskoning Consulting Engineers	Engineering Services in relation to Greencastle Harbour Development	443,274
4	Jacobs UK, Consulting Engineers, 95 Bothwell Street, Glasgow, G2 7HX, U.K.	Castletownbere Harbour Development — Site Works supervision	390,939.88
5	RPS Consulting Engineers, Elmwood House, 74 Boucher Road, Belfast BT12 6RZ	Various Harbour Developments	210,132

	Consultant/Consultancy Company	Nature of Work	Expenditure in 2009 €
1	Mott MacDonald Consulting Engineers, 5 Eastgate Avenue, Little Island, Cork	Various Harbour Developments	1,091,818.53
2	Deloitte	Certifying Body, providing independent certification	€556,652.88

	Consultant/Consultancy Company	Nature of Work	Expenditure in 2009 €
3	Jacobs UK, Consulting Engineers, 95 Bothwell Street, Glasgow, G2 7HX, U.K.	of the Department's EAGF/EAFRD annual accounts and compliance with EU accreditation criteria, as required under EU Council Regulation 1290/05. Castletownbere Harbour Development — Site Works supervision	338,902.38
4	Lisney	Property Valuations	€132,457.14
5	RPS Consulting Engineers Elmwood House, 74 Boucher Road, Belfast BT12 6RZ	Various Harbour Developments	117,651.00

	Consultant/Consultancy Company	Nature of Work	Expenditure in 2010 €
1	Mott MacDonald Consulting Engineers, 5 Eastgate Avenue, Little Island, Cork	Various Harbour Developments	727,694.73
2	Deloitte	Certifying Body, providing independent certification of the Department's EAGF/EAFRD annual accounts and compliance with EU accreditation criteria, as required under EU Council Regulation 1290/05.	€438,689.27
3	Jacobs UK, Consulting Engineers, 95 Bothwell Street, Glasgow, G2 7HX, U.K.	Castletownbere Harbour Development — Site Works supervision	139,210.21
4	Indecon International Economic Consultants	Independent mid-term evaluation of the Rural Development Programme 2007-2013 as required by the EU	110,903
5	Haskoning Consulting Engineers	Engineering Services in relation to various Harbour Developments	105,411

	Consultant/Consultancy Company	Nature of Work	Expenditure in 2011 €
1	Deloitte	Certifying Body, providing independent certification of the Department's EAGF/EAFRD annual accounts and compliance with EU accreditation criteria, as required under EU Council Regulation 1290/05.	509,830
2	Mott MacDonald Consulting Engineers, 5 Eastgate Avenue, Little Island, Cork	Various Harbour Developments	265,030.63
3	RPS Consulting Engineers Ltd, Innishmore, Ballincollig, Co. Cork	Various Harbour Developments	255,463.86
4	White Young Green Consulting Engineers	Engineering Services in relation to Electrical Upgrading at Howth Harbour	72,408
5	Mazars	Provision of IT audit expertise to the Internal Audit Unit	56,634

### Grant Payments

756. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine



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the average payment in each of the EU farm schemes (details supplied) per farmer in each county for the years 2008, 2009, 2010 and 2011. [26935/12]

757. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the total amount paid under each of the EU farm schemes (details supplied) to each county for the years 2008, 2009, 2010 and 2011. [26936/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 756 and 757 together.

The information requested by the Deputy is set out in the following tables. Where negative amounts are shown, they represent overpayments recovered under the Scheme from other payments due to applicants.

Scheme Description	County	2008		2009		2010		2011	
		Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid
Agri-Environment Programme	Cork	€6,753.23	€23,096,042.05	€6,822.13	€29,512,520.79	€7,034.41	€31,739,244.38	€8,714.27	€33,044,505.13
	Clare	€6,442.33	€14,675,620.65	€6,568.29	€19,560,380.29	€6,113.21	€14,561,664.41	€8,167.00	€12,707,855.66
	Cavan	€5,873.52	€10,977,604.49	€5,001.86	€10,013,715.61	€5,846.81	€10,138,373.04	€7,060.34	€8,726,585.71
	Carlow	€7,096.06	€4,335,693.70	€6,725.07	€4,579,770.14	€7,127.32	€4,105,335.10	€7,915.43	€2,730,823.57
	Dublin	€6,636.60	€1,114,948.71	€5,290.28	€804,123.04	€6,618.27	€853,757.26	€7,396.96	€747,093.06
	Donegal	€6,670.18	€24,199,421.16	€6,550.61	€28,829,227.39	€6,356.59	€24,485,581.00	€6,593.41	€13,345,052.91
	Galway	€6,278.71	€33,697,854.16	€5,780.99	€35,038,609.11	€6,264.45	€34,861,673.79	€6,501.86	€22,567,954.32
	Kildare	€6,558.64	€3,961,416.47	€6,113.13	€4,456,470.86	€6,122.38	€3,642,818.81	€7,701.05	€3,873,627.95
	Kilkenny	€7,088.82	€10,222,074.86	€6,618.71	€10,007,495.97	€7,047.59	€8,999,768.41	€8,747.03	€8,265,941.87
	Kerry	€7,388.33	€20,576,501.03	€7,118.36	€24,003,110.37	€8,195.95	€27,284,328.64	€7,754.63	€15,679,858.59
	Longford	€6,078.27	€5,579,852.40	€4,998.03	€5,957,657.52	€5,994.66	€5,928,718.49	€7,236.37	€5,289,783.28
	Louth	€5,977.13	€2,002,338.80	€5,578.96	€2,131,161.78	€5,996.13	€1,942,746.57	€8,886.37	€2,346,000.65
	Limerick	€6,725.64	€10,559,249.33	€6,322.80	€12,221,974.60	€6,985.29	€13,195,209.24	€8,109.44	€11,628,934.13
	Leitrim	€5,788.28	€8,311,969.79	€6,163.21	€11,950,455.02	€5,894.15	€9,076,997.17	€6,487.82	€6,474,839.81
	Laois	€7,138.83	€7,153,112.36	€5,496.68	€5,974,888.67	€6,865.95	€6,309,812.06	€7,831.38	€6,272,935.90
	Meath	€6,502.42	€6,541,432.70	€5,788.61	€6,002,785.16	€6,100.20	€5,557,279.68	€7,775.99	€5,692,022.21
	Monaghan	€5,015.81	€7,894,881.86	€4,690.96	€7,979,319.82	€4,830.88	€6,207,684.52	€6,693.59	€7,055,041.95
	Mayo	€5,951.26	€30,666,852.33	€5,578.47	€31,211,535.96	€6,025.02	€29,215,342.81	€6,905.08	€20,190,462.21
	Offaly	€7,083.17	€8,117,308.05	€6,043.54	€7,826,382.16	€6,671.27	€7,658,617.37	€8,598.51	€7,128,167.66
	Roscommon	€5,870.37	€12,991,123.21	€5,632.06	€15,871,132.01	€5,914.39	€14,507,989.94	€6,195.28	€9,912,442.01
	Sligo	€5,924.21	€9,135,131.33	€6,073.90	€11,607,217.30	€5,969.74	€9,330,702.51	€6,916.83	€7,165,831.71
	Tipperary	€7,415.41	€19,880,721.35	€6,605.47	€19,763,558.06	€7,170.79	€19,561,921.46	€9,415.55	€19,847,986.75
	Waterford	€7,190.87	€6,989,523.42	€6,537.16	€6,497,937.66	€7,247.37	€7,486,536.92	€9,409.57	€6,774,891.50
	Westmeath	€6,632.89	€8,755,417.11	€5,757.42	€8,503,715.01	€6,586.44	€7,706,136.53	€7,546.91	€6,807,314.66
	Wicklow	€7,585.85	€5,173,548.64	€6,690.44	€4,442,455.31	€7,364.49	€4,919,478.19	€8,551.46	€4,019,184.12
	Wexford	€7,600.66	€9,607,232.38	€6,500.31	€10,439,502.66	€7,184.67	€8,901,800.72	€8,139.65	€8,538,496.50

[Deputy Simon Coveney.]

Scheme Description	County	2008		2009		2010		2011	
		Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid
Agri-Environment Options Scheme	Cork							€2,219.93	€772,536.21
	Clare							€2,842.83	€830,106.31
	Cavan							€2,650.79	€482,443.97
	Carlow							€2,331.20	€205,145.70
	Dublin							€1,371.07	€20,566.09
	Donegal							€2,544.58	€1,279,923.60
	Galway							€2,609.23	€1,502,919.34
	Kildare							€1,957.66	€148,781.95
	Kilkenny							€2,048.08	€419,856.79
	Kerry							€2,686.25	€636,640.33
	Longford							€2,328.98	€190,976.09
	Louth							€2,103.43	€94,654.19
	Limerick							€1,719.53	€345,626.29
	Leitrim							€2,919.61	€931,355.98
	Laois							€2,056.82	€232,420.68
	Meath							€2,466.50	€350,243.46
	Monaghan							€2,425.76	€470,597.04
	Mayo							€2,480.75	€1,515,741.14
	Offaly							€2,419.00	€224,967.15
	Roscommon							€3,008.54	€845,400.61
	Sligo							€2,789.46	€663,891.72
	Tipperary							€2,565.22	€731,088.49
	Waterford							€1,779.01	€169,005.48
	Westmeath							€2,716.97	€584,148.85
	Wicklow							€2,087.44	€135,683.34
	Wexford							€2,366.11	€279,200.83

		2008		2009		2010		2011	
Scheme Description	County	Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid
Agri-monetary aid 1st tranche — Cereals Laois	Carlow	€393.25	€393.25						
Arable Aid	Cork	-€11,038.52	-€22,077.04	-€1.82	-€1.82	€834.29	€834.29	€5,068.71	€5,068.71
	Donegal							-€1,045.70	-€1,045.70
	Kilkenny	€5,441.99	€5,441.99					€14,176.30	€14,176.30
	Meath							€1,912.79	€3,825.58
	Tipperary								
	Wicklow	€2,106.33	€2,106.33	€954.87	€3,819.46				
	Wexford			-€2.30	-€2.30			€1,650.69	€3,301.37
Area Aid — General Scheme — Cereals Laois	Dublin	-€55.70	-€55.70						
	Kildare			€371.68	€371.68				
	Kilkenny			-€3,478.35	-€3,478.35				
	Louth	-€118.32	-€118.32						
	Meath	€147.16	€147.16						
	Mayo								
	Wexford	-€647.47	-€1,942.42					-€239.05	-€239.05
Area Aid — Simplified Scheme — Cereals Laois	Cork	-€422.10	-€844.20	-€6,403.21	-€19,209.64			-€1,391.94	-€1,391.94
	Dublin	-€840.39	-€1,680.78						
	Donegal			-€9,854.92	-€9,854.92				
	Galway			-€7,934.04	-€7,934.04				
	Kildare	-€516.94	-€1,033.88					-€1,002.81	-€1,002.81
	Kilkenny			-€5,804.38	-€5,804.38			-€336.98	-€336.98

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		2008		2009		2010		2011	
Scheme Description	County	Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid	Average Payment	Total Paid
	Kerry	-€68.22	-€68.22						
	Louth	-€1,189.06	-€1,189.06						
	Meath	-€170.42	-€170.42						
	Wexford	€142.32	€426.96	-€5,118.84	-€10,237.68				
Area Based Compensatory Allowance Scheme	Cork	€2,773.54	€19,681,025.74	€2,423.11	€17,153,191.94	€2,236.34	€15,432,970.25	€2,571.70	

### Single Payment Scheme

758. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Cork has not been paid all of their entitlements under their 2011 single farm payment; if they are entitled to stack all of their entitlements on their eligible land holding; and if he will make a statement on the matter. [26941/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 3 May 2011. The person named planted forestry on part of their holding in 2011 which required clarification from Forestry Division before this land could be deemed eligible for Single Payment purposes.

I am pleased to say that all of these matters have been resolved thereby allowing the balancing payment to issue shortly under the next 2011 Scheme payment run.

### Ministerial Staff

759. **Deputy Robert Troy** asked the Minister for Agriculture, Food and the Marine if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26948/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I have detailed below all staff appointments I made in my Department since March 2012 and can confirm that none of the appointed staff are former retired public servants.

Position Held	Salary
Laboratory Analyst	€34,463
Laboratory Information Management System (LIMS) Administrator	€65,675
Senior Superintending Veterinary Inspector	€102,890
Senior Superintending Veterinary Inspector	€108,173
Principal Officer	€88,379

In the same period, my Department has re-engaged three former veterinary staff as part-time Temporary Veterinary Inspectors on a contractor basis for a limited period, primarily to provide cover for essential functions in the Department. These contracts are due to expire later this year.

### Animal Welfare Issues

760. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the statistics of hare deaths and injuries during hare coursing sporting events around the country in 2011 provided by an organisation (details supplied); if his further attention has been drawn to death of hares during the sport event, days after the sporting event, death through euthanasia and reports of hares being tossed and mauled during the event leading to injuries or death; if he notes there are discrepancies in the veterinary reports monitored by this organisation; if his attention has been drawn to the fact that muzzling does not prevent death or injury or necessarily reduce the circumstances by which hares may encounter suffering; and if he will make a statement on the matter. [26993/12]



**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the provisions of the Greyhound Industry Act, 1958 the regulation of coursing is chiefly a matter for the Irish Coursing Club (ICC) subject to the general control and direction of Bord na gCon, which is the statutory body with responsibility for the improvement and development of the greyhound industry, greyhound racing and coursing.

The Minister for Arts, Heritage and the Gaeltacht, under section 34 of the Wildlife Act 1976, has responsibility for the issue of an annual licence to the Irish Coursing Club, ICC, and its affiliated clubs to capture live hares.

The ICC has also informed me that 98.32% of hares netted for coursing in the past season were released back to the wild and that injury to hares by muzzled greyhounds is a very rare occurrence. The ICC has a robust system of regulation in place to underpin the maintenance of standards in the sport.

Bord na gCon has demonstrated its commitment to animal welfare and in this regard has a number of initiatives in place to ensure consistent and appropriate welfare standards are met. A Monitoring Committee on Coursing was established in 1993/94 comprising of officials from my Department and representatives from both the National Parks and Wildlife Service (NPWS) and the ICC to monitor developments in coursing and in that regard the situation is kept under constant review to ensure that coursing is run in a well controlled and responsible manner in the interest of animal welfare both for hares and greyhounds alike.

### **Grant Payments**

761. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 618 of 24 April 2012, if the review has been completed (details supplied); and if he will make a statement on the matter. [27023/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As indicated in response to a previous question from the Deputy on 24th April 2012, this case has been the subject of a review. This review is now completed and a decision will be forwarded to the person named in the coming days. If the person named is not satisfied with the outcome of the review he can have the case referred to the Independent Agriculture Appeals Office.

### **Agri-Environment Options Scheme**

762. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding an agri environment option scheme payment in respect of a person (details supplied) in County Cork; when the remainder of the payment will be issued; and if he will make a statement on the matter. [27047/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st September 2010 and full payment totalling €628.28 issued in respect of 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, must be completed before any payment can issue.

Payment in respect of the 2011 Scheme year is subject to a similar administrative checking process which includes verification of capital investment through checks on receipts. During these checks an issue was identified in relation to claimed areas on the Traditional Hay Meadow action. My Department is currently investigating this issue and once satisfactorily resolved the

application will be further processed. Payment will issue at the earliest opportunity once all validations have been successfully completed.

### **Agricultural College Graduates**

763. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the records available from his Department of graduates from the Munster Institute in the Diploma in Farm Home Management; if specifically records are available regarding subjects/methodology/pedagogics for teaching practice which was undertaken during the course; and if he will make a statement on the matter. [27060/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Munster Institute closed in 1983 and I understand the remaining courses continued to be delivered by ACOT, the forerunner to Teagasc, the Agriculture Food and Development Authority. I am advised that the only available records relating to the Diploma in Farm Home Management are held by Teagasc and consist of copies of the Syllabus and the Register confirming participation in the Diploma.

### **Single Payment Scheme**

764. **Deputy Tom Hayes** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details provided) in County Tipperary under the single farm scheme 2009; and if he will make a statement on the matter. [27123/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2009 Single Payment application was received on 1 May 2009. This application was subject to a Ground Eligibility Inspection which has now been completed and his application has been fully processed. Payment will issue to the nominated bank account of the person named in the near future.

### **Animal Welfare Issues**

765. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Food and the Marine if feral cats are included in the Animal Welfare Bill 2012 in view of the fact that part of the Bill's intention is to include all animals and not just farm animals; and if he will make a statement on the matter. [27133/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In the Animal Health and Welfare Bill the term "Animal" is defined as "a member of the kingdom *animalae* other than a human being". This definition includes all cats. Therefore the protection of Section 12 which prohibits cruelty to animals will apply to feral cats.

### **Freedom of Information**

766. **Deputy Clare Daly** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 168 of 17 May 2012, if he will review his answer in view of correspondence (details supplied) which contradicts earlier assertions by his Department. [27140/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department has reviewed my reply to Parliamentary Question 168 in light of the attached correspondence.

With regard to the Brucellosis test in May 1977, the information available to my Department is that 26 cows were tested and 3 cows were disclosed as reactor on foot of this test. However,

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the herd owner refused to accept a restriction notice issued by my Department under the Brucellosis Order and no animals were removed as reactor until December 1977. According to the Department's files, compensation amounting to £17,000 was paid to the herd owner in May 1978 in respect of reactors removed between October 1977 and March 1978.

With regard to the number of cattle in the herd of the herd owner in question, the Department has had considerable difficulty in establishing the precise number of cows in his herd because of the illegal movement of animals into and out of the herd during the period in question and the failure of the herd owner to present all of his animals at any one test, with the exception of the test carried out on 30 September 1978, when he presented 107 animals for test. The Department's reference to 107 animals as constituting his herd merely refers to the number of animals in his herd which were presented for the last test carried out on his herd on 30 September 1978 before it was depopulated.

I would like to emphasise that these events happened about 34 years ago and were disposed of by the Courts in 1982. Approximately €66,000 was paid as compensation to the herd owner in respect of disease breakdowns in his herd during the period 1977 and 1978. He also received considerable sums of money from meat factories for the meat value of the cattle, including reactors, in his herd during that period. Any further claim for compensation he is now making is long since statute barred, which Statute the Department fully relies on. Finally, I should point out that the State was awarded costs amounting to approximately €51,400 against the person in question arising from his unsuccessful High Court challenge in 1998 against the Department's decision to withdraw his herd number in November 1978. The person has continually refused to pay these costs. The Chief State Solicitors Office is currently seeking to recover these costs from him on behalf of the State.

### **Agri-Environment Options Scheme**

**767. Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the reason there is a delay in making a payment under the agri environment options scheme 2011 in respect of a person (details supplied) in County Mayo; when payment will be expedited; and if he will make a statement on the matter. [27141/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st September 2010 and full payment totalling €1,257.69 issued in respect of 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, must be completed before any payment can issue. Similar checks are carried out in respect of payment for the 2011 scheme year. These checks have been completed and 75% payment in respect of 2011 will issue to the person named shortly.

The application was selected for a Cross Compliance inspection which resulted in an AEOS penalty being imposed. The cross compliance penalty, in this case 1%, will be deducted from the balancing payment which will issue at the earliest opportunity to the person named.

*Question No. 768 withdrawn.*

### **Bovine TB Eradication Scheme**

**769. Deputy Sandra McLellan** asked the Minister for Agriculture, Food and the Marine the position regarding the payment of compensation in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [27211/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department has withheld payment of compensation in respect of animals removed from this person's herd under the Bovine TB Eradication Scheme following the outcome of investigations which disclosed clear evidence of interference with a TB test .

I should point out that my Department takes a most serious view of any attempt to interfere with the test process, which is an offence under Article 7 of the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1989 which prohibits interference with the test and, more particularly, Article 7(2) which obliges the owner or person in charge of an animal to take such care as to ensure that any substance could be not be introduced into the body of an animal for the purpose of affecting the accuracy of the test.

An appeal subsequently lodged by the person concerned to the Regional Assistant Principal Officer was unsuccessful and the person was informed of her right of appeal to the Agriculture Appeals Office. I understand that whilst an appeal was initially lodged to the Agriculture Appeals Office, it was subsequently withdrawn.

### **Public Sector Pay**

770. **Deputy Sandra McLellan** asked the Minister for Agriculture, Food and the Marine if a group of workers (details supplied) in County Cork are classified as public or private sector workers; the reason they did not qualify for any pay increase under either sector for a number of years yet qualified under the financial emergency measures in the public sector which meant a deduction of 16% to their wages to date; and if he will make a statement on the matter. [27254/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Moorepark Technology Ltd (MTL) is a subsidiary of Teagasc, the Agriculture, Food and Development Authority, with 57% of the shares owned by Teagasc and the remainder by a number of dairy processing companies. It was established in 1993 to facilitate and promote research and development in the Irish dairy industry and to enable Teagasc to fulfil its statutory function in conducting public good research on behalf of the agri- food sector.

MTL is deemed to be a "public service body" under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 by virtue of the fact that they have a public service pension scheme. MTL was therefore legally obliged to make deductions in pay from MTL staff in accordance with the explicit provisions in the Act and is legally precluded from awarding any increase in pay rates to staff. However, staff in MTL were granted an exemption from the pay cut for the period between 1 January 2010 and 14 February 2011 under the discretion conferred in Section 6 of the Act.

### **Organic Farming Scheme**

771. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a matter will be expedited regarding an organic farming application (details supplied); and if he will make a statement on the matter. [27291/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted an application for the Organic Farming Scheme on 16 May 2012. During the initial processing of the application discrepancies were discovered regarding the status of land parcels listed on the application form. These discrepancies have now been rectified. However, a further query has arisen in relation to the issue of the organic licence which is a condition of participation in the scheme. The Department is awaiting confirmation from the Organic Control

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Body, with whom the person named is registered, that his organic licence is now in order. Once resolved, the application of the person named will be processed without further delay.

### **Grant Payments**

772. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Clare has not been facilitated; and if he will make a statement on the matter. [27293/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The application for the person named has been refused on the grounds that there are cumulative landscape impacts of placing additional forestry in this area and further afforestation is not considered appropriate. In addition the area suffers from significant wind exposure. The person named has been informed of the decision.

773. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when an agri-environment options scheme payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [27336/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st November 2010 and 75% payment totalling €546.41 issued in respect of 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, must be completed before any payment can issue. The application was selected for a Cross Compliance inspection which resulted in a penalty being imposed. The cross compliance penalty, in this case 5%, will be deducted from the balancing payment which will issue shortly.

Payments in respect of the 2011 scheme year are subject to a similar administrative checking process. Following the payment of year 1, the administrative checking process in respect of year 2 will be completed.

774. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a decision has been made on a organic farming scheme application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [27352/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted an application for the Organic Farming Scheme on 16 May 2012. During the initial processing of the application discrepancies were discovered regarding the status of land parcels listed on the application form. These discrepancies have now been rectified. However, a further query has arisen in relation to the issue of the organic licence which is a condition of participation in the scheme. The Department is awaiting confirmation from the Organic Control Body, with whom the person named is registered, that his organic licence is now in order. Once resolved, the application of the person named will be processed without further delay.

775. **Deputy Michael McCarthy** asked the Minister for Agriculture, Food and the Marine when his Department will issue a response to a person (details supplied) in County Cork regarding an AEOS 2 application; and if he will make a statement on the matter. [27360/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted an application form for the 2011 Agri-Environment Options Scheme on 16th May 2011 having completed the Form N option.



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, must be completed before any payment can issue. During this checking process it was discovered that the person named was an active participant in the Rural Environment Protection Scheme and were accordingly ineligible for the AEOS scheme. Officials in my Department rejected the application as the scheme Terms and Conditions had not been complied with. A letter issued to the person named on 12th March 2012 setting out this decision and providing the person named with an option to submit an appeal. An appeal was received in AEOS Section on 10th April 2012. This appeal is currently under review and once a decision has been made the person named will be notified of the outcome.

### **Horticulture Industry**

**776. Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he will provide details of the annual value of the horticulture industry; the numbers of persons employed in the industry; and if he will make a statement on the matter. [27385/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The horticulture industry, including non-food crops and potatoes, was valued at approximately €400 million in 2011 or 6.4% of total agricultural output.

Whilst there are no detailed statistics of the number of persons employed in horticulture, the industry is labour intensive and it is estimated that as many as 8,500 are employed across the food and non-food areas.

The general state of the economy and the availability of credit from banks are the two main factors impacting on the industry. As horticulture consists of a number of sectors, different factors can influence its well being, e.g. weather can very much influence both the growth of plants and demand for plants as is evidenced by the recent bad weather which depressed demand for nursery stock. Other factors include the role of the supermarkets, exchange rates particularly in the mushroom sector and energy costs. Whilst the industry is under some pressure, the outlook is generally positive.

**777. Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if the horticultural industry will be required to conform to new specification and standards in relation to the use of chemical by 2014; his plans in relation to assisting the industry in preparation for the introduction of any new standards; and if he will make a statement on the matter. [27387/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I have recently introduced legislation (S.I. No. 155 of 2012) to give effect to EU Directive 2009/128/EC of the European Parliament and of the Council on the Sustainable Use of Pesticides. My Department issued a proposal for public consultation in July 2011 and comments received were taken into account when drafting the legislation. The legislation sets down deadline dates by which its various provisions must be met. *Inter alia*, the legislation requires professional users of pesticides to hold a certificate confirming that he/she has been trained to a standard listed in Annex I to the Directive, by 26th November 2015. In addition, professional users are required to apply the general principles of Integrated Pest Management by 1st January 2014 as set out in Annex III to the Directive. Appropriate training will be made available. The Sustainable Use Directive aims to reduce the risk from pesticide usage on human health and the environment and is designed to further enhance the high level of protection for man, animals and the environment achieved through the regulatory system for pesticides.



### Departmental Expenditure

778. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine the amount allocated by his Department and/or An Bord Bia for the purposes of TV gardening shows; if he is satisfied that the programmes concerned emphasise the skill of planting; and if he will make a statement on the matter. [27388/12]

780. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine the amount his Department and An Bord Bia allocated to an exhibition (detail supplied); the proportion of that allocation has been spent with Irish suppliers; and if he will make a statement on the matter. [27392/12]

781. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he is satisfied that the interests of the Irish horticulture industry are properly represented in An Bord Bia; his plans for a branding label for plants that are grown here and support Irish jobs as part of an initiative to support the industry similar to the Love Irish Food; and if he will make a statement on the matter. [27393/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 778, 780 and 781 together.

The Bord Bia horticulture activities and programmes, which are developed in co-operation with the horticulture sector, are essentially matters for Bord Bia and the sector and I would refer the Deputy to Bord Bia in relation to operational details.

The impact of some of this activity was on display last weekend when nearly 80,000 people attended the Bord Bia 2012 Bloom Show, which showcased the benefits of gardening and the horticulture and food sectors. The cost of Bloom is around €3 million of which Bord Bia contributes €450,000 and the balance is borne by stakeholders, ticket sales etc. Bloom is a major promotional vehicle for the horticulture sector that delivers significant outcomes including advertising equivalent, direct sales at the event for participants, post event purchases and new product listings. Bord Bia also provides finance to pay for the reconstruction at Bloom of the winning garden on a TV gardening programme.

EU state aid rules do not allow Bord Bia to fund labels on the lines of private sector initiatives such as Love Irish Food, which emphasise origin. The rules allow origin to be shown in a secondary capacity and Bord Bia horticulture Quality Assurance schemes do so.

### Agricultural Colleges

779. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if the external examiner assigned to agricultural colleges is required to liaise with the horticulture industry in terms of establishing current best practices and approaches when assessing the course content examination methods and certification standards for trainees; and if he will make a statement on the matter. [27390/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** This is an operational matter for Teagasc, the Agriculture, Food and Development Authority who operate as a separate non-commercial state body under the aegis of the Department.

The Agriculture (Research, Training and Advice) Act 1988, confers on Teagasc statutory responsibility for the provision of education, advisory and training 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. Ministerial responsi-

bility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day-to-day operations of Teagasc.

I understand that FETAC is the awarding authority for horticultural awards in the further education sector and is responsible for the development of award standards for all accredited education programmes including those for the horticultural sector. FETAC validate the programmes of all FETAC registered providers of horticultural education including Teagasc.

To ensure comprehensive consultation across the horticultural sector in the redevelopment of horticultural awards, FETAC established a Horticultural Standards Development Group which was chaired by Teagasc and included representatives from a wide range of stakeholders including the organic sector, fruit and vegetable growers, state agencies and others.

I am advised by Teagasc that the external examination verifier assigned to agricultural colleges reviews both student records for practical training periods and the student reports issued by horticultural growers who host horticultural students on placements. Evaluations of host grower ratings of students have indicated satisfactory performance by students on placement.

*Questions Nos. 780 and 781 answered with Question No. 778.*

### **Horticulture Industry**

782. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if there is access to an entomology service for nurseries and other sectors of the horticulture industry provided by his Department; his views on whether such a service is important for the development and security of the industry; and if he will make a statement on the matter. [27394/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department employs an entomologist in its Plant Health Laboratory. The role of the entomologist is to supply a diagnostic capability for the Department in relation to the statutory surveys which my Department is obliged to undertake, to identify samples submitted by my officials in carrying out their import inspections and to participate in plant health research. This work is critical to ensuring that Ireland maintains its status as being free of quarantine pests. The officer is not available to provide a routine service to nurseries and other sectors of the horticulture industry.

### **Grant Payments**

783. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding a suckler welfare scheme payment in respect of a person (details person) in County Cork; and if he will make a statement on the matter. [27429/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named registered twenty two animals under the 2009 Suckler Welfare Scheme and seventeen under the 2010 Scheme. Payment issued for thirteen of the 2009 born animals and six of the 2010 born animals. Errors were identified with the remaining animals for each year and letters issued in this regard on 16 February and 22 November 2011. No replies have been received to these letters.

The person named registered seventeen animals under the 2011 Scheme and no payment has issued as details of the prescribed measures have not been received by my Department.

All errors letters and pre and post-weaning forms have been re-issued to the person named. Payment cannot be considered until all of the issues raised in the letters have been addressed and any outstanding information received.

784. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a payment for lease entitlements under the disadvantaged area aid scheme; and if he will make a statement on the matter. [27493/12]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 17 May 2010. Various issues arose in relation to the processing of the application for payment. All of these matters have now been resolved and a supplementary payment will issue to the person named in the near future.

### Child Abuse

785. **Deputy Thomas Pringle** asked the Minister for Children and Youth Affairs her plans, if any, to conduct an inquiry into the Diocese of Raphoe; and if she will make a statement on the matter. [26351/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The HSE, which has statutory responsibility for child welfare and protection, has been conducting a national audit of all Catholic dioceses and Religious Orders. I have indicated previously that I am awaiting receipt of the HSE's diocesan report before responding to any calls for the establishment of further State or other inquiries into any dioceses. The HSE expects to be in a position shortly to furnish this report to me, which I expect will provide a fuller basis on which to determine the most appropriate next steps and will inform the Government's decisions in relation to this matter. It is my intention to publish the HSE's diocesan report.

The Government is committed to strengthening the arrangements for the reporting of concerns of abuse by putting the Children First National Guidance on a statutory basis. The necessary legislation is being worked on by my Department as a priority. This legislation will not only bring forward statutory requirements on organisations and individuals to report, but it will also support all of civil society in understanding what to do when they have concerns about a child. The roll out of Children First will require all sectors and organisations working with children, including the faith sector, to put in place and demonstrate that they have robust safeguarding arrangements. In this context I very much welcome the work undertaken to date by the National Board for Safeguarding Children in the Catholic Church in seeking to strengthen child protection practices in the Catholic Church. The National Board continues to engage directly with the HSE's National Director for Children and Family Services on a programme of action designed to ensure that the Catholic Church is responding properly and comprehensively to all child protection concerns, and that it has in place the necessary safeguarding structures and practices to fully protect children who come into contact with the church.

### Child Care Services

786. **Deputy Regina Doherty** asked the Minister for Children and Youth Affairs if she will reconsider the decision to take away the 50 week option on the early childhood care and education scheme, which was providing full day care, part-time day care and after school services at a centre (details supplied) in County Meath and impose a five day compulsory attendance to avail of the full value of the scheme which discriminates against the working parent; and if she will make a statement on the matter. [26382/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Early Childhood Care and Education (ECCE) programme, which provides one free pre-school year to each eligible child, is implemented by my Department.

The ECCE programme was introduced in January 2010, and a number of transitional measures were included to make it more acceptable to the childcare sector. One of these measures related to the number of weeks over which the free pre-school year could be provided. At that time, approximately 30% of children in the relevant age-cohort were in full daycare. Therefore, in order to facilitate full daycare services in the early years of the programme, services were permitted to choose between providing a 38 week or a 50 week model.

I should emphasise that the ECCE programme is designed as an educational programme for children. It was always intended, once the programme had bedded-down, to introduce a standard 38 week model. This is primarily because this is the optimal model in terms of ensuring a high-quality early years experience for pre-school children. The Síolta and Aistear frameworks were developed to support this objective. The ECCE programme is designed to be delivered across 38 weeks. It is difficult to see how the curriculum can be delivered across a 50 week period when the children spend less time (generally 2 hours 15 minutes per day) availing of it.

My focus is on improving the quality of childcare services. For this reason, therefore, from September 2012, services participating in the ECCE programme will be required to provide the programme on the basis of 3 hours per day, 5 days per week, over 38 weeks. It will not be mandatory that children attend every day but, where they do not, the capitation fee will be reduced accordingly.

### Grant Payments

787. **Deputy John McGuinness** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 170 of 19 April 2012, regarding the payment of a section 39 grant for 2011 to a school (details supplied) in County Kilkenny; and if she will expedite payment [26581/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

### Early Childhood Education

788. **Deputy Sandra McLellan** asked the Minister for Children and Youth Affairs if a child takes up their free preschool year and cannot continue after a month because it turns out that the child is not yet ready for preschool, will that child's free year be deferred until the following preschool year; and if she will make a statement on the matter. [26681/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Early Childhood Care and Education (ECCE) programme was introduced in January 2010 and provides a free pre-school year to all eligible children in the year before commencing primary school. About 65,000 children, that is approximately 95% of children in the year before school, are availing of the free pre-school provision at this time.

Children qualify for the free pre-school year where they are aged more than 3 years 2 months and less than 4 years 7 months at 1 September in the relevant year. This means, for example, that children born between 2 February 2008 and 30 June 2009 will qualify for the free pre-school year in September 2012 and children born between 2 February 2009 and 30 June 2010 will qualify in September 2013.

The implementation of these age limits means that a proportion of eligible children, for example, children born between 2 February 2009 and 30 June 2009 can avail of the free pre-school year in either September 2012 or September 2013. All other eligible children, with the

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exception of special needs children who can opt for a pro-rata arrangement over two years, have only one school year in which to avail of the programme.

Where a parent, having enrolled a child in the ECCE programme, subsequently decides that it would be more beneficial for the child to defer the pre-school year until the following year, s/he may apply for a deferral. Such applications require completion and submission of a Deferral form, and can only be made where the child will still fulfil the eligibility criteria for admission to the programme in September of the following year.

If the application to defer the pre-school place is approved, any capitation fees already paid to the service provider in respect of that child will be recouped from the service provider by the Department. It is necessary, therefore, for the parent to come to an arrangement with the service provider to repay the capitation fee in respect of any weeks in which the child has received the ECCE service. For this reason, the deferral application form must be signed by the service provider as well as the parent.

### Departmental Expenditure

789. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs the position regarding funding in respect of a centre (details supplied); and if she will make a statement on the matter. [26800/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Family Support Agency (FSA), under my Department, operates the Family Resource Centre Programme. The aim of the Family Resource Centre Programme is to combat disadvantage and improve the functioning of the family unit. There are 107 family resource centres throughout the country funded under the programme. The programme emphasises involving local communities in tackling the problems they face, and creating successful partnerships between voluntary and statutory agencies at community level.

Family Resource Centres have an important role to play, in harnessing local community efforts, in support of improved outcomes for children and young people which is a key objective of the Department of Children and Youth Affairs.

In 2012 an allocation of €26.465m has been made available to the Family Support Agency to fund its services for families. This includes funding of over €15m for the Family Resource Centre Programme.

My Department has asked the FSA to furnish information on the specific centre identified by the Deputy and I will forward this information to the Deputy when it is to hand.

### Foreign Adoptions

790. **Deputy Maureen O'Sullivan** asked the Minister for Children and Youth Affairs if her attention has been drawn to the difficulties that prospective adoptive parents now find themselves in relating to the Adoption Authority of Ireland and the Health Service Executive's handling of the renewals of declarations; if her attention has been drawn to the fact that information and forms are not being sent out by the HSE; the reason prospective adoptive parents have to undergo another Garda clearance process as well more meetings with social workers; if this will slow the adoption process for those parents whose names are high on the waiting list for adoption from Thailand in October-November; and if she will make a statement on the matter. [26190/12]



799. **Deputy Tom Hayes** asked the Minister for Children and Youth Affairs his views on the proposals for full assessment of couples who applied some years ago to adopt a second child from Vietnam; and if he will confirm if this is the case. [26555/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 790 and 799 together.

The Adoption Authority launched an online notification and application system on the Authority's website on 13 April 2012 to allow prospective adoptive parents to apply to the Authority for an extension to their valid Declaration of Eligibility and Suitability in sufficient time before the expiry date of 31 October 2012. The Adoption Authority forwards applications made to this system to the HSE in order that an updated assessment of the applicants may be undertaken. The Authority has advised that it is a matter for the HSE to determine the criteria for these updated assessments. The Authority has asked the HSE to deal with the applications based on the original declaration date.

The HSE has advised that the process for renewals of adoption declarations under previous adoption legislation included the updating of documentation and visits from social workers to update assessments. In keeping with this previous practice, and given the length of time since original declarations were granted, the HSE has advised that all documentation needs to be updated to ensure that it accurately reflects the applicants current circumstances. Furthermore, the HSE notes that as the children likely to be available for adoption will be of an older age group (in compliance with the Hague Convention) and given that many applicants currently have declarations for the adoption of younger children, the older age group of children likely to be available for adoption will need to be taken account of in the renewal process. The HSE has advised that applications will be kept under review to ensure that those high on waiting lists will be accommodated.

In relation to the individuals referred to in the details supplied, the HSE has confirmed that information and the necessary documentation has been posted to them.

### **Child Care Services**

791. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs the aims and objectives behind the children's service committees; the composition of the committees; whether each county is served by a dedicated committee; if these committees fall under the remit of the new Child and Family Support Agency; and if she will make a statement on the matter. [26257/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department is leading an initiative to develop and implement a planning model for local interagency working to improve outcomes for children. This is known as the *Working Together for Children* initiative. The purpose of this initiative is to work towards better developmental outcomes for children through more effective integration of policies and services, in particular through the Children's Services Committees at local level.

Children's Services Committees bring together a diverse group of agencies in local county areas to engage in joint planning of services for children. These include representatives from the HSE, local authorities, An Garda Síochána, VECs, National Association of Principals and Deputy Principals, Irish Primary Principals Network, NEWB, and other organisations who provide services to children and young people. There are 10 in place with an additional 6 in the preparatory stage of set up.



[Deputy Frances Fitzgerald.]

My Department has developed a number of guidance supports for the Children's Services Committees to assist in their development. These include a toolkit which provides advice on the composition of a committee, membership, roles and information and guidance on how to develop a children and young people's plan for their area. A Governance Framework deals with matters such as national and local governance structures and reporting arrangements. The initiative is overseen by the National Children's Strategy Implementation Group which is responsible for developing Children's Services Committees as a national initiative and for providing guidance to the committees on issues that arise in relation to effective collaborative working at local level in support of children and young people's better outcomes. Information on the toolkit and other supports for the committees and the work of the National Children's Strategy Implementation Group is available on my department's website, [www.dcy.gov.ie](http://www.dcy.gov.ie).

The nature of the relationship between the Children's Services Committees and the new Child and Family Support Agency is among the issues being considered by the Task Force on the Child and Family Support Agency.

I established the Task Force in September 2011 and it will advise my Department in regard to the necessary transition programme to establish a Child and Family Support Agency, and will base its work on best practice in child welfare, family support and public administration; consistent with the Government's public sector reform agenda. I look forward to receiving the report of their work, which will inform preparations for the new Agency, including the relationship between it and the Children's Services Committees.

### Foreign Adoptions

792. **Deputy Seán Ó Fearghaíl** asked the Minister for Children and Youth Affairs if she will consider correspondence (details supplied) regarding inter country adoptions; and if she will make a statement on the matter. [26302/12]

804. **Deputy Jack Wall** asked the Minister for Children and Youth Affairs her views regarding a submission on adoption (details supplied); the actions proposed or taken to address the concerns raised; if she or her Department has sought or is planning formal meetings with the State involved; if such has taken place, the results or agreements reached; if any visits to the country involved has occurred or is planned; the reasons Ireland was not invited to the meeting arranged by the country as stated on the 11 of May 2012; if she or her Department followed up on this meeting, through direct contact or through our Embassy in Moscow, to express an Irish interest in the interaction with the country in regard to adoption; if so, the results of such; and if she will make a statement on the matter. [26649/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 792 and 804 together.

With effect from 1 November 2010, intercountry adoptions can be effected with other countries which have ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Hague Adoption Convention) or with countries with which Ireland has a bilateral agreement. Kazakhstan has ratified the Convention.

Over the past 18 months the Adoption Authority of Ireland (AAI) has written to its counterpart Central Authority in Kazakhstan on three separate occasions to begin the process of developing an administrative agreement for intercountry adoption. To date there has been no reply from the Kazakhstani authorities to any of the contacts made by the AAI. The Authority continues to indicate that it is open to discussing the issue of intercountry adoptions with its

Kazakhstani counterparts at any time, and the most recent correspondence from the AAI was in March of this year. I understand that an official of the Irish Embassy in Moscow has now presented the copy correspondence to, and raised the issue of intercountry adoption with, the Ministry of Foreign Affairs in Kazakhstan. I understand the Kazakhstani authorities hosted a meeting on intercountry adoption on the 11th of May. I would like to point out that at no stage were the AAI, the Department of Children and Youth Affairs or the Embassy contacted by the Kazakhstani authorities regarding the meeting. While it is, of course, a matter for each country to decide with whom it co-operates, as soon as the issue came to the attention of my Department, official contact was made with the Embassy in Moscow in this regard. The Embassy officials in Moscow are endeavouring to secure feedback from this meeting to assess its relevance for progress towards an administrative agreement on intercountry adoption between Ireland and Kazakhstan

The Embassy has been asked to request information from the relevant authorities on the position for Irish couples hoping to adopt from Kazakhstan as soon as possible. In the interim the AAI is currently completing a review of Kazakhstan's adoption legislation.

### **Pre-School Services**

793. **Deputy Regina Doherty** asked the Minister for Children and Youth Affairs the number of the country's 4,871 registered creches that were inspected in 2009, 2010 and 2011; and if she will make a statement on the matter. [26389/12]

795. **Deputy Regina Doherty** asked the Minister for Children and Youth Affairs the percentage of early childhood care and education funded creches with at least two windows to child level and outside play spaces with gardens; and if she will make a statement on the matter. [26413/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 793 and 795 together.

As these are service matters, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

794. **Deputy Regina Doherty** asked the Minister for Children and Youth Affairs when creche inspection reports will go online in the same way as school and nursing home inspections are published; and if she will make a statement on the matter. [26409/12]

796. **Deputy Regina Doherty** asked the Minister for Children and Youth Affairs when creche inspection reports will go online; and if she will make a statement on the matter. [26479/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 794 and 796 together.

Pre-school services, including childminding services, are currently regulated under the Child Care (Pre-School Services) (No. 2) Regulations 2006, as provided for under Part VII of the Child Care Act, 1991.

Operational responsibility for the management and delivery of health and personal social services, including the inspection of childcare facilities, was assigned to the Health Service Executive (HSE) under the Health Act 2004. I understand that the HSE is committed to working towards the on-line publication of the Standardised Inspection Reports of pre-school facilities. In the meantime the HSE is encouraging childcare providers to share the information in the Reports with parents, when requested.

*Question No. 795 answered with Question No. 793.*

*Question No. 796 answered with Question No. 794.*

### **Child Care Services**

797. **Deputy Maureen O’Sullivan** asked the Minister for Children and Youth Affairs if her attention has been drawn to the negative impact of the cumulative budget cuts over the past number of years, along with the additional reduction of 5% for the current year, on a residential child care service (details supplied) which will mean closing the service for between 39 and 52 days during 2012; and if she will make a statement on the matter. [26515/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

### **Departmental Expenditure**

798. **Deputy Brian Walsh** asked the Minister for Children and Youth Affairs the position regarding an application under the childcare capital funding programme in respect of a creche and montessori (details supplied) in County Galway; and if she will make a statement on the matter. [26527/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I secured €6m capital funding in Budget 2012 to fund a maintenance programme for childcare facilities. The funding will provide for urgent and essential repairs to childcare facilities to ensure that they are in a position to remain open and continue to provide the three childcare programmes implemented by my Department.

The maximum grant available to individual services under the programme is €50,000 (including VAT).

Pobal is administering the capital programme on behalf of my Department, and I understand that the appraisal process is now complete. In appraising applications, particular consideration and priority has been given to:

- Applications that were accompanied by a Health Service Executive pre-school inspection report supporting the need for the proposed works in terms of compliance with the Pre-School Regulations;
- Applications that best demonstrated the need for the proposed works in terms, for example, of quality improvement to the childcare service;
- Services previously funded under the Equal Opportunities Childcare Programme 2000-2006, or the National Childcare Investment Programme 2006-2010;
- Services located in or servicing areas of disadvantage;
- The service’s previous record in relation to adherence to contractual obligations under previous capital and current funding programmes.

I understand that Pobal has contacted Members of the Oireachtas with a view to providing an update on the outcome of the appraisal process. Furthermore a relevant contact point on the Pobal website, to which current and future queries should be directed, has also been provided.

*Question No. 799 answered with Question No. 790.*

### Foreign Adoptions

800. **Deputy Tom Hayes** asked the Minister for Children and Youth Affairs when a decision will issue on the accreditation for the Helping Hand Group who assist persons in their efforts to adopt from Vietnam or other areas.; and if she will make a statement on the matter. [26556/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Adoption Authority of Ireland is an independent statutory body established under the Adoption Act 2010. The Authority has responsibility for the operational implementation of enacted legislation and Government policy. As the issue of accreditation of bodies is solely a matter for the Adoption Authority, I have forwarded the request to the Authority for attention and direct reply to the Deputy.

### Departmental Funding

801. **Deputy John McGuinness** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 447 of 7 February 2012, if the information promised is now available; and if she will make a statement on the matter. [26568/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The information requested by the Deputy is now available. I can advise that funding provided by the HSE to Right of Place since 2005 is as follows:

Year	Amount
2005	€303,333.00
2006	€594,056.29
2007	€355,024.00
2008	€340,500.00
2009	€337,500.00
2010	€367,013.14
2011	€240,000.00
2012	€173,854.00

The HSE receives audited accounts each year which are closely scrutinised in order that it can be assured the funding is used for the purpose intended. The HSE continues to work closely with Right of Place to monitor and support the organisation in its delivery of services.

I understand that the HSE wrote directly to the Deputy on 30 April, 2012 in this regard.

### Child Care Services

802. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if an assessment has been carried out of the cost of introducing a mandatory aftercare policy for children in the care of the State once they turn 18 years of age; and if she will make a statement on the matter. [26579/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Section 45 of the Child Care Act 1991 places a statutory duty on the HSE to form a view in relation to each person leaving care as to whether there is a “need for assistance” and if it forms such a view, to provide services in accordance with the legislation and subject to resources.

All young people who have had a care history with the HSE, be it foster care, residential care or high support, are entitled to an aftercare service based on their assessed needs. The core eligible

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age range for aftercare is 18 years to 21 years. This can be extended until the completion of a course of education in which he/she is engaged up to the age of 23 years of age. The HSE has advised me that there were 1,310 young people were in receipt of aftercare at the end of May 2012.

The basis of an aftercare service is an individual assessment of each young person's need. This varies from advice to accommodation, further education, employment or training and social support. The most vulnerable group of young people leaving care are those that have dropped out of education and training and those that have left residential care. Some of these young people have mental health problems or a disability. Aftercare provision incorporates advice, guidance and practical support. An individual holistic needs assessment identifies a young person's need for accommodation, financial support, social network support and training and education in the months before their 18th birthday. The level of support required will vary for each individual. It is essential that all young people leaving care are provided with the type of transitional support that their individual situation requires. The provision of an appropriate aftercare service has been highlighted as a key element to achieving positive outcomes for young people leaving care.

Some 90% of children in care are in foster care and a large number of these remain living with their foster families, supported financially by the HSE, on reaching 18 years of age. These young people continue in education and training as planned. This remains a key component of aftercare for young people when they leave care.

The HSE National Aftercare Service is underpinned by a National Policy and Procedures Document which has been developed in cooperation with the key stakeholders, including the voluntary sector agencies involved in aftercare provision and my Department. The policy which was finalised in April 2011, commits to promoting and achieving the best outcomes for young people leaving care and in ensuring consistency of support to these young people. The HSE has established an intra-agency National Aftercare Implementation Group to monitor progress in implementing the national policy and their work is ongoing. The implementation of the policy and the ongoing provision of aftercare services is being kept under review and I will continue to engage with the HSE on this matter over the course of the year.

### Departmental Funding

803. **Deputy Niall Collins** asked the Minister for Children and Youth Affairs the amount of funding committed to in her Department for capital projects; if she will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if she will make a statement on the matter. [26626/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Details of the capital resource allocations made available to my Department in 2012 and related fund disbursements over the period January — May are set out in the following table:

Subhead	Title	Estimate Allocation €000	Amount paid to date €000	Balance to drawdown €000
A.7	Youth Justice — Children's Detention Centres	350	9	341
B.4	Childcare Programmes	6,500	0	6,500
B.5	Youth Organisations and Services (part funded by the National lottery)	1,500	0	1,500
Total		8,350	9	8,341

Particulars relating to the funding provisions under each Subhead are as follows:

*Youth Justice — Children's Detention Centres*

A sum of €350,000 has been made available to the Irish Youth Justice Service for 2012 to fund capital projects within the Children Detention Schools, in a series of improvements to fire safety measures. It is expected that the capital commitment will be fully expended before the year end.

In addition to this, funding for a capital project to construct children detention facilities of €50 m approximately was announced in April 2012 and it is expected that this will be spent over the period to 2015.

*Childcare Programmes*

Capital funding of €6 million has been made available in 2012 to fund a maintenance programme for childcare facilities. The maximum grant available to individual services under the programme is €50,000 (including VAT). The programme is being administered on behalf of my Department by Pobal. The appraisal process has been completed and recommendations have been made to the Department. Successful applicants will be notified shortly. Subsequent arrangements regarding contract, payment, reporting and audit will be dealt with by Pobal on behalf of my Department. This capital funding is specific to 2012, and the funding must be spent within this year.

In addition, capital funding of €500,000 has been provided in 2012 for grants under the Parent and Toddler Initiative and the Childminder Development Grant Scheme. Under the Parent and Toddler Initiative, an amount of €250,000 has been provided to support grants to parent and toddler groups with a particular focus on disadvantaged areas. This initiative is administered by the City and County Childcare Committees. A sum of €250,000 has also been provided for the Childminder Development Grant Scheme under which capital grants of up to €1,000 can be applied for to purchase safety equipment or toys or to make minor adjustments to the childminder's home in order to establish or enhance a childminding service. This funding is also administered by the City and County Childcare Committees.

*Youth Organisations and Services*

As part of the Government's Capital Review published in November 2011, capital funding of €1.5 million has been secured for youth projects in 2012. It is anticipated that a significant portion of this funding will be specifically allocated to youth cafés. My Department is currently examining options for the most effective distribution of this funding and an announcement will be made in due course in relation to how the funds will be distributed. The priority will be to ensure that the maximum impact and cost effectiveness is achieved.

*Question No. 804 answered with Question No. 792.*

**Foreign Adoptions**

805. **Deputy John McGuinness** asked the Minister for Children and Youth Affairs if all of the appropriate agreements have been put in place to allow Irish families adopt children from Russia; and if she will make a statement on the matter. [26691/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Adoptions from Russia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). Under the provisions of the legislation, such adoptions may take place up to the end of October 2013.



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As regards adoptions thereafter, Russia has not ratified the Hague Convention and there appears to be no immediate prospect that this will happen. Therefore, future adoptions from Russia, beyond those provided for under the transitional arrangements, may only be possible under a bi-lateral agreement. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010 which states that *"the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State."* Any bilateral arrangements which might be entered into would be required by law to meet the minimum standards set out in the Hague Convention.

A delegation comprised of representatives of the Adoption Authority and officials from my Department held exploratory meetings with the Russian authorities in December of last year. The delegation visited Russia in relation to preliminary discussions around the potential for a bilateral on intercountry adoption. This was a follow up to previous discussions which took place earlier in the year, on the initiative of the Russian authorities. I have received an initial assessment from the Adoption Authority. My Department is in discussions with the Adoption Authority on this assessment and other issues which will inform the next steps to be taken in relation to this matter. I am aware of the need to bring clarity to the situation in respect of Russia and I hope to be in a position to do so as quickly as possible.

806. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 61 of 24 April 2012, if the Adoption Authority of Ireland has completed its report into the assessment of the Ethiopian adoption situation following a visit by an AAI delegation to Addis Ababa recently; her views on the report; the next steps in the process; and if she will make a statement on the matter. [26825/12]

808. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs further to Parliamentary Question No. 671 of 24 April 2012, if the Adoption Authority of Ireland has completed its report on its assessment of the situation in Ethiopia regarding inter-country adoptions; the next steps that are to be taken; and if she will make a statement on the matter. [26884/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 806 and 808 together.

Adoptions from Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2012. The Adoption Act 2010 also contains provision for a one year extension to declarations of eligibility and suitability to adopt which may lead to a one year extension to this date.

Ethiopia is not a signatory of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. In these circumstances, adoptions from Ethiopia which are not covered by the transitional arrangements referred to above would require a bilateral agreement between Ireland and Ethiopia. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention is governed by Section 73 of the Adoption Act 2010 which states that *"the Authority, with the prior consent of the Minister, may enter into discussions with any non-contracting state concerning the possibility of the Government entering into a bilateral agreement with that State."* Any bilateral

arrangements which might be entered into would be required by law to meet the minimum standards set out in the Hague Convention.

A delegation from the Adoption Authority visited Ethiopia in April and held exploratory meetings with the Ethiopian authorities regarding the system of adoption which operates in that country. The delegation, in the course of its visit, held preliminary discussions with the Ethiopian authorities around the potential for a bilateral agreement on intercountry adoption. The Authority submitted its initial report which summarises the conclusions and recommendations of the delegation's visit on the 21st of May. In addition, the Embassy in Ethiopia recently submitted a detailed background note on intercountry adoption in Ethiopia, which officials in my Department are considering in conjunction with the AAI report. The AAI has stated that it is seeking further legal advice in Ethiopia on whether adoptions there are full or simple adoptions. The Authority indicated that it will contact me again once it has received this legal advice and has completed its consideration of the matter.

807. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs further to Parliamentary Question Nos. 587 of 14 January 2012 and 234 of 28 April 2012, when a response will issue from the Adoption Authority of Ireland; the reason for the delay in the process; and if she will make a statement on the matter. [26826/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have arranged that correspondence, in relation to the issues raised, will issue to the Deputy in the coming days.

*Question No. 808 answered with Question No. 806.*

### Children in Care

809. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if he will provide details in tabular form of the number of children in the care of the State and details of the number and percentage of same with an allocated social worker for each month since January 2011; and if she will make a statement on the matter. [26909/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Health Service Executive (HSE) compiles monthly performance reports which include statistics in relation to children in care. These reports are published on the HSE website at *www.hse.ie*. The HSE has provided the following information:

Number of Children in Care in 2011

Month	Jan	Feb	Mar	April	May	June	Jul	Aug	Sept	Oct	Nov	Dec
Overall Total	5,907	6,015	6,083	6,131	6,152	6,175	6,208	6,215	6,210	6,210	6,242	6,160

Percentage of children in care with an allocated social worker in 2011

Month	Jan	Feb	Mar	April	May	June	Jul	Aug	Sept	Oct	Nov	Dec
Overall total %	93.7%	94.6%	93.7%	94.5%	93.9%	93.4%	93.4%	93.1%	92.3%	92.3%	92.6%	92.6%

Number of Children in Care in 2012

Month	Jan	Feb
Overall Total	6,163	6,168

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Percentage of children in care with an allocated social worker in 2012

Month	Jan	Feb
Overall total %	92.0%	91.9%

### Children in Care

810. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if he will provide details in tabular form of any annual figures she has of the number of children in the care of the State for each of the past ten years; and if she will make a statement on the matter. [26910/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Health Service Executive (HSE) compiles and publishes monthly performance reports which include statistics in relation to children in care. The HSE reported the following information regarding the annual number of children in the care of the State for each of the past ten years:

Year	Number of Children in Care on 31st December
2002	4,921
2003	4,984
2004	5,060
2005	5,220
2006	5,336
2007	5,324
2008	5,347
2009	5,689
2010	5,964
2011	6,160
2012 (at the end of Feb )	6,168

### Health Service Staff

811. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will provide details in tabular form the whole time equivalent number of social workers employed in the area of child and family services for each month since 1 January 2011; and if she will make a statement on the matter. [26911/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department has sought the information requested by the Deputy from the HSE and I will provide the Deputy with the information when it becomes available.

812. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will provide details in tabular form the number of temporary social worker posts in the area of child and family services for each month since 1 January 2011; if these posts are included in her figures for total whole time equivalent social worker posts for each of these months; and if she will make a statement on the matter. [26912/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Details of the number of temporary social worker posts in the area of child and family services for each month since 1 January 2011 are listed below in tabular form. The HSE has confirmed that these posts are included in the total whole time equivalent social worker posts for each of these months.

Date	Number of Temporary Social Workers
31/01/2011	36.18
28/02/2011	37.41
31/03/2011	40.24
30/04/2011	42.54
31/05/2011	42.54
30/06/2011	46.42
31/07/2011	47.29
31/08/2011	46.25
30/09/2011	43.52
31/10/2011	39.34
30/11/2011	40.66
31/12/2011	59.39
31/01/2012	53.20
29/02/2012	51.49
31/03/2012	50.75
30/04/2012	49.37

813. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will provide details on the number of social workers employed in the area of child and family services currently on maternity or temporary leave from their employment and the number of these temporarily vacant posts have temporary replacements employed to cover the responsibilities; and if she will make a statement on the matter. [26913/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have requested from the HSE the information requested by the Deputy and I will revert to the Deputy when this information is to hand.

814. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if the Health Service Executive includes social workers currently on maternity or temporary leave from their employment in HSE figures given in response to Parliamentary Question replies seeking the number of whole time equivalent social workers employed in child and family services; and if she will make a statement on the matter. [26914/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The HSE compiles a monthly census of employment in the public health and social care sector. The census provides a snapshot of staff who are on the payroll on the day that the census is compiled. Therefore any staff who are on the payroll on that date are included in the census returns. This would include staff on paid maternity and other leave.

#### Ministerial Appointments

815. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs if she will outline all staff appointments she has made since last March; the name of those appointed;

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their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if she will make a statement on the matter. [26950/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I wish to advise the Deputy that I have made no staff appointments to my Department since last March.

### Children in Care

816. **Deputy Kevin Humphreys** asked the Minister for Children and Youth Affairs the number of convicted sex offenders under the age of 18 housed by the Health Service Executive with vulnerable children and minors, if she will clarify if the HSE keeps a record of the information, and her views on whether it should; and if she will make a statement on the matter. [27121/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under the Child Care Act 1991 the Health Service Executive (HSE) has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. If a child is in need of care and protection and is unlikely to receive it at home, the HSE has a duty to ensure they receive appropriate care. In such circumstances children can be taken into care on a voluntary basis (on agreement with the parents) or under various Court Orders as provided for under the Child Care Act 1991.

The HSE has a legal obligation and a duty of care to all children in care regardless of whether they have a criminal conviction, or are engaged in sexually harmful behaviour. Each child must be cared for in a safe and caring environment. When a child is coming into care they are allocated a social worker who undertakes a full assessment of need and on this basis a statutory care plan is developed. This assessment will call on a full range of professionals, where required, to set out a comprehensive statement of the child's needs. A risk assessment is also carried out that takes into consideration the risk to others. A care plan is then developed which includes safeguards that need to be put in place to ensure that the risks are kept to minimum. The care plan also determines the support and interventions needed with regard to the family situation where it is planned that a child will return home. The care plan directs the placement most appropriate to the needs of the child.

I am advised by the HSE that there were 6,168 children in the care of the state in February 2012. However data collected at national does not currently include information on the number of children in care with criminal convictions. I have previously asked the HSE to examine inclusion of appropriate national data on criminal charges or convictions in the National Child Care Information System.

Young people who have committed offences, or have caused harm, need to be given an opportunity to understand the consequences of their behaviour in as positive an environment as possible. This is achieved through therapeutic interventions, ongoing assessment of risk and the inclusion of safeguards. On the rare occasion where a child in care may commit a crime the matter is dealt with by local services in the context of the child or young person's care plan.

### Missing Children Hotline

817. **Deputy Anne Ferris** asked the Minister for Children and Youth Affairs if an application for funding from an organisation (details supplied) has been received regarding funding for the Missing Children Hotline 116000; the funding that will be made available; and if she will make a statement on the matter. [27249/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under EU telecoms rules agreed in 2009, the 116000 number is reserved in all EU member states for a missing children hotline. My Department established, and is leading, a cross-sectoral Project Team, including representatives of my own Department, the Department of Justice and Equality, ComReg and An Garda Síochána to advance this matter.

The position is that Comreg, who have responsibility for allocation of this number in Ireland, received an application to operate the Hotline from the ISPCC. Following cross departmental consultation and an examination of the issues involved by the Project team, Comreg has now allocated the number to the ISPCC. The operation of the Hotline is now a matter for the ISPCC who have made a successful application for funding to the European Commission. The ISPCC are currently finalising the project plan for the Hotline. To date no application for Exchequer funding has been received by my Department from the ISPCC. In the event that such an application is forthcoming it will be considered in the context of the ongoing work of the Project Team which has met with the ISPCC and is working to ensure that the Hotline becomes operational as soon as possible and operates in a way that supports and augments existing arrangements to secure child protection.

In the interim, a holding response is currently heard if an individual rings the 116000 number. The number advises callers wishing to report a missing child to contact An Garda Síochána and advises children seeking assistance to contact the ISPCC.

### Child Care Services

818. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the amount of funding being allocated to the CCS Scheme for 2012; the criteria that will be used to decide those that will be excluded from the scheme in the event that the funding cap is reached; and if she will make a statement on the matter. [27435/12]

819. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the number of children that have benefitted annually from the community child care subvention scheme since it was established; and if she will make a statement on the matter. [27436/12]

820. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs the annual spend on the community child care subvention scheme since it was first set up; and if she will make a statement on the matter. [27437/12]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 818 to 820, inclusive, together.

The Community Childcare Subvention scheme (CCSS), which provided funding to community child care services to enable them to charge reduced child care rates to low income and disadvantaged families, was introduced in January 2008 and was implemented under the National Childcare Investment Programme (NCIP).

In Budget 2010, the Minister for Finance announced that the CCSS programme would be succeeded by a follow-on programme, the Community Childcare Subvention (CCS) programme, with effect from September 2010. This new programme continued to support community child care services and some 1,000 services throughout the State are currently participating in the CCS programme and receive funding which is passed on to qualifying parents in the form of reduced child care fees.

Funding allocated to provide for these subvention programmes amounted to €52.175m in 2008; €60.778m in 2009; €54.506m in 2010 and €42.5m in 2011. €42m has been allocated for the



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programme in 2012. The programme would at any given time support in the region of 25,000 children with some children benefiting from the programme over a number of years.

Community child care services qualify for grant aid on the basis of the level of service they provide and the profile of the parents benefiting from their service. The amount of annual funding provided for child care services participating in the CCS programme is determined early in the school year and follows submission to my Department, by the child care provider, of the profile of eligible parents who have children enrolled in its service. Because of the current budgetary situation no new places are available to service providers seeking to enter this programme in 2012. However, in exceptional circumstances where a participating service closes or opts out of the programme, a new applicant may be considered to take up the vacated place in the programme if they are in a position to meet the child care need arising.

### Medical Cards

821. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding medical card applications in respect of persons (details supplied) in County Limerick. [26374/12]

**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.

### EU Regulations

822. **Deputy Maureen O'Sullivan** asked the Minister for Health if he amended or withdrew relevant licences to prohibit the animal LD50 assays for testing of botulinum neurotoxins, potency and stability determinations for which the new non-animal cell based test method has been approved by the Irish Medicines Board as a replacement; the date such prohibitions came into force, as required by Section 2(2)(b) of S.I. No. 555 (2002); and if he will make a statement on the matter. [26514/12]

**Minister for Health (Deputy James Reilly):** I take it that the Deputy is referring to Section 2(2)(b) of the Cruelty to Animals Act, 1876 which was inserted by Regulation 2(c) of the European Communities (Amendment of Cruelty to Animals Act 1876) Regulations 2002 (S.I. No. 566 of 2002). This sub-section states that “an experiment shall not be performed if another scientifically satisfactory method of obtaining the result sought, not entailing the use of an animal, is reasonably and practicably available”.

As you will be aware a new non-animal cell based test method has been approved by the Irish Medicines Board (IMB) for the testing of Botox. The IMB advised us that the data submitted by the applicant is confidential and that if another company proposed a similar change, it would need to submit its own variation application with supporting data.

As the new non-animal cell based test method is not available to other companies, the issue of withdrawing current licences involving LD50 tests does not arise. We have informed other companies in this area, however, that such a test exists and encouraged them to develop other similar models.

### Alcohol Sales

823. **Deputy Ciarán Lynch** asked the Minister for Health if measures are to be introduced to prevent the heavily discounted and below cost selling of alcohol; and if he will make a statement on the matter. [26590/12]

**Minister for Health (Deputy James Reilly):** In its report on alcohol, the National Substance Misuse Strategy Steering Group recommended — among other things — the introduction of a legislative basis for minimum pricing per gram of alcohol. As minimum pricing is a mechanism of imposing a statutory floor in price levels for alcohol products that must be legally observed by retailers, its primary function would be thus to discourage at risk levels of alcohol consumption. This recommendation is being actively considered as part of the development of an Action Plan in advance of proposals being drafted for Government.

### Pharmacy Regulations

824. **Deputy Dara Calleary** asked the Minister for Health if the sale of prescription drugs by a person other than a pharmacist is a crime; the specific legislation involved; if he is considering additional legislation in the area; and if he will make a statement on the matter. [26597/12]

828. **Deputy Maureen O'Sullivan** asked the Minister for Health in view of plans for forthcoming legislation on the sale of prescription pills, if he will consider looking at the selling of harmful substances through internet sites; and if there is an E.U. Statutory Instrument to allow for cross country co-operation on this matter. [27342/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 824 and 828 together.

Under the Medicinal Products (Prescription and Control of Supply) Regulations, it is prohibited for a person to supply a prescription medicine except in accordance with a prescription and the supply must be made from a registered pharmacy by or under the personal supervision of a registered pharmacist. A person who contravenes these Regulations is guilty of an offence. The Regulations also make it illegal for prescription medicines to be supplied by mail order. The definition of mail order includes reference to electronic custom solicitation and order for supply. This includes ordering prescription medicines through internet sites.

Furthermore, a person who has in his possession a prescription medicine containing a substance controlled under the Misuse of Drugs legislation for the purpose of selling or otherwise supplying it, is guilty of an offence under that legislation.

My Department is reviewing the Misuse of Drugs Regulations with a view to introducing additional controls on certain prescription drugs being traded illicitly, for example benzodiazepine medicines. These additional controls include introducing import and export controls as well as an offence of possession, thereby assisting the law enforcement roles of Customs and of the Garda Síochána.

My Department will consult with key stakeholders in relation to the proposed amendments.

### EU Directives

825. **Deputy Maureen O'Sullivan** asked the Minister for Health if the two Certificate Gs listed in the 2010 statistics for the number of animals used in experimental and other scientific purposes are the same ones as recorded in the 2009 Statistics; if the G Certificates cover all LD50/LC50 procedures as enumerated at column 7.2.1 of the Statistics in 2009 and/or 2010; if other types of procedures are permitted under these G certificates; in relation to approving the Certificate Gs listed in the 2009/2010 statistics, what was the argument accepted by his Department as to the reason the object of any such experiment will be necessarily frustrated unless the animal may experience pain that is likely to be prolonged; will Certificate G procedures, which are defined as potentially causing animals severe and prolonged pain, be prohibited as a result of the transposition of Article 15(2) of Directive 2010/63/EU which forbids procedures

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that involve severe pain, suffering or distress that is likely to be long-lasting and cannot be ameliorated; and if he will make a statement on the matter. [26779/12]

**Minister for Health (Deputy James Reilly):** I can confirm that the two “G” certificates referred to in the 2010 statistics are the same ones listed in the 2009 statistics. Typically, licences are held for 5 years so these certificates will also be recorded in subsequent years.

“G” certificates are issued on a case-by-case basis and are issued only in exceptional circumstances where the project is of sufficient importance for meeting the essential needs of human beings or animals.

All LD50/LC50 tests would not necessarily require a “G” certificate. The two certificates that have been issued relate to two current licences in respect of the same project. The aim of this project is to develop substances to improve neuromuscular transmission for therapeutic purposes.

Directive 2010/63/EU will be transposed into Irish law by the end of 2012 and from that date onwards, the existing certification process will no longer operate. Article 15 of the 2010 Directive, as you have pointed out, forbids procedures that involve severe pain, suffering or distress that is likely to be long-lasting and cannot be ameliorated. In addition, under the new national legislation, the National Competent Authority will perform a project evaluation including a harm/benefit analysis of the project, to assess whether the harm to the animal in terms of suffering, pain and distress is justified by the expected outcome taking into account ethical considerations and may ultimately benefit human beings, animals or the environment.

I would like to advise the Deputy that I have informed the Chairman of the Irish Medicines Board of my intention to designate the Board as the National Competent Authority for Directive 2010/63/EU and to have responsibility for those other functions of the Directive necessary for its implementation.

### Water Services

826. **Deputy Simon Harris** asked the Minister for Health if he will review the policy of adding flouride to the public drinking water supply here; and if he will make a statement on the matter. [26810/12]

827. **Deputy Brendan Griffin** asked the Minister for Health his plans to reform mandatory policy on water fluoridation; and if he will make a statement on the matter. [27203/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 826 and 827 together.

The Forum on Fluoridation, which was established by the Minister for Health and Children in 2000, advised in 2002 that the fluoridation of public piped water supplies should continue as a public health measure. The Irish Expert Body on Fluorides and Health, which was established in 2004, monitors new and emerging issues on fluoride and its effects on health and related matters. The Expert Body advises that the balance of scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be safe and effective in protecting the oral health of all age groups. I have no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

*Question No. 828 answered with Question No. 824.*

### International Agreements

829. **Deputy Brendan Griffin** asked the Minister for Health further to Parliamentary Question No. 604 of 21 March 2012, if he will review this issue (details supplied); and if he will make a statement on the matter. [27546/12]

**Minister for Health (Deputy James Reilly):** Further to my reply on 21st March, the Deputy may wish to note that the National Consent Advisory Group recently made its Draft National Consent Policy available for public consultation. The consultation process runs until the 28th June. Following that all comments and submissions will be reviewed and considered in the development of a final policy which is due for completion by September 2012.

### Pharmacy Regulations

830. **Deputy Patrick Nulty** asked the Minister for Health the steps he will take to ensure the availability of Gilenya and Tysabri drugs to persons with Multiple Sclerosis; if his attention has been drawn to the fact that they are available in the UK, Portugal and Greece; if he will support MS Ireland's Access to Treatments Campaign; and if he will make a statement on the matter. [26137/12]

885. **Deputy Derek Nolan** asked the Minister for Health his views on the availability of the drug Gilenya here for multiple sclerosis patients; the reason it is not available even though it has been approved in the EU; if he envisages it being made available; and if he will make a statement on the matter. [26571/12]

892. **Deputy Mattie McGrath** asked the Minister for Health the reason Tysabri and Gilenya, two licensed approved treatments for multiple sclerosis which are available in many other countries, are not currently available here; the reason these treatments are not available here; his plans to introduce these treatments; and if he will make a statement on the matter. [26611/12]

968. **Deputy Dara Calleary** asked the Minister for Health when the Health Service Executive expects to make available to multiple sclerosis sufferers here, the licensed and cost-effective drug, Gilenya, in view of the fact that it has been deemed cost-effective since September 2011; and if he will make a statement on the matter. [27290/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 830, 885, 892 and 968 together.

The manufacturer of Fingolimod (Gilenya®) has submitted an application to the HSE for the product to be reimbursed through community pharmacies under the High-Tech Drug Scheme. The list of medicinal products provided under the High-Tech Drug Scheme is reviewed on a regular basis. The application in respect of the product in question is currently under consideration.

Tysabri must be administered in specialist centres under the supervision of experienced medical staff. This requires significant ancillary support including timely access to MRI, nursing support, educational guidance and ongoing follow up with the patient to ensure its safe and appropriate use. This presents challenges for hospitals and the HSE. There is significant international discussion about the exact role of Tysabri and how to ensure the most appropriate safe, efficacious and cost effective use of this new technology in the treatment of Multiple Sclerosis patients. In the current climate, the increasing use of high cost medical technologies represents a significant challenge to the health system and society at large. The HSE is commit-

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ted to ensuring that the maximum possible benefit is provided to patients from within the resources which the HSE has available to it.

### Ambulance Service

831. **Deputy Robert Dowds** asked the Minister for Health if he will report on the numbers of ambulances being held up for significant lengths of time that is greater than half an hour at each of the Dublin hospitals (details supplied) because the ambulances are waiting for their trolleys to be returned; the figures for the first three months of 2012; and the length of time each ambulance has been delayed [26172/12]

**Minister for Health (Deputy James Reilly):** The period spent by an emergency ambulance at an emergency department varies for a number of reasons, including the presenting patient's condition and the complexity of the clinical handover. The National Ambulance Service (NAS), as part of ongoing work to minimise delays in releasing ambulances from EDs, has introduced named officers to liaise with relevant hospital staff and management with regard to this.

The HSE Emergency Medical Programme has also developed a set of performance indicators for measurement of ED performance, which includes an indicator for maximum time an ambulance should be held at an ED. Measurement of this performance indicator will be implemented over the coming months.

Set out below in tabular form is a copy of information collected by the NAS for ambulances at EDs for January, February and March 2012. This information is broken down as follows:

- the number of calls that were clear from EDs in less than 20, 30 and 60 minutes respectively;
- the total amount of time spent by ambulances at EDs;
- the average amount of time spent by ambulances at EDs.

National Ambulance Service (HSE and DFB) Ambulance Turnaround Time at Dublin Hospitals

Total AS1 Ambulance to Emergency Department Time from At Hospital to Clear	%	Total No of Calls January 2012	Average Time at Hospital
<i>AS1 and AS2 Calls for January 2012</i>			
<i>St. James Hospital</i>			
Cleared at Hospitals in 20 minutes or less	67%	812	00:18:04
Cleared at Hospitals in 30 minutes or less	86%	1,042	
Cleared at Hospitals in 60 minutes or less	99%	1,198	
At Hospital 1-14 hours	1%	16	Total time at hospital
Grand Total	100%	1,214	365:39:17
<i>Tallaght Hospital</i>			
Cleared at Hospitals in 20 minutes or less	60%	472	00:19:52
Cleared at Hospitals in 30 minutes or less	82%	639	
Cleared at Hospitals in 60 minutes or less	98%	767	
At Hospital 1-14 hours	2%	15	Total time at hospital
Grand Total	100%	782	258:59:53

Total AS1 Ambulance to Emergency Department Time from At Hospital to Clear	%	Total No of Calls January 2012	Average Time at Hospital
<i>St. Vincent's Hospital Elm Park</i>			
Cleared at Hospitals in 20 minutes or less	52%	242	00:35:44
Cleared at Hospitals in 30 minutes or less	79%	367	
Cleared at Hospitals in 60 minutes or less	99%	459	
At Hospital 1-14 hours	1%	6	Total time at hospital
Grand Total	100%	465	276:59:03
<i>Beaumont Hospital</i>			
Cleared at Hospitals in 20 minutes or less	36%	363	00:36:19
Cleared at Hospitals in 30 minutes or less	57%	573	
Cleared at Hospitals in 60 minutes or less	87%	878	
At Hospital 1-14 hours	13%	135	Total time at hospital
Grand Total	100%	1,013	613:02:08
<i>Mater Hospital</i>			
Cleared at Hospitals in 20 minutes or less	60%	665	00:23:55
Cleared at Hospitals in 30 minutes or less	78%	864	
Cleared at Hospitals in 60 minutes or less	93%	1,038	
At Hospital 1-14 hours	7%	74	Total time at hospital
Grand Total	100%	1,112	443:07:45
<i>Connolly Hospital</i>			
Cleared at Hospitals in 20 minutes or less	59%	583	00:27:21
Cleared at Hospitals in 30 minutes or less	79%	777	
Cleared at Hospitals in 60 minutes or less	96%	938	
At Hospital 1-14 hours	4%	42	Total time at hospital
Grand Total	100%	980	446:37:52

## National Ambulance Service (HSE and DFB) Ambulance Turnaround Time at Dublin Hospitals

Total AS1 Ambulance to Emergency Department Time from At Hospital to Clear	%	Total No of Calls February 2012	Average Time at Hospital
<i>AS1 and AS2 Calls for February 2012</i>			
<i>St. James Hospital</i>			
Cleared at Hospitals in 20 minutes or less	64%	742	00:19:12
Cleared at Hospitals in 30 minutes or less	85%	985	
Cleared at Hospitals in 60 minutes or less	98%	1,146	
At Hospital 1-14 hours	2%	19	Total time at hospital
Grand Total	100%	1,165	372:46:38



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Total AS1 Ambulance to Emergency Department Time from At Hospital to Clear	%	Total No of Calls February 2012	Average Time at Hospital
<i>Tallaght Hospital</i>			
Cleared at Hospitals in 20 minutes or less	56%	455	00:20:41
Cleared at Hospitals in 30 minutes or less	82%	663	
Cleared at Hospitals in 60 minutes or less	98%	798	
At Hospital 1-14 hours	2%	14	Total time at hospital
Grand Total	100%	812	279:57:12
<i>St. Vincent's Hospital Elm Park</i>			
Cleared at Hospitals in 20 minutes or less	53%	257	00:35:28
Cleared at Hospitals in 30 minutes or less	80%	386	
Cleared at Hospitals in 60 minutes or less	99%	477	
At Hospital 1-14 hours	1%	6	Total time at hospital
Grand Total	100%	483	285:30:20
<i>Beaumont Hospital</i>			
Cleared at Hospitals in 20 minutes or less	31%	304	00:44:58
Cleared at Hospitals in 30 minutes or less	51%	493	
Cleared at Hospitals in 60 minutes or less	77%	746	
At Hospital 1-14 hours	23%	222	Total time at hospital
Grand Total	100%	968	725:23:49
<i>Mater Hospital</i>			
Cleared at Hospitals in 20 minutes or less	55%	612	00:29:01
Cleared at Hospitals in 30 minutes or less	72%	794	
Cleared at Hospitals in 60 minutes or less	90%	992	
At Hospital 1-14 hours	10%	106	Total time at hospital
Grand Total	100%	1,104	533:56:31
<i>Connolly Hospital</i>			
Cleared at Hospitals in 20 minutes or less	62%	592	00:28:54
Cleared at Hospitals in 30 minutes or less	82%	778	
Cleared at Hospitals in 60 minutes or less	97%	923	
At Hospital 1-14 hours	3%	26	Total time at hospital
Grand Total	100%	949	457:01:06

## National Ambulance Service (HSE and DFB) Ambulance Turnaround Time at Dublin Hospitals

Total AS1 Ambulance to Emergency Department Time from At Hospital to Clear	%	Total No of Calls March 2012	Average Time at Hospital
<i>AS1 and AS2 Calls for March 2012</i>			
<i>St. James Hospital</i>			
Cleared at Hospitals in 20 minutes or less	65%	769	00:19:03
Cleared at Hospitals in 30 minutes or less	87%	1,030	
Cleared at Hospitals in 60 minutes or less	98%	1,160	
At Hospital 1-14 hours	2%	22	Total time at hospital
Grand Total	100%	1,182	375:13:28
<i>Tallaght Hospital</i>			
Cleared at Hospitals in 20 minutes or less	60%	471	00:20:03
Cleared at Hospitals in 30 minutes or less	84%	657	
Cleared at Hospitals in 60 minutes or less	98%	765	
At Hospital 1-14 hours	2%	14	Total time at hospital
Grand Total	100%	779	260:24:43
<i>St. Vincent's Hospital Elm Park</i>			
Cleared at Hospitals in 20 minutes or less	55%	261	00:35:56
Cleared at Hospitals in 30 minutes or less	86%	406	
Cleared at Hospitals in 60 minutes or less	99%	470	
At Hospital 1-14 hours	1%	3	Total time at hospital
Grand Total	100%	473	283:19:51
<i>Beaumont Hospital</i>			
Cleared at Hospitals in 20 minutes or less	30%	291	00:36:28
Cleared at Hospitals in 30 minutes or less	52%	499	
Cleared at Hospitals in 60 minutes or less	86%	832	
At Hospital 1-14 hours	14%	136	Total time at hospital
Grand Total	100%	968	588:22:18
<i>Mater Hospital</i>			
Cleared at Hospitals in 20 minutes or less	54%	614	00:28:42
Cleared at Hospitals in 30 minutes or less	73%	830	
Cleared at Hospitals in 60 minutes or less	90%	1,022	
At Hospital 1-14 hours	10%	119	Total time at hospital
Grand Total	100%	1,141	545:45:34

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Total AS1 Ambulance to Emergency Department Time from At Hospital to Clear	%	Total No of Calls March 2012	Average Time at Hospital
<i>Connolly Hospital</i>			
Cleared at Hospitals in 20 minutes or less	65%	616	00:27:27
Cleared at Hospitals in 30 minutes or less	84%	803	
Cleared at Hospitals in 60 minutes or less	97%	924	
At Hospital 1-14 hours	3%	27	Total time at hospital
Grand Total	100%	951	435:05:08

### Health Services

832. **Deputy Simon Harris** asked the Minister for Health the reason for the delay of 18 months in providing speech and language therapy in respect of a child (details supplied) in County Wicklow; and if he will make a statement on the matter. [26193/12]

**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.

833. **Deputy Finian McGrath** asked the Minister for Health the position regarding respite beds and day care facilities (details supplied) in Dublin 3 [26199/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

834. **Deputy Finian McGrath** asked the Minister for Health the position regarding a home care package in respect of a person (details supplied) in Dublin 12 [26200/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Medical Cards

835. **Deputy Finian McGrath** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in Dublin 3 [26201/12]

**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.

836. **Deputy Patrick Nulty** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in Dublin 15; the reason for the delay; and if he will make a statement on the matter. [26242/12]

**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.

### Hospital Staff

837. **Deputy Billy Kelleher** asked the Minister for Health if his attention has been drawn to the number of hospital consultants who are in breach of their 2008 contract for each of 80:20 mix, weekend cover, and rostering; if these consultants have been notified of the consequences

of breaches; his plans to address these breaches; and if he will make a statement on the matter. [26248/12]

838. **Deputy Billy Kelleher** asked the Minister for Health his powers to enforce the 2008 consultants contract; and if he will make a statement on the matter. [26249/12]

877. **Deputy Billy Kelleher** asked the Minister for Health if he will outline in full what he hopes to achieve from the current discussions with the consultant groups; the way this will differ to what was already agreed in the Croke Park Agreement in 2010 and also as part of the 2008 consultant contract; and if he will make a statement on the matter. [26551/12]

878. **Deputy Billy Kelleher** asked the Minister for Health if he is committed to ensuring that consultants are rostered on a seven day week as opposed to a five day week; and if he will make a statement on the matter. [26552/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 837, 838, 877 and 878 together.

While there have been increases in productivity on foot of the Programme for Government and the 2008 Consultant Contract, one of my immediate priorities is to achieve more effective implementation of the 2008 Contract so that patients get faster access to services and achieve better outcomes within the budgets available to hospitals. I believe there is plenty of scope under the existing contract and the Croke Park agreement to achieve greater productivity increases from consultants than have been achieved to date.

Bilateral discussions with the consultant representative bodies commenced on 16 May 2012. This process is to be focussed on the achievement of worthwhile and measurable change and must be concluded within a reasonable period, in line with the provisions of the Public Service Agreement 2010-2014. Consultants' hours, times of duty and public/private mix are among the matters on which health service management have tabled proposals.

Consultant Contract 2008 limits private practice for newly-appointed consultants on a Type B or C contract to 20% of activity. The upper limit for consultants who held a contract prior to 2008 is 30%.

The HSE has put in place arrangements to measure consultants' private practice and has engaged with the medical unions and individual consultants to pursue the issue of compliance, with a particular focus on consultants who are significantly in breach of their permitted ratio. Currently 49 consultants have been identified as being in excess of the ratio specified in their contract and hospital management are engaged with the consultants, in line with the terms of the contract, to secure compliance.

### **Hospital Accommodation**

839. **Deputy Billy Kelleher** asked the Minister for Health the level of weekend discharges; the same number for last year; the same number for 2010; and if he will make a statement on the matter. [26250/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Departmental Funding**

840. **Deputy Brian Walsh** asked the Minister for Health if he will explain the variance between the difference of 2.2% between the allocation for disability services in 2011 and 2012

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as contained in the Health Service Executive National Service Plan; and the reduction of 3.7% in the allocation, of which service providers have been advised [26263/12]

**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.

### Pharmacy Regulations

841. **Deputy Billy Kelleher** asked the Minister for Health when he expects to introduce reference pricing and generic substitution; the likely savings in a full year; the work completed on the legislation up to February 2011; the rate of generic prescribing here now and the likely increase once the legislation is introduced; and if he will make a statement on the matter. [26265/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Health (Pricing and Supply of Medical Goods) Bill 2012 is on the list of Bills to be published in this session of Dail Eireann. This legislation will introduce a system of reference pricing and generic substitution for prescribed drugs and medicines. These reforms will promote price competition among suppliers and ensure that lower prices are paid for these medicines resulting in savings for taxpayers and patients. The rate of generic prescribing in Ireland is approximately 18%. It is envisaged that the proposed legislation will contribute to an increase in this rate. It is not possible, at this juncture, to provide accurate figures regarding potential savings resulting from reference pricing, as these depend on various factors including prevailing prices, number of competitors, availability of substitute products, and market dynamics.

### Health Service Staff

842. **Deputy Billy Kelleher** asked the Minister for Health if he will details in tabular form of the number of staff in receipt of top up pay in excess of €10,000, €50,000, €100,000, and €200,000 per hospital; the average amounts of payments; the basis for the payments; and if he will make a statement on the matter. [26266/12]

**Minister for Health (Deputy James Reilly):** It is essential that organisations funded by the HSE to provide services on its behalf comply in full with Government policy on public service pay.

Following publication of the recent HIQA report on Tallaght Hospital, which identified the issue of additional payments being made to a small number of executives, the Secretary General of my Department wrote to the CEO of the HSE, asking him to inform him of the measures he proposed to take to ensure that such practices are not extant in other hospitals funded by the HSE. The HSE is at present undertaking a detailed review of the remuneration arrangements for senior staff in all organisations funded under section 38 of the Health Act 2004. When this has been completed, a report on the matter will be considered by the Board of the HSE in the first instance.

### Health Services

843. **Deputy Billy Kelleher** asked the Minister for Health if he will provide in tabular form the number of home care packages provided by county; the average cost of packages per county; the number of home care packages per thousand population over 65 per county; the average number on waiting lists by county; and if he will make a statement on the matter. [26267/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Appointments to State Boards

844. **Deputy Billy Kelleher** asked the Minister for Health the composition and all changes to the Interim Health Service Executive board since April 2011; the roles of those on the board within his Department or Health Service Executive; the corporate governance structure currently in place; when he expects HSE governance legislation to be passed; when he expects a new board to be in place; and if he will make a statement on the matter. [26268/12]

**Minister for Health (Deputy James Reilly):** The interim HSE Board which I established in May 2011 was designed to facilitate greater coordination and integration and less duplication between the senior management teams in my Department and the HSE. The interim Board has provided a basis on which to make early progress on the health reform agenda, facilitating a greater unity of purpose. It also streamlines reporting relationships to ensure that decisions are implemented quickly and as a result, better services are delivered for patients with greater emphasis on service delivery. Table 1 below sets out the current composition of the interim Board, the roles of those on the Board within the Department and the HSE and all changes since it was established.

On 29 May, the Government approved the drafting of legislation to abolish the Board of the HSE and to provide for a Directorate to be the new governing body for the HSE in place of the Board. The intention is that the Bill will be drafted as a matter of urgency so that it can be considered by the Oireachtas as soon as possible. In tandem with the proposed new governance structures, new administrative structures will be put in place in the HSE, to reflect the need for a greater operational management focus on the delivery of key services and greater transparency about funding, service delivery and accountability.

Table 1: Membership and Term of Office of Interim HSE Board as at 6 June 2012

Name of Board Member	Term of Office
Dr. Ambrose McLoughlin (Chair), Secretary General, Department of Health <ul style="list-style-type: none"> <li>Dr. McLoughlin filled the vacancy occasioned by the resignation of Mr. Michael Scanlan, former Secretary General of the Department of Health, on 25 April 2012.</li> <li>Mr. Scanlan had served as Chairman from 1 January 2012 (replaced Dr. Frank Dolphin who resigned as Chairman on 31 December 2011). Prior to his appointment as Chair, Mr. Scanlan served as an ordinary Board member from 20 May 2011 to 31 December 2011.</li> </ul>	26/04/2012-14/08/2015
Mr. Cathal Magee, Chief Executive Officer, HSE	Aug 2010-Aug 2015
Dr. Tony Holohan, Chief Medical Officer, Department of Health	20/05/2011-07/02/2015
Mr. Paul Barron, Assistant Secretary, Primary Care and Eligibility, Department of Health	20/05/2011-07/02/2015
Ms Bairbre Nic Aongusa, Assistant Secretary, Finance, Reform, Information, EU/International, Research, Department of Health	20/05/2011-07/02/2015
Ms Frances Spillane, Assistant Secretary, National HR, Department of Health <ul style="list-style-type: none"> <li>Filled the vacancy occasioned by Mr. Michael Scanlan's appointment as Chairperson 1 January 2012.</li> </ul>	9/03/2012-07/02/2015
Mr. Tony O'Brien, Chief Operating Officer, Special Delivery Unit, Department of Health <ul style="list-style-type: none"> <li>Filled the vacancy occasioned by Dr. Martin Connor's resignation on 8 March 2012. Dr Connor was appointed to the Board on 6 June 2011.</li> </ul>	9/03/2012-07/02/2015



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Name of Board Member	Term of Office
Mr. Jim Breslin, Secretary General, Department of Children and Youth Affairs <ul style="list-style-type: none"> <li>Filled the vacancy occasioned by Mr. Pat Farrell's resignation on 19 May 2011.</li> </ul>	9/03/2012-31/12/2012
Dr. Barry White, HSE National Director, Clinical Strategy and Programmes	20/05/2011-31/12/2012
Dr. Philip Crowley, HSE National Director, Quality, Risk and Clinical Care	20/05/2011-31/12/2012
Ms. Laverne McGuinness, HSE National Director, Integrated Services-Performance and Financial Management	20/05/2011-31/12/2012
Mr. Brian Gilroy, formerly HSE National Director, Integrated Services - Reconfiguration <ul style="list-style-type: none"> <li>Note: Mr. Gilroy is no longer employed by the HSE but has agreed to remain as a Board member pro tem.</li> </ul>	20/05/2011-31/12/2012

### Health Insurance Market

845. **Deputy Billy Kelleher** asked the Minister for Health if he will provide in tabular form the number of customers who have left the private health insurance market by county; the average change in premiums over the last year and since Budget 2012; the maximum increase in premiums over those time periods; and if he will make a statement on the matter. [26269/12]

**Minister for Health (Deputy James Reilly):** While there has been a decrease in the numbers with private health insurance, by 76,000 in the year to end-March 2012, it is important to note that the decline in private health insurance coverage is modest to-date, at less than 4% of the overall market. This leaves some 2.139 million, or 46.6% of the population, covered by private health insurance. Even in the current difficult financial climate, the vast majority of consumers with private health insurance are retaining some level of health insurance cover.

The Health Insurance Authority (HIA) is the statutory regulator of the private health insurance market in Ireland and provides information to consumers regarding their rights and health insurance plans and benefits. With regard to the number of customers who have left the private health insurance market by county, the HIA has advised that it does not compile figures on the geographical profile of the health insurance market. In relation to the average change in premiums, the HIA has estimated that the average premium increase per customer is 12 per cent, when comparing the first quarter of 2011 to the first quarter of 2012. The highest increases were 49% for VHI Healthcare's PMI 0611 Plan (€711 to €1060); 37% for Laya Healthcare's Company Care Choice (€713 to €974) and 37% for Aviva Health's Level 2 Hospital (€941 to €1291), although it is important to note that a relatively small number of consumers hold these specific health insurance plans and are affected by these increases. The HIA has informed my Department that any figures calculated for time periods of less than one year (i.e. since Budget 2012) would be distorted, as this is usually the time of the year that insurers normally apply price changes.

I would strongly advise consumers to shop around for the health insurance plan that best suits their needs. Consumers have a legal right to switch between or within insurers to get better value and to reduce their premium costs. All customers should carefully consider the full range of plans and levels of cover available within the market, so that their own needs are fully met. Where customers wish to switch products, the relevant health insurance legislation ensures that switching is as easy and seamless as possible for customers. In addition to the choices available to consumers in the health insurance market, the Government's clear objec-

tive is for the health insurance market to remain as competitive and affordable as possible, as we move towards a new system of Universal Health Insurance.

### **Ambulance Service**

846. **Deputy Michael Healy-Rae** asked the Minister for Health the reason he will not take up the offer of the Ireland Air Ambulance for a trial period to operate the service at a location of his choice in the country and then carry out an assessment of the service after that trial; and if he will make a statement on the matter. [26270/12]

**Minister for Health (Deputy James Reilly):** Last year, I received a number of unsolicited submissions about the provision, by the private sector, of dedicated aeromedical support services in the west of Ireland. I also considered the possibility of provision from within existing state resources.

The absence of data for aeromedical support in the Irish context indicated the need for a pilot project, in order to assess the type and extent of service, if any, that might be required to support the National Ambulance Service (NAS) in the west.

I am pleased to announce that, in co-operation with my colleague Alan Shatter, Minister for Justice, Equality and Defence, a pilot has now been put in place to gather this information and it will run for 12 months. The pilot service, which has just begun, will allow the HSE to determine how best to provide support to the NAS emergency ambulance service in the region in the longer term and how we can, realistically, improve response and transit times, and improve outcomes, for seriously ill people.

In current conditions, it is prudent to maximise the use of state resources wherever possible. Accordingly, the pilot project is being operated from within existing resources. The Air Corps is providing an EC135 helicopter at Custume Barracks, Athlone, along with personnel to fly and maintain the craft. The NAS is responsible for patient care, which will be provided by Advanced Paramedics.

### **Hospital Services**

847. **Deputy Joe Carey** asked the Minister for Health his views on the procedures followed and those responsible for the issuing of taxi travel expenses for those that qualify in relation to hospital appointments; and if he will make a statement on the matter. [26271/12]

**Minister for Health (Deputy James Reilly):** The HSE has no statutory obligation to provide patient transport, other than emergency transport. The cost to the health service of providing non-emergency patient transport, in particular for outpatient (OPD) appointments, has been escalating in recent years and non-essential provision has been identified as an area suitable for budgetary control. Accordingly, criteria have been restricted considerably in recent times and a uniform approach is being rolled out across the health regions.

In general, patients are expected to make their own way to and from hospital and OPD appointments, using private or scheduled public transport. e exceptions are for dialysis, cancer (radiotherapy and chemotherapy) and post-operative transplant patients. In these cases, the patient's appointment should be directly related to the treatment. Transport may also be provided where, in the clinician's view, the patient would be unable to make the journey without clinical assistance or where the patient must be transported on a stretcher.

Where transport has been withdrawn, having previously been provided, this may be as a result of the Local Health Office (LHO) beginning to implement the national criteria. If a patient feels there is a genuine case for provision, then they should approach the LHO. If they

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feel there is a genuine clinical reason for transport to be provided, their clinician should make a case for it.

### Medical Cards

848. **Deputy Patrick Nulty** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in Dublin 11; the reason for the delay; and if he will make a statement on the matter. [26294/12]

**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 as a matter of urgency.

### Services for People with Disabilities

849. **Deputy Brian Walsh** asked the Minister for Health if it is proposed to provide for the care of 21 persons with disabilities in County Galway, eight of whom have profound intellectual disabilities, when they leave school this year; in view of the absence of demographic funding and a lack of capacity within the organisation currently providing for their care (details supplied); and if he will make a statement on the matter. [26318/12]

**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

850. **Deputy Pat Deering** asked the Minister for Health the action he is taking to alleviate the shortfall of speech and language therapists in Carlow/Kilkenny in view of the fact that there are more than 650 young persons waiting, average waiting time 19.5 months and one case waiting 39 months.. [26327/12]

**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.

851. **Deputy Pat Deering** asked the Minister for Health the number of physiotherapists hired by the Health Service Executive Southern Area in the past twelve months; and the number who retired in February this year that have been re-hired.. [26328/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Mental Health Services

852. **Deputy Pat Deering** asked the Minister for Health when the Director of mental health as announced in December 2011 will be appointed; if he will set up an independent complaints mechanism for mental health service users; the progress, if any, that has been made on mental health reform's agenda for action.. [26332/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Government has recently approved the drafting of legislation to abolish the Board of the Health Service Executive and to provide for a Directorate to be the new governing body for the HSE in place

of the Board. The intention is that the Bill will be drafted as a matter of urgency so that it can be considered by the Oireachtas as soon as possible. In tandem with the proposed new legal structures, new administrative structures will be put in place within the HSE which will reflect the need for a greater operational management focus on the delivery of key services and greater transparency about funding, service delivery and accountability. The new arrangements will include a separate Directorate for Mental Health. Consideration is currently being given to how best to give effect to the new administrative structures, including the selection and appointment of new directors at national level.

The mental health sector is protected by the Mental Health Commission which is an independent statutory body established under the Mental Health Act 2001 to promote, encourage and foster the establishment and maintenance of high standards and good practices in the delivery of mental health services. Concerns about specific mental health services can be notified to the Commission and these are taken into account on inspections of services. The issue of a complaints mechanism will be looked at in the context of the current review of the Mental Health Act 2001.

Since taking office, this Government has prioritised the reform of our mental health services in line with A Vision for Change and is committed in particular to the delivery of more and better quality care in the community. A special allocation of €35m for mental health was announced in Budget 2012 in line with the Programme for Government commitments. Funding from this special allocation will be used primarily to further strengthen Community Mental Health Teams in both Adult and Children's mental health services which will ensure, at a minimum, that at least one of each mental health professional discipline is represented on every team. It is intended that the additional resources will be rolled out in conjunction with a scheme of appropriate clinical care programmes. Some of the funding will also be used to advance activities in the area of suicide prevention and to initiate the provision of psychological and counselling services in primary care, specifically for people with mental health problems.

### Health Services

**853. Deputy Pearse Doherty** asked the Minister for Health if his attention has been drawn to the budget allocation for home help services for 2011 and 2012; the cuts to the home help budget for 2010, 2011 and 2012; if he will give a commitment to continue funding these important services into the future; and if he will make a statement on the matter. [26334/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Government policy is to support older people to live at home and in their communities for as long as possible. This is realised through a range of community based services such as mainstream Home Help, enhanced provision via Home Care Packages, or through other service elements such as Meals-on-Wheels, Day Care or Respite Care.

While the recently agreed HSE Service Plan for 2012 involves a reduction of around 3.5% in Home Help hours nationally, from just over 11m hours in 2011 to 10.7m hours this year, the corresponding reduction proposed in the actual number of people receiving Home Help drops by just under 2% or, in other words, from around 51,000 recipients last year to 50,000 in 2012. This reflects an increased focus by the HSE towards more personalised care for the most vulnerable older people.

I would also draw the Deputy's attention to the fact that the HSE Service Plan 2012 maintains Home Care Packages for this year at 2011 levels. Such Packages usually contain a significant Home Help element. This again indicates the commitment of the Government to provide the

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best possible services to the most vulnerable older people, in the light of evolving resources and competing demands in respect of the years in question.

### Medical Cards

854. **Deputy John McGuinness** asked the Minister for Health if a medical card application will be issued in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [26335/12]

**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.

### Ambulance Service

855. **Deputy Peadar Tóibín** asked the Minister for Health if ambulance cover is available for Navan Town and including Cortown, County Meath, on a 24 hour seven day a week basis; his views on the accepted Ambulance waiting times for emergencies in Navan town and Cortown.. [26338/12]

874. **Deputy Peadar Tóibín** asked the Minister for Health if he will outline the ambulance cover in County Meath including clarifying the number of ambulances in operation during the day; the number available through the night; the number available over the weekend and the location at which each ambulance is stationed.. [26548/12]

875. **Deputy Peadar Tóibín** asked the Minister for Health the accepted waiting time for ambulance services in County Meath.. [26549/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 855, 874 and 875 together.

As these are service issues, they have been referred to the Health Service Executive for direct reply.

### Health Services

856. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the efforts he has made to ensure that appropriate diagnostic and support services are available for all women who received defective PIP breast implants; if he will confirm that MRI scans are readily available to these women in both the public and private health systems; and if he will make a statement on the matter. [26339/12]

857. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the reason a person (details supplied) was refused an MRI scan at Beaumont Hospital, Dublin; if he will review this and similar cases immediately; and if he will make a statement on the matter. [26340/12]

858. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the measures he has taken to ensure that all appropriate medical staff, including general practitioners, are aware of the latest developments in the management of patients who received defective PIP implants; and if he will make a statement on the matter. [26341/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 856 to 858, inclusive, together.

My Department's priority at all times has been that the three treating clinics involved in the PIP breast implant issue provide professional and appropriate care to their affected clients. The Chief Medical Officer has met with and continues to engage with the clinics to ensure that best practice and patient support is paramount in the service provided to concerned recipients of these implants. It has been impressed on the treating clinics that an appropriate care programme must be in place and that clinical care should be provided to each client as considered appropriate by their treating surgeon. The provision of an improved care package by one of the treating clinics has been the subject of intense discussions between my officials and the provider concerned and the CMO continues to liaise with the provider in this regard.

In relation to the particular concern raised regarding an MRI scan it is noted that an explanatory response from the relevant HSE Area Manager issued to the Deputy on 31st May 2012.

The Department's website and the website of the Irish Medicines Board (IMB) continue to provide regular updates and information on the ongoing EU and international scientific investigation of PIP implants. The advice of both my Department and the IMB has remained constant and readily available to all interested parties, i.e.:

- there is no evidence of increased risk of cancer for women with this brand of implant;
- the risk of rupture is within expected norms and routine explantation is not recommended;
- anyone with a concern about their breast implants should discuss the matter with their GP or surgeon.

In addition, the Chief Medical Officer appeared before the Oireachtas Joint Committee on Health on 3rd May last to fully brief and answer members' questions.

The resolution of the implants issue has to be between provider and client and an appropriate solution found between the parties; my Department will continue to encourage all parties to reach an acceptable solution for all concerned.

### **Hospital Funding**

859. **Deputy Robert Troy** asked the Minister for Health the Exchequer funding provided to private hospitals generally; if any such funding is directed towards particular services or facilities in those hospitals; if so, if he will provide details of same; and if he will make a statement on the matter. [26345/12]

**Minister for Health (Deputy James Reilly):** I have no role to play in the day to day running and commercial decisions relating to private hospitals.

### **Medical Cards**

860. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26348/12]

**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.

### **Hospital Services**

861. **Deputy Joanna Tuffy** asked the Minister for Health the number of patients awaiting



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beds in the National Rehabilitation Hospital, Dublin, having had a brain injury that requires rehabilitative treatment; and if he will make a statement on the matter. [26349/12]

**Minister for Health (Deputy James Reilly):** 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.

### Medical Cards

862. **Deputy Colm Keaveney** asked the Minister for Health when a person (details supplied) in County Galway may expect to receive a decision on the review of their medical card entitlements in view of the fact that this family were issued with full medical cards which only carry an entitlement equal to a general practitioner visit only cards.. [26364/12]

**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.

### Water Fluoridation

863. **Deputy Michael Healy-Rae** asked the Minister for Health his views on correspondence regarding fluoridation of drinking water (details supplied). [26370/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The correspondence to which the Deputy refers concerns a questionnaire on water fluoridation and a recently published report. Allegations of ill health and potential damaging effects of fluoridation are contained in the report and are reflected in many of the assumptions in the questionnaire. The Expert Body on Fluorides and Health has concluded that the report is not reliable. The Expert Body's Appraisal and an Executive Summary of the Appraisal are available on the Expert Body's website, [www.fluoridesandhealth.ie](http://www.fluoridesandhealth.ie).

Fundamentally the Expert Body maintains that there continues to be overwhelming evidence that water fluoridation significantly benefits dental health and through this, benefits overall health. The Expert Body is satisfied having studied current peer reviewed scientific evidence worldwide that water fluoridation causes no ill effects to the health of adults or children. There are no plans to discontinue the policy of fluoridation of public water supplies, which continues to make an effective contribution to oral health in Ireland.

### Coroners' Reports

864. **Deputy Robert Troy** asked the Minister for Health his views on whether it is acceptable to wait up to six months to be issued with a report on the cause of death (details supplied); and if he will make a statement on the matter. [26383/12]

**Minister for Health (Deputy James Reilly):** When a person dies, it is the duty of a relative of the deceased to act as qualified informant. This means that the relative must give to a registrar of births, deaths and marriages the information necessary to register the death, including a medical certificate of the cause of death, which is obtainable from the medical practitioner who attended the deceased, and sign the register of deaths.

In certain circumstances, a death is referred to the Coroner. There is a legal responsibility on doctors, registrars, undertakers, Gardai, hospitals and nursing homes to inform the Coroner where a death occurs suddenly or unexpectedly, or from a cause unknown, unclear or unnatural, or where the deceased was not seen or treated by a registered medical practitioner within one month prior to death.

In such cases, the Coroner may request a post-mortem examination. If the post-mortem shows that a death was due to natural causes, the Coroner may issue a certificate to the Registrar, who can then proceed to register the death and issue a death certificate. If the post-mortem shows that a death was due to unnatural causes, the Coroner may cause an inquest to be held. In such cases, the Registrar must await the outcome of the inquest and the issue by the Coroner of a coroner's certificate before the death can be registered.

In relation to the specific raised by the Deputy, as this is a service matter it has been referred to the HSE for direct reply.

### **Nursing Staff**

865. **Deputy Sean Fleming** asked the Minister for Health his views on the cost of agency nursing staff, the hours worked and the whole time staff equivalents in relation to this for the first three months of 2012 in respect of the Midland Regional Hospitals in Portlaoise, Tullamore and Mullingar; and if he will make a statement on the matter. [26388/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### **Health Services**

866. **Deputy Joanna Tuffy** asked the Minister for Health when he intends to publish the National Carers Strategy; and if he will make a statement on the matter. [26399/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The development of a National Carers Strategy to support carers and to address issues of concern is a key commitment in the current Programme for Government.

The Strategy will address the needs of informal and family carers. It will be conceptual and visionary and will establish a number of high-level principles, goals and objectives and a road map to implementation.

The State already faces challenges in maintaining existing levels of services from within limited resources and the Strategy is being developed in that context. The Strategy will not be an operational plan but will set the strategic direction for future services and supports for carers in recognition of their role and contribution to maintaining children, adults and older people with physical or mental health difficulties in their own homes.

While issues relating to carers span a number of different Departments, the Taoiseach has allocated responsibility for co-ordination of the preparation of the Strategy to me with the support of the Minister for Social Protection.

Work on developing the Strategy is on-going and a consultation process with other Departments took place in early 2012. A draft was completed at the end of March as a basis for final consultations with other Departments and with national organisations representing carers. Carers organisations made formal observations at the end of May. It is hoped that a draft will be completed for submission to Government during the Summer.

### **Hospital Services**

867. **Deputy Gerry Adams** asked the Minister for Health the position regarding future plans for hospitals (details supplied) in County Louth [26401/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Hospital Accommodation

868. **Deputy Tom Fleming** asked the Minister for Health if his attention has been drawn to the urgent need to source suitable alternative interim accommodation, which would ensure that the specific needs of the current residents of a hospital (details supplied) in County Kerry are appropriately met until such time as the new replacement facilities are completed in 2013; and if he will make a statement on the matter. [26410/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

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869. **Deputy Sean Fleming** asked the Minister for Health when children in sixth class in primary schools in County Laois will receive their first dental check; and if he will make a statement on the matter. [26416/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### Hospital Waiting Lists

870. **Deputy Éamon Ó Cuív** asked the Minister for Health when a person (details supplied) in County Galway who underwent pre-operative tests in March 2012 will be given an appointment at Merlin Park Hospital, Galway; and if he will make a statement on the matter. [26430/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

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871. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding the closure of a premises (details supplied) in County Kerry [26433/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

872. **Deputy Michael Healy-Rae** asked the Minister for Health his plans for persons suffering from acquired brain injury; and if he will make a statement on the matter. [26434/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Current health services available to persons with acquired brain injury include: Acute Hospital Services; the National Rehabilitation Hospital; multi-disciplinary community services; long term assisted living supports and rehabilitative training services. These services are provided by the Health Service Executive (HSE) and a number of non-statutory organisations. Within Disability Services, the two main organisations that are funded to meet the needs of service users with acquired brain injury nationally are Acquired Brain Injury Ireland and Headway Ireland.

On Tuesday 22nd May, 2012, the Tánaiste and the Minister for Health announced a significant development at the National Rehabilitation Hospital, replacing the existing 120 bed complement and therapy accommodation, which demonstrates this Government's commitment to the delivery of healthcare infrastructure as set out in our Programme for Government.

The HSE is committed to the implementation of the recommendations of the report published in December 2011 — *The National Policy and Strategy for the Provision of Neuro-rehabilitation Services in Ireland 2011-2015* — and to achieve the objectives of the Rehabilitation Medicine Programme. The HSE National Service Plan for 2012 outlines the focus for service development as follows: The development of Regional Networks and local rehabilitation teams:

- Development of regional in-patient and out-patient rehabilitation facilities;
- Integration of services;
- Development of protocols that will have mandatory compliance across the delivery system;
- Reconfiguration of existing resources;
- Achieving greater cost-effectiveness through the development of greater competencies by those tasked with delivering services;
- Increased teamwork and using interdisciplinary approaches; and
- More inter-agency collaborative working.

There is now a clear policy with a recommended service framework, that, when implemented, will ensure that Neuro-Rehabilitation services are developed for those we serve in the most appropriate, effective and efficient way. I know that with the commitment of the Health Service Executive and service providers to the implementation process, we can achieve improved rehabilitation services for those persons with a neurological illness or injury, including those with acquired brain injury, or with a significant physical disability.

### **Hospital Accommodation**

873. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding the closure of wards at a hospital (details supplied) in County Kerry; and if he will make a statement on the matter. [26437/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

*Questions Nos. 874 and 875 answered with Question No. 855.*

### Hospital Services

876. **Deputy Billy Kelleher** asked the Minister for Health the total number of closed operating theatres in public hospitals around the country; if he will provide a breakdown of the hospitals affected; the number of theatres that are closed in each hospital and the length of time each theatre has been closed; and if he will make a statement on the matter. [26550/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF. I have referred this question to the HSE so that the information can be provided directly to the Deputy.

*Questions Nos. 877 and 878 answered with Question No. 837.*

### Hospital Accommodation

879. **Deputy Billy Kelleher** asked the Minister for Health if he intends reopening closed beds following recent figures which show waiting lists have increased by 24% over the past year; the number of closed beds that he intends reopening; and if he will make a statement on the matter. [26553/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

In July 2011, I introduced a strict policy of chronological management of inpatient waiting lists so that after urgent and cancer patients are treated those waiting longest are treated first. This policy is working in the interests of fairness. I acknowledge that there has been an increase in the numbers waiting over 6 months. It was anticipated that this would happen as a result of the significant decreases in the numbers waiting in the over 9 month and 12 month categories. So while it has been reported that there was a 24% increase in number waiting over 6 months there has been a 77% drop in the numbers of adults waiting over 12 months to just 474 people and an 84% drop in the numbers of children waiting over 12 months to just 48. These figures continue to decrease.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that 95% of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

Throughout 2012 hospitals will open and close beds on various wards in order to deliver the planned level of activity. These beds may be closed for a number of reasons, including cost containment, infection control and refurbishment. It is not possible at this time to determine what beds in which wards will be closed and what length of time they will be closed for. The decision to open and close beds is made at hospital management level and approved by the Regional Director of Operations.

### Patient Statistics

880. **Deputy Billy Kelleher** asked the Minister for Health if he has carried out any research or intends to carry out any research into the impact of increased numbers of patients presenting themselves in public hospitals as a result of private patients giving up their private health insurance; and if he will make a statement on the matter. [26554/12]

**Minister for Health (Deputy James Reilly):** My Department has no plans to carry out research into the impact of patients presenting in public hospitals who previously held private health insurance. In respect of access to public hospitals, the work of the Special Delivery Unit is focussed on improving wait times for access to both scheduled and unscheduled treatments and to maximise the capacity of existing facilities to manage patient flow.

While there has been a decrease in the numbers with private health insurance, by 76,000 in the year to end-March 2012, it is important to note that the decline in private health insurance coverage is modest to-date, at less than 4% of the overall market. This leaves some 2.139 million, or 46.6% of the population, covered by private health insurance. Even in the current difficult financial climate, the vast majority of consumers with private health insurance are retaining some level of health insurance cover. In this context, I would strongly advise consumers to shop around for the health insurance plan that best suits their needs. Consumers have a legal right to switch between or within insurers to get better value and to reduce their premium costs. All customers should carefully consider the full range of plans and levels of cover available within the market, so that their own needs are fully met. Where customers wish to switch products, the relevant health insurance legislation ensures that switching is as easy and seamless as possible for customers.

In addition to the choices available to consumers in the health insurance market, the Government's clear objective is for the health insurance market to remain as competitive and affordable as possible, as we move towards a new system of Universal Health Insurance.

881. **Deputy Billy Kelleher** asked the Minister for Health if he will provide, in tabular form, the number of bed days lost through delayed discharges in each hospital; and if he will make a statement on the matter. [26561/12]

**Minister for Health (Deputy James Reilly):** The HSE Business Information Unit centrally collates statistics on delayed discharges. These statistics are a representation of the percentage of beds days lost with respect to the total number of available bed days, due to their occupancy by patients who have been deemed as being medically fit for discharge home with additional support, or awaiting transfer to rehabilitation off site, or a non-acute residential care setting. The figures indicated will not necessarily reflect those patients who may have been assessed for suitability for a nursing home place.

Many of the SDU initiatives to date have been targeted at the patients remaining in acute beds post medical discharge and these have involved increased access to home supports and transitional care. A specific project aimed at improving the quality of care delivery to the frail older person is being finalised and a group will be set up to oversee implementation of this national initiative on care of the frail older person. The project aim is to support the frail older person at home, create direct access pathways in the acute setting, rehabilitation and transitional care settings.

The year to date figures for bed days lost due to delayed discharges at 14th May 2012 are detailed in the attached table:



[Deputy James Reilly.]

Total Bed Days Lost as at 14th May 2012 Due To Delayed Discharges	Total Bed Days Lost
Bantry General Hospital	805
Beaumont Hospital	12,646
Cappagh National Orthopaedic Hospital	361
Cavan General Hospital	1,388
Connolly Hospital — Blanchardstown	5,329
Cork University Hospital	3,755
Kerry General Hospital	281
Letterkenny General Hospital	348
Mallow General Hospital	413
Mater Misericordiae University Hospital	10,461
Mayo General Hospital	722
Mercy University Hospital Cork	930
Mid Western Regional Hospital Dooradoyle	1,635
Mid Western Regional Hospital Ennis	650
Mid Western Regional Hospital Nenagh	502
Midland Regional Hospital — Portlaoise	779
Midland Regional Hospital — Tullamore	1,589
Midland Regional Hospital Mullingar	1,393
Naas General Hospital	931
Our Lady of Lourdes Hospital Drogheda	1,956
Our Ladys Hospital — Navan	1,319
Portiuncula Hospital General and Maternity Balinasloe	720
Roscommon County Hospital	1,026
Sligo General Hospital	956
South Infirmary University Hospital Cork	822
South Tipperary General Hospital	1,024
St. Columcille's Hospital Loughlinstown	2,478
St. James's Hospital	12,871
St. John's Hospital Limerick	622
St. Luke's Hospital Kilkenny	1,906
St. Michael's Hospital Dun Laoghaire	1,774
St. Vincent's University Hospital Elm Park	8,015
Tallaght Hospital	6,096
University Hospital Galway	824
Waterford Regional Hospital	3,487
Wexford General Hospital	2,884
Total Bed Days Lost	93,698

### Hospital Accommodation

882. **Deputy Billy Kelleher** asked the Minister for Health the number of vacant beds in public and private nursing homes in each county; and if he will make a statement on the matter. [26562/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Medical Cards

883. **Deputy Colm Keaveney** asked the Minister for Health when a person (details supplied) in County Galway will receive a decision regarding their eligibility to a full medical card [26563/12]

**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.

884. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued immediately in respect of a person (details supplied) in County Kilkenny [26566/12]

**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.

*Question No. 885 answered with Question No. 830.*

886. **Deputy Patrick Nulty** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in Dublin 15; the reason for the delay; and if he will make a statement on the matter. [26576/12]

**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 as a matter of urgency.

### Long-Term Illness Scheme

887. **Deputy Patrick Nulty** asked the Minister for Health if he will expedite an application for the long term illness scheme in respect of a person (details supplied) in Dublin 15; the reason for the delay; and if he will make a statement on the matter. [26578/12]

**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 as a matter of urgency.

### Hospital Appointments

888. **Deputy John McGuinness** asked the Minister for Health further to Parliamentary Question No. 445 of 17 January 2012, if she will arrange an appointment at the ear, nose and throat clinic in respect of a person (details supplied) in County Kilkenny [26582/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. This year I have set a target that, by year end, no adult will be waiting longer than 9 months and no child longer than 20 weeks for in-patient or daycase

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treatment. Currently the NTPF/SDU is intensely engaged with public hospitals supporting their planning processes that will underpin the delivery of these targets.

As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

### **Ambulance Service**

889. **Deputy Peadar Tóibín** asked the Minister for Health if he will outline the accepted ambulance waiting times for emergencies in Navan town and Cortown, County Meath [26589/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Medical Cards**

890. **Deputy Denis Naughten** asked the Minister for Health further to Parliamentary Question No. 496 of 17 January 2012, the result of the outcome of his discussions regarding reviews of medical cards for those with life-long conditions; if he accepts that there is need to reform the frequency of the review of such cards; the plans, if any, that are in place to change this position; and if he will make a statement on the matter. [26591/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The recent review of the medical card operation conducted by the HSE indicated that there is significant scope for the simplification and standardisation of the assessment process, while providing appropriate levels of control.

The new self-assessment process which is streamlined and user friendly has already been implemented for many clients with lifelong illnesses. In addition the HSE is putting further processes in place which will immediately identify medical card applicants with particular life-long or long term medical conditions. The aim of this process is to ensure that the review process around renewal of the medical card is streamlined for such clients to be as patient friendly, and only as frequent, as is necessary. I am confident that these initiatives will alleviate some of the concerns raised by patients with lifelong illnesses.

### **Nursing Homes Support Scheme**

891. **Deputy Ciarán Lynch** asked the Minister for Health when an application by a person (details supplied) in County Cork under the fair deal scheme will be processed in order that a long term care bed can be provided; and if he will make a statement on the matter. [26602/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

*Question No. 892 answered with Question No. 830.*

### **Hospital Procedures**

893. **Deputy Jack Wall** asked the Minister for Health the position regarding a medical procedure in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26615/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

### Departmental Funding

894. **Deputy Niall Collins** asked the Minister for Health the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26633/12]

**Minister for Health (Deputy James Reilly):** My Department's capital allocation for 2012 is €17.5m of which €0.473m is allocated to support the Department ICT and office equipment needs. Following the transfer of functions between Government Departments in 2011, responsibility for the Drugs Strategy was transferred to the Department of Health. In this regard €1m of the Department's allocation is allocated to the Drugs Initiative. The remaining €16.027m is allocated to support directly funded agencies in fulfilling their functions.

To date, expenditure in respect of ICT and office equipment to support the Department's ICT network amounts to €0.075m. My Department is working with the HSE with regard to addiction service related projects. The commitments of €13.922m shown in the table below relate to the Health Research Board (HRB). This funding supports inter alia, equipment, clinical scientist awards, translational research awards, PhD scholars' programme, Food and Health Research and provision for the HRB's contribution to the construction of a clinical research facility at University College Hospital Galway. The remaining funding has been indented for ICT, office equipment and furniture to support the directly funded agencies in delivering their functions. Provision has also been made for contingency to support applications made by the agencies during the course of the year.

Department of Health	2012 Commitments €m	2012 Capital Allocation €m	Expenditure — year to date €m	Balance Remaining €m
Department's Admin Budget	0.000	0.473	0.075	0.398
Drugs Strategy	0.000	1.000	0.000	1.000
Directly Funded Agencies	13.922	16.027	0.000	16.027
Total	13.922	17.500	0.075	17.425

The bulk of the Department's capital allocation is profiled for draw down in the second half of the year. It is expected that the balance will be drawn down before the year end.

### Animal Welfare

895. **Deputy Clare Daly** asked the Minister for Health if he will consult with the Bioethics Unit in his Department regarding the transposition of EU Directives regarding animal experimentation policy; and the reason this has not already taken place [26643/12]

**Minister for Health (Deputy James Reilly):** The Bioethics Unit advises on a number of issues across various policy areas in my Department, including the protection of animals for scientific purposes. The Bioethics Unit has engaged with and will continue to engage with officials in my Department who have been assigned the task of transposing Directive 2010/63/EU on the protection of such animals. Directive 2010/63/EU will be transposed into Irish law by the end of the year and the improved protections for animals set out in the Directive will take effect from 1 January 2013.

896. **Deputy Clare Daly** asked the Minister for Health his views regarding the issuing of licences for certificate G experiments and if he will respond to an organisation (details supplied) who have raised a number of serious concerns with him on this issue; and if he will make a statement on the matter. [26644/12]

**Minister for Health (Deputy James Reilly):** Before I address the specific question tabled by the Deputy, I should at the outset advise the House that my Department will, before the end of the year, transpose Directive 2010/63/EU on the protection of animals used for scientific purposes. The new Directive will, when transposed in Ireland and other Members States, ensure that Europe will have the highest standards of experimental animal welfare in the world.

The new Directive strongly promotes the principles of the three Rs (replacement of the use of animals to the greatest extent possible with alternative testing methods, refinement of scientific procedures to improve animal welfare and reduction in numbers of animals used). The provisions of the new Directive also strengthen the protection of animals still needed for research and safety testing. Significant changes in this regard are requirements to perform ethical evaluations prior to authorisation of projects using animals and higher standards of care and accommodation. These new measures will apply from 2013 and, from that date onwards, the existing certification process will no longer operate.

On the specific matter raised by the Deputy, it is the case that that in a very limited number of occasions, it has been necessary to issue “G” certificates on that basis that the project was of sufficient importance for meeting the essential needs of human beings or animals. In this context, there are two current licences with “G” certificates. They relate to the same project and the aim of that project is to develop substances to improve neuromuscular transmission for therapeutic purposes.

### General Practitioner Services

897. **Deputy Regina Doherty** asked the Minister for Health if a general practitioner (details supplied) in County Meath who retired late 2011 will be replaced with a full time GP rather than a locum; and if he will make a statement on the matter. [26672/12]

903. **Deputy Damien English** asked the Minister for Health when he expects a general practitioner service to be in place in an area (details supplied); and if he will make a statement on the matter. [26736/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 897 and 903 together.

As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### **Tobacco Policy**

898. **Deputy Simon Harris** asked the Minister for Health his views on whether tobacco smuggling is a public health threat; if he plans to address illegal tobacco selling in his Tobacco Policy Review; if he will provide a time-frame for the publication of this report; and if he will make a statement on the matter. [26676/12]

**Minister for Health (Deputy James Reilly):** All tobacco products, whether legally produced, illicit or counterfeit are injurious to health and are therefore a threat to public health. I am concerned about the level and it remains my objective that Ireland becomes a tobacco free society.

The Revenue Commissioners are responsible for tackling the illicit trade in cigarettes and tobacco products. My Department and the HSE support Revenue's *Strategy On Combating the Illicit Tobacco Trade (2011-2013)*. The Revenue Commissioners attach a high priority to this area, and they continuously review their response to the problem and their effectiveness in tackling the illicit tobacco trade. The strategy employed by Revenue to tackle the illicit tobacco products trade is multi-faceted. It includes ongoing analysis of the nature and extent of the problem, developing and sharing intelligence on a national, EU and international basis, ongoing review of operational policies, development of analytics and detection technologies, and optimum deployment of resources at point of importation and inland, in order to intercept the contraband product and to prosecute those involved. I understand from the Revenue Commissioners that in 2011, a total of 109.08m cigarettes with a retail value of €45.95m and 11,158 kgs of tobacco with a retail value of €4.00 m were been seized by Revenue. In 2012 to date a total of 56.2m cigarettes with a retail value of €24.5m and 2,077kgs of tobacco with a retail value of €6.87m have been seized by Revenue.

The Report of the Tobacco Policy Review Group (TPRG ) will consider ways to denormalise smoking in society such as extending tobacco control legislation in particular for situations where children are present. It will also consider social marketing and educational programmes as well as smoking cessation services. The Report includes a section on the illicit trade of tobacco, including the work of the Revenue Commissioners. I anticipate that the report of the TPRG will be completed in the coming months and that this will be brought to Government for decision.

### **Medical Cards**

899. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding a medical card appeal in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [26678/12]

**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.

### **Pharmacy Services**

900. **Deputy Gerry Adams** asked the Minister for Health further to Parliamentary Question No. 225 on the 25 April 2012, the further steps his Department has taken in engaging with the Pharmaceutical Society of Ireland and the European Union Commission to resolve issues around the recognition of UK Pharmacy qualifications; the steps he has taken to ensure that



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the affected persons will be registered as pharmacists in this jurisdiction; and if he will make a statement on the matter. [26689/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The situation is as previously stated and legal advice is awaited from the Attorney General's Office.

### Hospital Services

901. **Deputy Sean Fleming** asked the Minister for Health when the consultation process will commence in relation to examining the future of a hospital (details supplied) in County Laois; and if he will make a statement on the matter. [26698/12]

902. **Deputy Sean Fleming** asked the Minister for Health the position regarding a hospital (details supplied) in County Laois; if there is a consultation process underway in relation to the earlier announcement to close this hospital; and if he will make a statement on the matter. [26701/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 901 and 902 together.

On 24 May the Health Service Executive launched a public consultation process on the planning and provision of services for older people in the Midland counties of Laois, Longford, Offaly and Westmeath with a view to ensuring the most efficient and effective delivery of its services within available resources. Part of this process includes a review of the 9 public long stay residential units in the Midlands in order to consolidate services. This will involve engaging with residents, relatives, staff, public representatives and other stakeholders. The process will be completed within a period of three months from commencement. Should the HSE conclude that full closure of any unit is necessary, a recommendation to this effect will be made.

*Question No. 903 answered with Question No. 897.*

### Medical Aids and Appliances

904. **Deputy Dominic Hannigan** asked the Minister for Health the fate of decommissioned defibrillators, decommissioned green bags and decommissioned hospital equipment in general; if there is a policy to pass decommissioned equipment on to charity medical organisations; and if he will make a statement on the matter. [26739/12]

905. **Deputy Dominic Hannigan** asked the Minister for Health the fate of decommissioned ambulances; if there is a policy to pass decommissioned equipment on to charity medical organisations; and if he will make a statement on the matter. [26740/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 904 and 905 together.

As these are service issues, they have been referred to the Health Service Executive for direct reply.

### Vaccination Programme

906. **Deputy Catherine Murphy** asked the Minister for Health when he intends to publish in full the National Narcolepsy Steering Committee Report; his views on the key findings and recommendations of the report and the resulting mechanisms his Department intends to put in place for children, teenagers, young adults who were vaccinated with the pandemrix swine

flu vaccine in 2009 and 2010 and as a result have subsequently received a narcolepsy diagnosis; and if he will make a statement on the matter. [26743/12]

**Minister for Health (Deputy James Reilly):** The report of the National Narcolepsy Steering Committee was published on 19 April and is available on my Department's website. My Department is working closely with the Health Service Executive (HSE) and the Department of Education and Skills to address the needs of those affected by narcolepsy.

The HSE has provided a range of services and supports to those affected including access to rapid diagnosis, clear care pathways, temporary medical cards and reimbursement of expenses incurred.

Multi-disciplinary assessments which will allow for the appropriate individualised health and educational supports to be put in place have commenced. The National Educational Psychological Service (NEPS) is currently engaging with the HSE and with the individual schools and parents of children concerned to identify and provide educational supports for the children and adolescents affected. In addition, reasonable accommodations have been put in place for students with narcolepsy starting state exams today.

My Department is considering all other possible supports which may need to be put in place for those affected. A Memorandum for Government setting out the full response to this issue is being prepared for submission in the coming weeks.

I would like to assure the Deputy that this matter continues to be a priority for my Department.

### Health Services

907. **Deputy Alex White** asked the Minister for Health in view of the fact that one-fifth of eight year olds and half of all 12 year olds have experienced decay in their permanent teeth and the geographical variation in the prevalence and severity of dental caries, if he will move to ensure consistent practices are applied and standards delivered by the school dental services, as specified by the Health Dental Services for Children Regulations, 2000; and if he will make a statement on the matter. [26746/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The HSE currently provides a dental service to schoolchildren aged up to 16 years. The service is targeted at children in key classes at key stages in their development. Children are given dental examinations and any follow up treatment required at these stages. When required, emergency dental treatment is available to all children up to 16 years. There may be differences across the country in how the HSE Dental Service currently provides these services.

A re-organisation of the Service is underway. As part of the reorganisation four inspectors have been appointed whose role is to ensure appropriate services are provided within the Dental Service. The reorganisation will also involve the restructuring of service areas in the near future. This will support a unified approach with fewer service areas and maximization of resources within each area. Five Assistant National Oral Health Leads will be appointed. Their focus will be on the development of standards and consistent practices across the HSE Dental Services.

### Medical Cards

908. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26758/12]

**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.

### Health Services

909. **Deputy Alex White** asked the Minister for Health the number of personal assistant hours that were provided by the Health Service Executive to disabled persons in 2011; of those hours, the number that were provided by directly employed HSE employees and the number that were provided by third party agreed service providers; and if he will make a statement on the matter. [26761/12]

**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.

### Departmental Expenditure

910. **Deputy Gerry Adams** asked the Minister for Health further to Parliamentary Question No. 523 of 15 May 2012, if he will confirm that an application for National Lottery funding via the Health Service Executive to support the Irish Performing Arts Festival which will be hosted by the Cope Foundation and take place in Cork city and county between 27 and 30 June 2012 was received and rejected by him or the HSE; the reasons for this rejection; the support that has been given to the festival in recent years; his views on whether the festival has been of benefit to persons with intellectual disabilities and autism in recent years in view of the fact that art and drama have a hugely beneficial therapeutic element in caring for persons with disabilities; and if he will make a statement on the matter. [26771/12]

**Minister for Health (Deputy James Reilly):** My Department still has no record of an application from the Group referred to by the Deputy. If the organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on my Department's website — [www.doh.ie](http://www.doh.ie).

I am not aware if the Health Service Executive is in receipt of an application for National Lottery Funding from its 2012 allocation. However, I have referred the matter to the Executive for direct reply to the Deputy.

### Pension Provisions

911. **Deputy Jack Wall** asked the Minister for Health the reason a person (details supplied) in County Kildare has not been paid their full entitlements in regard to their retirement pension; when this matter will be determined; and if he will make a statement on the matter. [26796/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Mental Health Services

912. **Deputy Terence Flanagan** asked the Minister for Health the position regarding mental health services (details supplied); and if he will make a statement on the matter. [26799/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Irish Public Health System provides for two categories of eligibility for persons ordinarily resident in the

country, i.e. full eligibility (medical cardholders) and limited eligibility (all others). Full eligibility is determined mainly by reference to income limits. Determination of an individual's eligibility status is the responsibility of the Health Service Executive.

Persons with full eligibility are entitled to a range of services including general practitioner services, prescribed drugs and medicines, all in-patient public hospital services in public wards including, *inter alia*, mental health services and all out-patient public hospital services including *inter alia*, mental health services. Such mental health services are available from a day hospital operated by the HSE in the area concerned.

The mental health service referred to by the Deputy is a private service and therefore is outside the scope of the Health Acts. Any person opting to obtain mental health services as a private patient is liable for any private fees involved.

### **Nursing Homes Support Scheme**

913. **Deputy Jack Wall** asked the Minister for Health the result of an application for a review in regard to the fair deal agreement in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [26805/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### **Hospital Services**

914. **Deputy Brian Stanley** asked the Minister for Health if his attention has been drawn to the fact that patients (details supplied) in County Laois requiring a spinal stimulator are being refused treatment in St. Vincent's Hospital, Dublin, because they do not live in the catchment area; the action he proposes to take on this matter; and if he will make a statement on the matter. [26809/12]

**Minister for Health (Deputy James Reilly):** Hospitals have built up informal catchment areas over a number of years and any individual hospital often has a number of "catchment areas" reflecting the different geographic areas from which it normally accepts referrals of different types. Issues with catchment areas are typically cyclical and often reflect, amongst other things, the economic cycle.

The growing budgetary and activity performance pressures on hospitals has led to some hospitals enforcing a more strict adherence to what they view as their catchment areas for different aspects of their service. It has also been legitimately queried why, in some cases, patients are bypassing recently developed suitable services in hospitals closer to the patient requiring that patient to travel longer distances to a larger tertiary hospital which is under greater pressure and may have longer outpatient waiting times.

It has been agreed however, that an inconsistent approach is not in the best interest of patients and therefore it has been agreed in the interim that any planned and agreed changes in referrals/catchment areas should not impact on patients who are already on a waiting list in a particular hospital or are patients in long term care/treatment.

Where, by exception, it is agreed that existing patients on a waiting list should be considered for transfer to another hospital waiting list this should be on the basis that they will be able to access their service in the new hospital earlier or at a minimum no later than had they remained on the original waiting list.

[Deputy James Reilly.]

Patients should be informed of any proposed changes in advance and any concerns they may raise dealt with appropriately. In relation to the particular patient query raised by the Deputy, as this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Medical Aids and Appliances

915. **Deputy Billy Timmins** asked the Minister for Health the position regarding a hearing aid in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [26817/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### Health Services

916. **Deputy Éamon Ó Cuív** asked the Minister for Health the steps he is taking to reduce waiting lists for dental treatment in view of the very long waiting lists in County Galway for dental treatment; and if he will make a statement on the matter. [26819/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### Health Service Staff

917. **Deputy Billy Kelleher** asked the Minister for Health the amount spent on agency staff in each of the years 2008 to 2011; the number of staff involved in each year; the amount forecast to be spent this year; and if he will make a statement on the matter. [26822/12]

**Minister for Health (Deputy James Reilly):** In the health service, agency staff have traditionally been used to meet a short-term service need or where some flexibility in staffing a service is required. In 2011, although the HSE had negotiated new agency contracts which involve lower unit costs, the use of agency staff accounted for approximately €177 million, as outlined in the table below. This was accounted for in part by the usage of agency staffing to cover longer-term staffing needs. When locum staff, who are employed by the HSE, are added, the total amounts to over €200 million.

This is not a sustainable approach and the HSE's National Service Plan 2012 commits to significantly lowering the volume of agency usage across all staff functions, with a target reduction of up to 50% in 2012. The Plan also notes that the transposition into Irish law of the Temporary Agency Work Directive will increase the unit cost of agency staffing.

Agency staff are the employees of the agencies concerned rather than the HSE and as such the number of individuals engaged in such work is not reported.

A table outlines HSE agency costs from 2008-2011:

Agency Costs	2008	2009	2010	2011
	€000	€000	€000	€000
Clinical	68,655	67,176	109,389	125,443
Non Clinical	16,294	15,094	22,682	17,453
Other Client/Patient Services	32,112	26,061	21,306	33,674
Total	117,061	108,331	153,377	176,570

### Health Services

918. **Deputy Joan Collins** asked the Minister for Health the position regarding health issues in respect of a person (details supplied) in Dublin 12 [26824/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Deputy's concerns for the person (details supplied) have been referred to the HSE for direct reply.

919. **Deputy Sean Fleming** asked the Minister for Health the position regarding proposals for changes in respect of an orthodontic service at locations (details supplied) in County Laois; and if he will make a statement on the matter. [26831/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### Departmental Funding

920. **Deputy Alan Farrell** asked the Minister for Health the level of funding and support available through his Department or the Health Service Executive for homosexual and transgender individuals or groups; and if he will make a statement on the matter. [26837/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the HSE for direct reply.

### Health Services

921. **Deputy Terence Flanagan** asked the Minister for Health the position regarding occupational therapy in respect of a person (details supplied); and if he will make a statement on the matter. [26868/12]

**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.

### Water Fluoridation

922. **Deputy Kevin Humphreys** asked the Minister for Health if any cost benefit analysis has been performed in the past five years on the estimated €3 to €4 million annual cost of water fluoridation; and if he will make a statement on the matter. [26874/12]

955. **Deputy Maureen O'Sullivan** asked the Minister for Health the evidence upon which he bases the decision that fluoridation of water is healthy for human consumption; if he has carried out studies monitoring the overall oral health benefits for the Irish population from use of fluorides in water; if his attention has been drawn to the recent studies published by the International Academy of Oral Medicine and Toxicology which links fluoride with brain damage; the reason Ireland is one of the only countries in the EU to administer fluoride in public water supplies; and if he will make a statement on the matter. [27164/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 922 and 955 together.

My Department has not conducted a cost benefit analysis on the policy of fluoridation. Policy on this issue is guided by international studies, which indicate that the cost of water fluoridation is a small fraction of the savings in dental treatment costs.



[Deputy Róisín Shortall.]

The Irish Expert Body on Fluorides and Health confirms that, based on the review of all previous and current international and national scientific data, the balance of this scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be effective for protecting the oral health of all age groups. These issues have also been addressed by other recognised authorities such as the World Health Organisation. The EU Scientific Committee on Health and Environmental Risks (SCHER), published its ‘Opinion on critical review of any new evidence on the hazard profile, health effects, and human exposure to fluoride and the fluoridating agents of drinking water’ in May 2011. The main conclusions of the SCHER report are that there are no known health implications from fluoridating water at levels used in the EU. There is also extensive evidence in Ireland from a series of national, regional and cross-border studies conducted between 1984 and 2006 that fluoridated drinking water substantially improves the dental health of children and adults.

The Irish Expert Body does not agree with the views expressed by the organisation referred to by the Deputy. This group does not appear to have formal accreditation as an academy and is not recognised as the representative voice for the fields of oral medicine and toxicology.

### Medical Cards

923. **Deputy Arthur Spring** asked the Minister for Health if the Health Service Executive intend to include on the HSE website, information in relation to applying for emergency medical cards; and if he will make a statement on the matter. [26926/12]

924. **Deputy Arthur Spring** asked the Minister for Health if the Health Service Executive has recently carried out an informative campaign to alert general practitioners and consultants in order that the correct information in relation to applying for a emergency medical card may be given to patients who have been diagnosed with a terminal illness or a serious medical issue. [26927/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 923 and 924 together.

The HSE has stated that work is under way to develop an integrated and comprehensive communications programme for PCRS. This programme is being designed to ensure that all stakeholders including patients, patient advocacy groups, public representatives, primary care contractors and the general media are regularly informed of developments within the Medical Card Scheme. A senior communications manager has been assigned to support this process.

The HSE wrote to all GPs on 27 February 2012 to advise them that the centralised medical card registration unit has an emergency medical card issue process, which operates in concert with Local Health Offices and that a person can at any time seek assistance from, or direct their emergency application to their local health office. They also advised GPs that if a GP had such a case he/she should contact their Local Health Office, who can request an emergency medical card from the central office if they are satisfied that an emergency situation obtains. Furthermore, in April 2012 the HSE reiterated the position to the Joint Oireachtas Health Committee, the Public Accounts Committee and across the health system, that an Emergency application can be initiated through the Local Health Office whose manager has access to dedicated contacts in PCRS. The HSE have also provided functionality to GPs to extend eligibility in some sensitive cases where a patient may lose eligibility because he/she cannot engage or complete his/her review due to a medical condition or social circumstances.

### Hospital Waiting Lists

925. **Deputy Arthur Spring** asked the Minister for Health further to Parliamentary Question No. 545 of 27 March 2012, if his attention has been drawn to the fact that the average waiting time for sanctioning of prosthetic limbs for persons on a medical card is about seven months; the actions he will take to rectify the waiting time in view of the problems facing patients whose prosthetic limbs no longer fit; and if he will make a statement on the matter. [26928/12]

926. **Deputy Arthur Spring** asked the Minister for Health further to Parliamentary Question No. 545 of 27 March 2012, his views on whether it is acceptable that a person (details supplied) in County Kerry faces the possibility of being confined to a wheel chair in view of the fact that the average waiting time for sanctioning of prosthetic limbs for persons on a medical card is about seven months; and if he will make a statement on the matter. [26929/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 925 and 926 together.

It is not acceptable that anyone should be confined to a wheelchair because of delays in being fitted for a follow up prosthetic limb. I understand that there has been significant pressure on prosthetic services in the Cork and Kerry region and that €80k has been allocated to remedy this situation.

The HSE South has advised that it is focusing on clearing the waiting list and work has already commenced in this regard. It is envisaged that the full list will be cleared over the next few weeks.

I have forwarded the question to the HSE who will contact the Deputy directly in relation to his constituent's query.

### Ministerial Appointments

927. **Deputy Robert Troy** asked the Minister for Health if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26957/12]

**Minister for Health (Deputy James Reilly):** Since taking up office I have appointed two advisers, Mr. Mark Costigan as Press Adviser and Mr. Sean Faughnan as Special Adviser, both on the Principal Officer (Standard) salary level.

Mr. Faughnan has indicated to me his intention to reduce his work commitment from full time to one-third time. It is my intention to appoint Ms Maureen Windle, ex-Chief Executive Officer of the Northern Area Health Board on a two-thirds time basis, and one salary will accordingly be divided between the two individuals pro-rata in line with the time worked. Pending her formal appointment, Ms Windle has been based in the Department's offices in Hawkins House since the 21st February. Ms Windle is in receipt of a Public Service pension from her previous employment. Upon taking up appointment as my Adviser, she will be subject to standard public service pension abatement rules.

Additionally, I have appointed a Personal Assistant, the payscale for which starts at €43,715 rising to €56,060, and two Civilian Drivers each on an annual salary of €32,965.

My Constituency Office is being managed by a Personal Secretary who was appointed in February this year, at a salary ranging from €23,820 to €47,755.

None of the aforementioned appointees, with the exception of Ms Windle, are retired former Public Servants in receipt of a pension.

[Deputy James Reilly.]

I established the Special Delivery Unit (SDU) in my Department in mid-2011. A number of personnel have been seconded to this unit from the HSE. Additional expertise is being provided on a contract for services basis.

### **Ambulance Service**

928. **Deputy Patrick Nulty** asked the Minister for Health the current ambulance service serving Dublin 15; if he will supply a breakdown, in tabular form, of the number of call outs for each month this year; the response times; the ambulance base; and if he will make a statement on the matter. [26964/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Health Services**

929. **Deputy Tom Fleming** asked the Minister for Health the position regarding home help hours in respect of a person (details supplied) in County Kerry [26965/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

930. **Deputy John McGuinness** asked the Minister for Health the position regarding costs of care, subvention payments and the management of pension in respect of a person (details supplied) in County Galway [26970/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### **Hospital Waiting Lists**

931. **Deputy Barry Cowen** asked the Minister for Health if he will arrange for a hospital appointment for admission to be brought forward in respect of a person (details supplied) in County Offaly [26980/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

### Health Services

932. **Deputy Timmy Dooley** asked the Minister for Health when a person (details supplied) in County Clare will receive orthodontic treatment; and if he will make a statement on the matter. [26983/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### Long-Term Illness Scheme

933. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health his plans to review the long term illness scheme; if he will include sufferers of Wegener's Granulomatosis in the scheme; and if he will make a statement on the matter. [26987/12]

970. **Deputy Dara Calleary** asked the Minister for Health if he will review the long term illness scheme in order to include Fibromyalgia as a long term chronic illness; and if he will make a statement on the matter. [27345/12]

979. **Deputy Dominic Hannigan** asked the Minister for Health the position regarding the changes to the long term illness scheme medical card plan; when persons with MS and Epilepsy to be eligible to apply; and if he will make a statement on the matter. [27420/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 933, 970 and 979 together.

There are no plans to extend the list of conditions covered by the Long Term Illness Scheme.

Under the Drug Payment Scheme, no individual or family pays more than €132 per calendar month towards the cost of approved prescribed medicines. The scheme significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines. In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultation.

The Programme for Government commits to reforming the current public health system by introducing Universal Health Insurance with equal access to care for all. As part of this, the Government is committed to introducing Universal GP Care within its first term of office.

Primary legislation is required to give effect to this commitment. The Department of Health is currently drafting legislation to provide for the phased introduction of a universal GP service without fees in line with the commitment set out in the Programme for Government. Initially it is intended to extend GP cover without fees to persons with certain long-term illnesses. It is my intention to have the Bill published and enacted before the summer recess.

### Health Services

934. **Deputy Seán Crowe** asked the Minister for Health if he will outline the estimated cost to the State of the upkeep and maintenance of an elderly patient with severe dementia at Tallaght Hospital and the cost for keeping a patient in St. Brigid's Nursing Home, Crooksling, County Dublin. [26989/12]

935. **Deputy Seán Crowe** asked the Minister for Health the number of patients in Tallaght Hospital, who were suitable to use step-down beds in St. Brigid's Nursing Home, Crooksling,

[Deputy Seán Crowe.]

County Dublin, were affected by the reported embargo following the announcement of the proposed closure of the nursing home [26990/12]

936. **Deputy Seán Crowe** asked the Minister for Health if an estimate has been made or if he can give an approximate cost to the State for keeping elderly patients in Tallaght Hospital during the reported embargo and on filling available beds in St. Brigid's Nursing Home, Crookslin, County Dublin from the time of announcement of its closure and the lifting of that same embargo [26991/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 934 to 936, inclusive, together.

As these are service matters, they have been referred to the Health Service executive for direct reply.

937. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will receive an orthodontic appointment to have braces fitted; if a date will be given for when treatment will commence; and if he will make a statement on the matter. [26996/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

#### Medical Cards

938. **Deputy Tom Fleming** asked the Minister for Health the number of medical cards and general practitioner visit cards issued to applicants in County Kerry in 2008, 2009, 2010, 2011 and to date in 2012; and if he will make a statement on the matter. [27006/12]

**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.

#### Hospital Accommodation

939. **Deputy Olivia Mitchell** asked the Minister for Health if it is intended to facilitate, and include in the planning process, provision of family accommodation at the new children's hospital by Ronald McDonald House who currently provide this service for Crumlin Hospital; and if he will make a statement on the matter. [27007/12]

**Minister for Health (Deputy James Reilly):** As you will be aware, I have established an independent Review Group to consider the implications of the decision of An Bórd Pleanála, received on 23 February 2012, to reject the planning application for the proposed construction of a national paediatric hospital on the site of the Mater Misericordiae Hospital. The aim of the Review is to consider all the possible options for the earliest possible delivery of a new children's hospital and the Group will present its findings on each of the possible options for my consideration.

I can confirm that the plans for the hospital at the Mater site provided for parental accommodation to be available within the hospital for parents of children in the neonatal intensive care unit and children admitted to the other critical care units. This accommodation was to be provided within a family overnight unit which would provide en-suite bedrooms with suitable support accommodation. This feature will no doubt be an important part of any children's hospital, wherever sited.

I will await the completion of the Group's work before making any further comment on the matter.

### Medical Cards

940. **Deputy Tom Fleming** asked the Minister for Health the number of new medical cards and general practitioner visit card applications were received in 2008, 2009, 2010, 2011 and to date in 2012 from applicants in County Kerry; the number granted and refused; and if he will make a statement on the matter. [27008/12]

**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.

941. **Deputy Tom Fleming** asked the Minister for Health the number of medical card and general practitioner visit card renewals new applications are currently being processed nationally; the number being processed in respect of County Kerry applicants; and if he will make a statement on the matter. [27009/12]

**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.

942. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied); and if he will make a statement on the matter. [27010/12]

**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.

### General Practitioner Services

943. **Deputy John Browne** asked the Minister for Health when will free general practitioner care be made available to persons with long term illnesses as announced in Budget 2012; and if he will make a statement on the matter. [27011/12]

**Minister for Health (Deputy James Reilly):** The Programme for Government commits to reforming the current public health system by introducing Universal Health Insurance with equal access to care for all. As part of this, the Government is committed to introducing Universal GP Care within its first term of office.

Primary legislation is required to give effect to this commitment. The Department of Health is currently drafting legislation to provide for the phased introduction of a universal GP service without fees in line with the commitment set out in the Programme for Government. Initially it is intended to extend GP cover without fees to persons with certain long-term illnesses. It is my intention to have the Bill published and enacted as soon as possible.

### Medical Cards

944. **Deputy Jack Wall** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27014/12]

**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.



### Hospital Services

945. **Deputy Billy Kelleher** asked the Minister for Health when a person (details supplied) in County Tipperary will receive a hospital appointment [27017/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

### Health Services

946. **Deputy Terence Flanagan** asked the Minister for Health the position regarding home help (details supplied); and if he will make a statement on the matter. [27020/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Health Service Staff

947. **Deputy Frank Feighan** asked the Minister for Health if his Department or the Health Service Executive have any plans for basic grade speech language therapists recruitment; if he will confirm the number of person currently on the panel awaiting a placement; if his attention has been to the fact that in many areas within the HSE there have been vacancies for a considerable length of time; and if he will make a statement on the matter. [27036/12]

**Minister for Health (Deputy James Reilly):** The Government has determined that, in line with its commitment to reduce the size of the public service, health sector employment numbers must be reduced to approximately 102,000 by the end of 2012.

The National Service Plan 2012 provides for steps to minimise the effect of staffing reductions on services. These include pursuing to the maximum the flexibility and reform agenda provided for in the Public Service Agreement. While the HSE has some flexibility in relation to filling posts in order to protect frontline services in so far as possible, it must still achieve the required budget and employment targets set out in the National Service Plan.

In regard to Speech and Language therapists, the HSE's National Recruitment Service (NRS) currently has a panel for this grade. Currently, there are 217 active qualified applicants on the panel, and a further 99 applicants who are dormant.

The HSE envisages that this panel will be sufficient to satisfy its needs in the short to medium term. The NRS is currently in the process of filling 13 posts at Speech and Language Therapist and a small number of developments are expected.

### Health Services

948. **Deputy Charlie McConalogue** asked the Minister for Health if he will outline any vacant buildings owned by the Health Service Executive in Ballyshannon, County Donegal [27048/12]

949. **Deputy Charlie McConalogue** asked the Minister for Health if he will outline the details of any buildings rented by the Health Service Executive in Ballyshannon, County Donegal [27049/12]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 948 and 949 together.

Management of the Health Service Executive property portfolio is a service matter. Therefore your question has been referred to the Executive for direct reply.

### Medical Cards

950. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a medical card will issue in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [27068/12]

**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.

### Mental Health Services

951. **Deputy Terence Flanagan** asked the Minister for Health the position regarding mental health facilities; and if he will make a statement on the matter. [27084/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### Health Services

952. **Deputy Brendan Griffin** asked the Minister for Health if he will investigate the case of a person (details supplied) in County Kerry who has experienced severe medical complications following surgery in 2011; if surgical error resulted in the complications arising; if a full chronology of events surrounding their treatment will be provided in writing; and if he will make a statement on the matter. [27145/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

953. **Deputy Tom Fleming** asked the Minister for Health the position regarding reduced home help hours in respect of a person (details supplied) in County Kerry [27147/12]

**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.

### Alcohol Advertising

954. **Deputy Maureen O'Sullivan** asked the Minister for Health the measures that have been taken to ensure compliance with the upcoming Bavaria Beer sponsored Formula 1 racing event proposed to take place over the June Bank Holiday weekend; if there is compliance with the

[Deputy Maureen O’Sullivan.]

code of practice on alcohol marketing, communications and sponsorship; and if he will make a statement on the matter. [27162/12]

**Minister for Health (Deputy James Reilly):** The code of practice on Alcohol Marketing, Communications and Sponsorship places restrictions on alcohol sponsorship of sport; unlike statutory measures, these provisions are voluntary and are therefore not binding.

I am concerned that the code may not be fit for purpose. The recent report of the National Substance Misuse Strategy Steering Group recommended that drinks industry sponsorship of sport in Ireland should be phased out through legislation; and with regard to its recommendations, the Minister envisages an Action Plan being developed in advance of proposals being drafted for Government very soon.

*Question No. 955 answered with Question No. 922.*

### Medical Cards

956. **Deputy Finian McGrath** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied) in Dublin 5 [27176/12]

**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.

957. **Deputy Sandra McLellan** asked the Minister for Health when a decision will be made by Primary Care Reimbursement Service on whether further information requested of clients was actually considered when a decision was made on the medical card application in respect of persons (details supplied); and if he will make a statement on the matter. [27193/12]

**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.

958. **Deputy Sandra McLellan** asked the Minister for Health in view of the fact that the turnaround for a completed medical card application to be processed is 15 days, if he will explain the reason an application (details supplied) that was sent in six weeks ago still has not been uploaded on to the system; and if he will make a statement on the matter. [27196/12]

**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.

959. **Deputy Sandra McLellan** asked the Minister for Health the percentage of persons that must reapply for medical cards due to their applications being lost or mislaid by client registration; and if he will make a statement on the matter. [27200/12]

**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.

960. **Deputy Sandra McLellan** asked the Minister for Health the number of sections medical card applications go through before they are completely processed; and if he will make a statement on the matter. [27201/12]

**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.

### Health Services

961. **Deputy Colm Keaveney** asked the Minister for Health his plans to provide for ambulance transportation in respect of a person (details supplied) in County Galway; if his attention has been drawn to the fact that no public transport or private transport operator in the area can physically provide transport facilities for this person in view of their confinement; if he will forward details in relation to the Health Service Executive West's plans to provide for transport to and from hospital appointments in view of this person's chronic confinement [27257/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Hospital Services

962. **Deputy Thomas P. Broughan** asked the Minister for Health the number of beds that have been closed in Beaumont Hospital, Dublin, each year since 2009; and if he will make a statement on the matter. [27270/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

963. **Deputy Thomas P. Broughan** asked the Minister for Health the number of patients in Beaumont Hospital, Dublin, that are currently waiting for step down care beds; and if he will make a statement on the matter. [27271/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Medicinal Products

964. **Deputy Tom Fleming** asked the Minister for Health his views on the filter product macrolane that has been found to interfere with the diagnosis of breast cancer; if all the women treated with this product have been contacted; and if he will make a statement on the matter. [27275/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Macrolane (containing hyaluronic acid) is a product which is administered by injection in medical and aesthetic procedures to augment body contours and correct body defects.

Breast augmentation procedures, including those involving Macrolane, may interfere with breast diagnostic imaging, particularly mammography. This interference is widely published and known by the relevant healthcare professionals. Women who previously underwent a procedure with Macrolane would have been advised by clinics before their procedure as part of the consent process of the potential for the product to interfere with the reading of mammograms.

Macrolane was withdrawn from use in breast augmentation by the manufacturer, Q-Med in April 2012 due to a lack of consensus among radiologists regarding examination of breasts treated with injectable products. The Irish Medicines Board has written to Irish clinics using the product and to Irish radiologists via the Royal College of Surgeons, Faculty of Radiology. In addition, clinics have been asked by the Irish Medicines Board to remind women of the potential problems which may arise with the interpretation of mammogram images and the importance of informing healthcare professionals of previous Macrolane treatment before they have any breast assessment carried out. Clinics are in the process of advising women in writing or reminding them of this issue at their next consultation.

### Hospital Services

965. **Deputy John McGuinness** asked the Minister for Health the position regarding a CT scanner (details supplied) in County Kilkenny; and if he will make a statement on the matter. [27277/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Medicinal Products

966. **Deputy Brendan Griffin** asked the Minister for Health if he will intervene in a matter (details supplied) regarding medicine availability in County Kerry; and if he will make a statement on the matter. [27279/12]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Shortages of essential medicines are currently a cause of concern not just in Ireland but throughout Europe and the rest of the world. It is a global problem affecting health systems in all countries and impacting on patients world-wide. Medicines shortages can be the result of one, several or any combination of factors throughout the pharmaceutical supply chain such as manufacturing difficulties, industry consolidation, and commercial decisions by manufacturers to withdraw unprofitable lines.

Irish Medicines Regulations place an obligation on both manufacturers and pharmaceutical wholesalers within the limits of their respective responsibilities, to ensure the adequate availability and supply of medicines on the Irish market in order to meet patient needs.

Eltroxin, which contains the active substance levothyroxine, is a long-established medicine that is used to control hypothyroidism, congenital hypothyroidism and juvenile myxoedema. It is marketed in tablets containing 25, 50 and 100 micrograms and is the subject of a marketing authorisation in Ireland.

Before anyone is allowed to market a medicine in Ireland they are required to apply for a marketing authorisation from either the Irish Medicines Board (IMB) or the European Medicines Agency (EMA). The IMB and EMA examine the safety, quality and efficacy of medicines. The marketing authorisation holder for Eltroxin is the Mercury Pharma Group of which Goldshield Pharmaceuticals is a part. The product is manufactured under contract in the United Kingdom.

The current shortage of Eltroxin emerged in February 2012 when the UK's Medicines and Healthcare Products Regulatory Agency suspended the authorisation of an alternative levothyroxine 100 microgram tablet product, not on the Irish market, with the effect that the overall supply of levothyroxine on the Irish and UK markets was reduced. The HSE and the IMB have been managing the shortage of Eltroxin and issued a joint communication (26th April 2012) via the Pharmaceutical Society of Ireland (PSI) updating pharmacists on management of the shortage. The HSE put in place special arrangements to reimburse suitable UK licensed product stock and this was notified to community pharmacists on 1st May 2012. The HSE and IMB continue to closely monitor this issue to ensure ongoing access to this important medicine. In addition, the PSI has recently published guidance to registered pharmacists on managing medicines shortages.

My Department has been engaging with the IMB, the HSE and the PSI to identify ways in which the Irish system can manage medicines shortages as effectively as possible in order to minimise the impact on patients. International efforts to effectively manage medicines shortages are also being considered.

### Medical Cards

967. **Deputy James Bannon** asked the Minister for Health if he will provide an update on a medical card transfer in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [27286/12]

**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 as a matter of urgency.

*Question No. 968 answered with Question No. 830.*

### Health Services

969. **Deputy Brendan Ryan** asked the Minister for Health the position regarding residential care in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [27294/12]

**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.

*Question No. 970 answered with Question No. 933.*

971. **Deputy Alan Farrell** asked the Minister for Health the method by which a person (details supplied) may increase the number of hours of care at home that they currently receive per week through a charity funded community employment scheme which is due to cease; the way they can be properly reassessed in terms of their needs and the needs of their family to ensure that they are receiving adequate hours of care as their condition progresses, bearing in mind that they are too young to claim any older persons benefits; and if he will make a statement on the matter. [27349/12]

**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.

### Hospital Waiting Lists

972. **Deputy Tom Fleming** asked the Minister for Health if he will address the waiting lists for prosthetics in counties Kerry and Cork in which up to 120 persons are currently on the waiting list, some of whom are waiting up to six /seven months; and if he will make a statement on the matter. [27361/12]

**Minister for Health (Deputy James Reilly):** It is not acceptable that anyone should be confined to a wheelchair because of delays in being fitted for a follow up prosthetic limb. I understand that there has been significant pressure on prosthetic services in the Cork and Kerry region and that €80k has been allocated to remedy this situation.

The HSE South has advised that it is focusing on clearing the waiting list and work has already commenced in this regard. It is envisaged that the full list will be cleared over the next few weeks.

### Medical Cards

973. **Deputy Peadar Tóibín** asked the Minister for Health the number of applications



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received for medical cards; the number of applications approved; the number of applications that a request for additional information was sought, on a month by month basis over the past 14 months. [27363/12]

**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.

974. **Deputy Peadar Tóibín** asked the Minister for Health the number of applications for medical cards that have been outstanding for one — three months, three — six months, six — nine months, nine — twelve months and in excess of twelve months. [27364/12]

**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.

### Hospital Charges

975. **Deputy Billy Kelleher** asked the Minister for Health the amount of additional revenue generated by increasing charges on private patients in public hospitals; the amount projected in budget 2012; the average charges before the change and the average charge after the change; and if he will make a statement on the matter. [27370/12]

**Minister for Health (Deputy James Reilly):** Since 1 January 2012 the charges for patients who chose to be treated on a private basis in public hospitals have increased by between 3% and 5% depending on the category of hospital. The increase in charges is in keeping with the long-standing policy of moving towards recovering the full economic cost of providing treatment to private patients in public hospitals. It is anticipated that the increased charges will yield additional revenue in the region of €18 million in 2012. The current 2012 charges and the 2011 charges are set out in the following table:

2012 and 2011 Charges for Private Patients in Public Hospitals

	Hospital Category	Private Accommodation		Semi-Private Accommodation		Day-care	
		2012	2011	2012	2011	2012	2011
1	HSE Regional Hospitals, Voluntary and Joint Board Teaching Hospitals	€1,046	€1,017	€933	€889	€753	€732
2	HSE County Hospitals, Voluntary Non-Teaching Hospitals	€819	€789	€730	€693	€586	€564
3	HSE District Hospitals	€260	€260	€222	€222	€193	€193

### Long-Term Illness Scheme

976. **Deputy Billy Timmins** asked the Minister for Health the position regarding the long term illness scheme in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [27396/12]

**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 as a matter of urgency.

### Hospital Services

977. **Deputy Robert Troy** asked the Minister for Health if he will expedite an appointment for surgery in respect of a person (details supplied) in County Westmeath [27402/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

978. **Deputy Finian McGrath** asked the Minister for Health his views on correspondence (details supplied) regarding hospital visiting [27419/12]

**Minister for Health (Deputy James Reilly):** With regard to specific complaints in relation to experiences of individuals in our hospitals, there is a formal complaints policy, details of which are on the HSE website, at [www.hse.ie/eng/services/ysys/Complaint](http://www.hse.ie/eng/services/ysys/Complaint). In addition, advice and instructions for making complaints about a service or an individual may be found at [www.healthcomplaints.ie](http://www.healthcomplaints.ie).

In accordance with this procedure, a complaint must be made, in the first instance, to the hospital in which the incident causing the complaint occurred. In the case of the Rotunda Hospital, the complaint can be addressed to:

The Complaint's Officer,  
Rotunda Hospital,  
Parnell Square,  
Dublin 1,  
email: [foi@rotunda.ie](mailto:foi@rotunda.ie).

If an individual is not satisfied with the response from the hospital, a review can be sought from the HSE Director of Advocacy and the Ombudsman, whose details are set out below:

HSE Director of Advocacy,  
Oak House,  
Millennium Park,  
Naas,  
Co. Kildare.  
Tel 1890 424 555.  
Office of the Ombudsman,

[Deputy James Reilly.]

18 Lower Leeson Street,  
Dublin 2.

Tel 1890 223 030 Email: [ombudsman@ombudsman.gov.ie](mailto:ombudsman@ombudsman.gov.ie).

I have asked the HSE to answer the specific queries you have raised and to reply to you directly.

*Question No. 979 answered with Question No. 933.*

### **Hospital Waiting Lists**

980. **Deputy Patrick Nulty** asked the Minister for Health if he will expedite an outpatients' appointment as a matter of urgency in respect of a person (details supplied) in Dublin 15 attending Our Lady's Hospital for Sick Children, Crumlin; the reason for the delay; and if he will make a statement on the matter. [27434/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery.

As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

### **Mental Health Services**

981. **Deputy Thomas P. Broughan** asked the Minister for Health if he will provide information regarding community mental health teams in community care area eight including the catchment areas covered by each team; and if he will make a statement on the matter. [27450/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### **Ambulance Service**

982. **Deputy Denis Naughten** asked the Minister for Health the steps he is taking to resolve ongoing issues at the National Aeromedical Coordination Centre; and if he will make a statement on the matter. [27458/12]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Hospital Procedures

983. **Deputy Ciarán Lynch** asked the Minister for Health when a person (details supplied) will be provided with an appointment to have a procedure carried out; and if he will make a statement on the matter. [27472/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery. As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

984. **Deputy Ciarán Lynch** asked the Minister for Health if an appointment date will be brought forward in respect of a person (details supplied); and if he will make a statement on the matter. [27484/12]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including the management of referrals from GPs by hospitals. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals were instructed to ensure that, by the end of 2011, they had no patients waiting more than 12 months for treatment. I can confirm that the vast majority of hospitals achieved this objective. During 2012 the SDU will support hospitals in the delivery of a 9 month maximum wait time for inpatient or daycase surgery. As this is a service matter, it has been referred to the HSE for direct reply. 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 and hospital involved.

### Hospital Accommodation

985. **Deputy Seán Conlan** asked the Minister for Health if he will direct the Health Service Executive to respond to the query as to whether it is a policy of the HSE that the palliative care beds in Monaghan General Hospital are managed and controlled from Cavan General Hospital (details supplied) [27485/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Health Services

986. **Deputy Seán Conlan** asked the Minister for Health the reason the new health care centre in Rockcorry, County Monaghan is not being used; the reason the Health Service Executive is

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continuing to rent the old premises when the new premises are now available. (details supplied) [27486/12]

**Minister for Health (Deputy James Reilly):** Management of the Health Service Executive property portfolio is a service matter. Therefore your question has been referred to the Executive for direct reply.

987. **Deputy Tom Fleming** asked the Minister for Health when he plans to end the two tier system in this country by putting in place a system of universal health insurance, thus ensuring access for all patients on the basis of need rather than on the basis of means; and if he will make a statement on the matter. [27489/12]

**Minister for Health (Deputy James Reilly):** The Government is committed to fundamental reform of the healthcare system that will deliver a single tier health system, supported by universal health insurance, where access is based on need, not income. Every citizen will have a choice of insurer and will have equal access to a comprehensive range of curative services. There are a number of key stepping stones that will play a critical role in paving the way for the introduction of universal health insurance. Significant work has already been undertaken to progress these. They include:

- the strengthening of the primary care sector to deliver universal primary care with the removal of cost as a barrier. The Government has established a Universal Primary Care Project Team to oversee the introduction of universal primary care. In addition, the Government has given its approval to the preparation of Heads of a Bill to progress the phased introduction of free GP care in line with the commitment in the Programme for Government. It is envisaged that the first phase will provide for the extension of access to GP services without fees to persons with prescribed long term illnesses or disabilities under the new legislation.
- reform of the acute hospital sector, including the establishment of the Special Delivery Unit (SDU) which has been tasked with unblocking access to acute services by improving the flow of patients through the system. An important part of the Programme for Government is the establishment of independent not-for-profit trusts. As a first step, non-statutory hospital groups will be set up which will have a single clinical governance model, one budget and one employment ceiling. The hospital groups will be established on the clear understanding that the groupings and their governance arrangements will be reviewed prior to 2015 to ensure an appropriate environment for the introduction of UHI.
- the introduction of the more transparent and efficient “Money Follows the Patient” funding mechanism for acute hospitals. A number of initiatives are already underway including a patient level costing project and a pilot initiative in relation to prospective funding of certain elective orthopaedic procedures, at selected sites.

In February, I established an Implementation Group on Universal Health Insurance. The Group will assist in developing detailed implementation plans for universal health insurance and driving implementation of various elements of the health reform programme. A project team comprised of senior Department of Health officials has also been established to support the work of the Implementation Group. The initial work of the Group will focus on assisting in developing work plans and overseeing reform work in relation to each of the following key

work streams: hospital financing; hospital structures; regulation of the hospital sector; the private health insurance market and the overarching UHI design.

The reform programme is a complex and major undertaking that requires careful sequencing over a number of years. The Implementation Group will continue in existence throughout the health reform process and will oversee different elements of the reforms as they are being put in place. It is also intended that it will consult widely as part of the reform implementation process.

### **Ambulance Service**

988. **Deputy Tom Fleming** asked the Minister for Health further to Parliamentary Question No 217 of the 9 May 2012, if he will clarify the status of Air Ambulance Ireland with regard to him providing paramedics to be assigned from his Department to enable this organisation to provide the comprehensive service it has proposed. [27492/12]

**Minister for Health (Deputy James Reilly):** Last year, I received a number of unsolicited submissions about the provision, by the private sector, of dedicated aeromedical support services in the west of Ireland. I also considered the possibility of provision from within existing state resources. The absence of data for aeromedical support in the Irish context indicated the need for a pilot project, in order to assess the type and extent of service, if any, that might be required to support the National Ambulance Service (NAS) in the west.

I am pleased to announce that, in co-operation with my colleague Alan Shatter, Minister for Justice, Equality and Defence, a pilot has now been put in place to gather this information and it will run for 12 months. The pilot service, which has just begun, will allow the HSE to determine how best to provide support to the NAS emergency ambulance service in the region in the longer term and how we can, realistically, improve response and transit times, and improve outcomes, for seriously ill people. In current conditions, it is prudent to maximise the use of state resources wherever possible. Accordingly, the pilot project is being operated from within existing resources. The Air Corps is providing an EC135 helicopter at Custume Barracks, Athlone, along with personnel to fly and maintain the craft. The NAS is responsible for patient care, which will be provided by Advanced Paramedics.

### **Services for People with Disabilities**

989. **Deputy Tom Fleming** asked the Minister for Health if he will urgently investigate the reduction of home help hours in County Kerry to the elderly and some who are severely disabled in view of the fact that these measures are putting these patients and their families in a state of distress. [27497/12]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### **Sports Capital Programme**

990. **Deputy Maureen O'Sullivan** asked the Minister for Transport, Tourism and Sport the grants if any that have been given to gun clubs, hunting and coursing clubs; the criteria used by the National Lottery and his Department in recognising a good cause; and if he will make a statement on the matter. [27163/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** The Sports Capital Programme is the Government's primary vehicle for supporting the development of sports facilities and the purchase of sports equipment. The goal of the Programme is to increase participation in sport and to improve standards of performance by assist-



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ing in the development of sports facilities at national, regional and local level, thereby contributing to healthier lifestyles and an improved overall quality of life.

Applications received under the SCP programme are assessed on an individual basis by the Department in accordance with a detailed set of assessment criteria. These include such criteria as impact on participation, financial viability of the project and its technical merits. Special priority is also given to projects in designated disadvantaged areas. These projects are permitted to have lower levels of own funding and are given extra marks at assessment. Details of all allocations made under the Programme are available on the Department's website *www.dttas.ie*.

### Road Network

991. **Deputy Jim Daly** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to a stretch of national road passing through a village (details supplied) in County Cork that is in need of urgent attention for the safety of locals;; and if he will make a statement on the matter. [26155/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Within is capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

992. **Deputy Noel Harrington** asked the Minister for Transport, Tourism and Sport his plans to amend the regulations regarding road closures to facilitate sports events (details supplied) to ensure that the residents of such roads are notified in advance; and if he will make a statement on the matter. [26188/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Regulation 12 of the Roads Regulations 1994 (S.I. No. 119 of 1994) specifies the requirements as to public notice and other procedures relating to the temporary closing of roads. I have no proposal to change these regulations at present. However, as a matter of best practice I would expect that rally groups and other bodies who are seeking the temporary closure of public roads would notify on those who reside on the route to inform them of such.

### Tourism Industry

993. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport the proposals he has to increase the amount of tourists visiting County Kerry over the next number of years; the programme of work he has in mind to promote the county as the tourism capital of Ireland; and if he will make a statement on the matter. [26253/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for the tourism agencies — Fáilte Ireland and Tourism Ireland. I have referred the Deputy's Question to the agencies for direct reply. Please advise my private office if you do not receive replies from the agencies within ten working days.

### Road Safety

994. **Deputy Michael Creed** asked the Minister for Transport, Tourism and Sport the maximum load permitted for the purposes of timber haulage; his plans to review this weight; and if he will make a statement on the matter. [26303/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Maximum weight limits and dimensions of goods vehicles in the European Union (EU) are set at 40 tonnes over 5 axles by EC Directive 96/53/EC and incorporated into Irish law by the Road Traffic (Construction and Use of Vehicles) Regulations, S.I. No. 5 of 2003. While Directive 96/53/EC sets maximum limits for vehicles moving between jurisdictions within the EU it does not impose an absolute weight limit for national vehicle movement. This allows Ireland to set its own internal gross vehicle weight (GVW) limits.

The maximum weights apply regardless of what type of load is carried but are dependent on several factors including vehicle design, number of axles, braking systems and type of suspension. The current maximum weight that a six-axle articulated HGV or a six-axle rigid HGV towing a trailer can operate at in Ireland is 44 tonnes GVW. A review was recently completed to assess the appropriateness of existing weight limits and investigate possible weight changes. The review identified and assessed the technical, legal, safety and commercial considerations for changing GVWs of goods vehicles in Ireland. Freight trends here were investigated along with international best practice for the movement of goods. A detailed consultation process was carried out with sectoral representatives, interest groups and major stakeholders. A report containing recommendations was submitted to my Department. I am currently considering the outcome of this review and expect to make regulations on this matter shortly.

### Sports Capital Programme

995. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport the position regarding the amount of grants and funding sports clubs in Dublin North Central area received in 2011/2012. [26313/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** I presume that the Deputy is referring to allocations under the Sports Capital Programme. The Department does not compile such information on a constituency basis. Such information is only held on a county basis. Information on all allocations to organisations in Dublin are available on the Department's website [www.dttas.ie](http://www.dttas.ie). No new allocations have been made to organisations in Dublin in 2012. The table below sets out all the payments to clubs and sports organisations in Dublin under the Sports Capital Programme in 2011 and in 2012 (processed up to Friday 1 June 2012):

2011 Sports Capital Programme Payments

Organisation	Amount
Alexandra College-Old Alexandra Hockey Club	€380,000
Athletic Association of Ireland	€123,840
Baldoyle Utd AFC	€20,000
Ballyboden St. Enda's GAA	€17,500
Ballymun Kickhams	€6,000
Bective Rangers RFC	€114,086
Blackrock College RFC	€6,245
Brickfield Park	€102,478

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Organisation	Amount
BRL Cumann Baire Setanta	€541,500
BRL Poppintree Poppintree Sports Centre	€470,461
Catholic Youth Care	€800
Clondalkin Sports and Leisure	€300,000
Co. Dublin Vec Collinstown Park	€204,230
Corduff Community Facilities	€380,000
Cricket Ireland	€24,000
Cycling Ireland	€117,255
Darndale Raheny and Finglas	€28,024
DCC AFC Belgrave Schoolboys	€15,083
DCC Ballymun Leisure Centre	€30,239
DCC Darndale Belcamp	€11,440
DCC Edenmore Pitch and Putt	€55,157
DCC Finglas Leisure Centre	€77,122
DCC Irishtown Stadium	€34,353
DCC Kildonan Park	€126,733
DCC Longmeadows Pitch and Putt	€12,350
DCC Martin Savage Park	€30,582
DCC NWIC	€29,485
DCC Phibsboro ABC	€66,910
DCC St. Saviours ABC	€133,828
DCC Trinity Donaghmede FC	€60,541
De La Salle Palmerstown FC	€10,000
DLRCC Balawley	€24,962
DLRCC Balawley MUGA	€22,578
DLRCC Ballybrack FC	€142,500
DLRCC Blackrock Park	€18,699
DLRCC Cluny Park Tennis Club	€4,751
DLRCC Coolevin MUGA	€8,308
DLRCC Deerpark Tennis Club	€15,000
DLRCC Kilbogget Park Pitch	€7,587
DLRCC Newtownsmith	€24,590
DLRCC Park Tennis Club	€4,624
DLRCC Shanaghan Park	€5,058
DLRCC Stillorgan Grove	€969
DLRCC Stonebridge Road Pitch	€12,750
DLRCC The Gallops MUGA	€19,874
DLRCC The Gallops Tennis Club	€8,441
DLRCC The Maples Tennis Club	€11,801
Dub Laoghaire Rathdown County Council	€50,000
Dublin Bay Sailing Club	€17,293
Dublin City Council — Mini Pitch (Coolock)	€25,000
Dublin City Council St. Saviours	€104,987
Dun Laoghaire Archery Club	€302
Dun Laoghaire Rathdown County Council (Moreen Park mini-pitch)	€50,000
Dundrum Table Tennis Club	€2,320

Organisation	Amount
FCC Corduff Comm Centre	€20,000
FCC St. Peregrines GAA	€5,030
Fingal County Council — Mini Pitches	€50,000
Fingal County Council — Morton Stadium	€66,218
Fingallians Gaa Club	€9,000
Glasnevin LTC	€3,250
Irish Amateur Boxing Association	€361,338
Irish Amateur Rowing Union	€36,097
Irish Canoe Union	€60,000
Irish Hockey Association	€2,806
Irish Orienteering Association	€19,058
Irish Sailing Association	€7,764
Irish Sports Council (Irish Institute of Sport)	€337,069
Irish Underwater Council	€6,300
Larkin Sports and Leisure Complex	€22,000
Leinster Rugby IRFU	€210,659
Lucan Sarsfields GAA	€23,288
Neptune Rowing Club	€54,468
O'Loughlin Gaels	€45,792
Outhouse	€11,311
Palmerstown United FC	€10,000
Pembroke Wanderers Hockey Club	€11,112
Rathcoole Boys FC	€8,899
Ronnie Delaney Comm	€26,779
Round Towers Clondalkin	€127,410
Sean O'Casey Community Centre	€617,500
Shankill Tennis Club	€95,368
Ski Club of Ireland	€866,358
South Dublin Football League	€143,831
Special Olympics Leinster	€4,220
St. Helena's Rivermount Boys FC	€3,840
St. Joseph's AFC	€50,000

### Road Network

996. **Deputy Pat Deering** asked the Minister for Transport, Tourism and Sport if he will consider reducing the cost of tolls for persons who are regular users, for instance persons who use West Link twice daily going to and from work in these times when the cost of motoring is very expensive. [26330/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The implementation of individual national road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993-2007, in conjunction with the relevant local authorities concerned. In particular, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007). Toll charges

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on national roads are set in accordance with toll bye-laws made by the NRA under Section 61 of the Roads Act.

### **Sports Capital Programme**

997. **Deputy Sean Fleming** asked the Minister for Transport, Tourism and Sport if he will provide details of all grant approvals for sports capital grants to County Laois in 2011; and if he will make a statement on the matter. [26415/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** Information on all sports capital allocations to County Laois in 2011 are available on the Department's website *www.dttas.ie*.

998. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport the position regarding his Department's investigation into Basketball Ireland and capital sports grants. [26390/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** The Department takes seriously any instances of non-compliance with the terms and conditions of the Sports Capital Programme. The Internal Audit Unit of the Department has concluded a report into this matter. Departmental officials have met with officials from Basketball Ireland to discuss the findings of the report. The Department is now considering what actions to take on foot of the report. As soon as these deliberations have been concluded, the Department will write to Basketball Ireland informing them of the outcome of these deliberations.

### **Road Network**

999. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if improvement works will be carried out on a bridge (details supplied) in County Kerry; and if he will make a statement on the matter. [26570/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

### **Departmental Funding**

1000. **Deputy Niall Collins** asked the Minister for Transport, Tourism and Sport the amount of funding committed to in his Department for capital projects; if he will provide details of the projects and funding committed; the funds that have been drawn down for the projects; when the balance will be drawn down; and if he will make a statement on the matter. [26664/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The capital allocation for my Department for 2012 is €1,245.038 million. The breakdown of the funding between the various programmes and the outturn to date is shown in the table below. I expect that the balance of the funding will be drawn down by year-end:

	2012 Allocation	Expenditure to 28 May 2012
	€m	€m
<i>A — Civil Aviation</i>		
A2 Admin-Non pay	0.075	0
A3 Regional Airports	6.100	0.460
A4 Miscellaneous Services	0.333	0
<i>B — Land Transport</i>		
B2 Admin-Non pay	0.278	0
B3 Road Improvement/Maintenance	885.000	204.595
B4 Road Safety Agencies and Expenses	0.500	0
B5 Vehicle and Driver Licensing Expenses	1.500	0.009
B6 Smarter Travel and Carbon Reduction	17.400	0.149
B8 Public Transport Investment Programme	257.203	56.070
B10 Miscellaneous Services	3.667	3.655
<i>C — Maritime Transport and Safety</i>		
C2 Admin-Non pay	0.315	0
C3 Maritime Admin and Irish Coast Guard	18.200	0.762
<i>D — Sport</i>		
D2 Admin-Non pay	0.045	0
D3 Grants for Sporting Bodies	21.200	5.441
D4 Grants for Swimming Pools	6.900	0.898
D6 National Sports Campus	4.300	1.100
<i>E — Tourism Services</i>		
E2 Admin-Non pay	0.022	0
E3 Fáilte Ireland	0.800	0.800
E7 Tourism Product Development	21.200	5.700
Total	1,245.038	279.639

### Public Transport

1001. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport if he will confirm the progress made by the National Transport Authority in issuing policy to manage the location, selection and use of bus shelters by local authorities where one shelter would serve multiple operators both public and private; and if he will make a statement on the matter. [26642/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The National Transport Authority (NTA) was established on 1 December 2009. In accordance with the Dublin Transport Authority (DTA) Act 2008, the functions of the NTA include securing the provision of public transport infrastructure projects in the Greater Dublin Area (GDA). Among the functions of the NTA with respect to the GDA transport infrastructure is the development of an integrated, accessible public transport network. In this regard and in accordance with section 62 of the DTA Act 2008, the Authority may designate any bus stop, bus stand, bus or railway



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station in the GDA to be a shared facility. In light of the NTA's responsibility in this matter I have referred the Deputy's question to the NTA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

### Departmental Staff

1002. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of any bonuses granted to employees of his Department since 2011 and any bonuses planned for 2012. [26679/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** No bonuses have been paid to employees of my Department in 2011 and none are planned for 2012.

1003. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of bonuses paid to employees of any agency under his Department since 2011 and any bonuses planned for 2012 [26680/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The payment of performance related pay is a matter for the Boards of the State agencies concerned. However, the operation of performance-related award schemes for Chief Executive Officers in the public bodies is currently being reviewed by the Minister for Public Expenditure and Reform. Pending the outcome of the Review, the Government has made its policy clear that such bonuses should not be paid to Chief Executive Officers. Full details of all CEO remuneration is available from the annual report of the relevant agency. My Department does not have the information requested by the Deputy in relation to the other staff in these agencies. I have, however, forwarded your request to the agencies under the remit of my Department for direct reply to you. If you do not hear within ten working days please contact my private office.

1004. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of the numbers of persons in his Department earning over €100,000 per annum and the positions for which they receive these wages. [26682/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The following staff in my Department earn over €100,000 per annum in the positions indicated:

Position	Number
Secretary General	1
Assistant Secretary	5
Chief Surveyor	1
Deputy Chief Surveyor	1
Chief Aeronautical Officer	1
Aeronautical Officer	2
Chief Engineer	1
Principal Adviser — Engineer	1
Special Advisor to Minister	1
Principal Officer	4

This is gross income, before pension levy, tax and other statutory deductions. When these are taken into account, no member of staff earns over €100,000.

1005. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport if he will provide a breakdown of the numbers of persons employed by agencies under his Department earning more than €100,000 per annum, the positions for which they receive these wages and the sections they work in. [26684/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department does not hold the information requested by the Deputy. I have, however, forwarded your request to all agencies under the remit of my Department for direct reply to you. If you do not hear within ten working days please contact my private office.

1006. **Deputy Colm Keaveney** asked the Minister for Transport, Tourism and Sport if he will provide details of the current salaries of chief executive officers of commercial semi-State port companies; the date on which each salary was agreed and furthermore when each CEO's contract will conclude; and if he will make a statement on the matter. [26710/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Details of CEO remuneration and commencement of service are available from the relevant annual reports of the port companies. Contracts with CEOs are normally concluded on the basis of an initial term and a maximum duration (usually 7 years). The total term served depends on the Board of the company and on the CEO meeting performance standards which are set and evaluated by the Board.

### Departmental Funding

1007. **Deputy Derek Nolan** asked the Minister for Transport, Tourism and Sport if the funds from taxi licence sales are still with the National Transport Agency; if not, if he will clarify where the money from these sales is; and if he will make a statement on the matter. [26725/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The National Transport Authority (NTA) is responsible for the regulation of the taxi sector and the setting of relevant fees. The use of licence fee income is a matter, for the NTA in the first instance, subject to the requirements of section 50 of the Taxi Regulation Act 2003.

### State Airports

1008. **Deputy Derek Keating** asked the Minister for Transport, Tourism and Sport the steps he has taken to establish a steering group to implement his decision in relation to the State airports; the proposed composition of this group and their terms of reference; when he expects to be in a position to implement proposals; and if he will make a statement on the matter. [26744/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I am pleased to inform the Deputy that following the Government decision in principle to separate Shannon Airport from the Dublin Airport Authority and to merge it with a restructured Shannon Development, the Steering Group that is charged with bringing forward proposals for the implementation of the decision has now been established and held its first meeting yesterday.

The Steering Group is jointly chaired by Mr. Tom O'Mahony, Secretary General at the Department of Transport, Tourism and Sport and Mr. John Murphy, Secretary General at the Department of Jobs, Enterprise and Innovation and includes senior officials from those Departments as well as the Departments of Finance, Public Expenditure and Reform and Environment, Community and Local Government. The Steering Group, which will be assisted by two task forces, is due to complete its work by the end of November this year. Proposals

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will then be brought to Government and resulting Government decision implemented as soon as possible thereafter. However, I would not rule out some changes being made in the interim should that be beneficial.

### **Tourism Promotion**

1009. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the actions Fáilte Ireland and Tourism Ireland are taking to facilitate and encourage parking areas for motor-caravans here; and if he will make a statement on the matter. [26757/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy's Question to the agency for direct reply. Please advise my private office if you do not receive a reply from the agency within ten working days.

### **Departmental Funding**

1010. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if he has received any requests to financially support the Irish Performing Arts Festival which will be hosted by the Cope Foundation and take place in Cork city and county between 27 June and 30 June 2012; if any funding including National Lottery funding has been allocated to the festival; the support that has been given to the festival in recent years; his views that the festival has been of benefit to persons with intellectual disabilities and autism in recent years; and if he will make a statement on the matter. [26769/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The funding of festivals and events is an operational matter for Fáilte Ireland. However, I understand that Fáilte Ireland have no record of receiving an application in respect of the Irish Performing Arts Festival.

### **State Agencies**

1011. **Deputy Jack Wall** asked the Minister for Transport, Tourism and Sport the original function and role of the National Roads Authority as per the relevant legislation; if he will plot the way its responsibilities have evolved to the present day; and if he will make a statement on the matter. [26853/12]

1013. **Deputy Jack Wall** asked the Minister for Transport, Tourism and Sport if he will outline the separation of powers and functions between the National Roads Authority and local authorities as regards the road network here; and if he will make a statement on the matter. [26860/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 1011 and 1013 together.

The role and functions of the National Roads Authority (NRA) are as set out under the Roads Act 1993 as amended which is to secure the provision of a safe and efficient network of national roads. For this purpose, it has overall responsibility for planning and supervision of construction and maintenance works on these roads. Historically, the NRA has discharged these functions through the relevant local road authorities. However, it is empowered, where it considers it would be more convenient, expeditious, effective or economical to do so to carry out such functions directly. The NRA also has a general power to direct a road authority in regard to the construction or maintenance of a national road.

Additionally, in September 2009, at the request of the then Minister the NRA undertook to administer the provision of grants to local authorities for the improvement and maintenance of regional and local roads on foot of funds transferred from the Department.

1012. **Deputy Jack Wall** asked the Minister for Transport, Tourism and Sport if he will provide a detailed breakdown of the National Roads Authority expenditure on projects and personnel from the period 2005 to 2011; and if he will make a statement on the matter. [26857/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

*Question No. 1013 answered with Question No. 1011.*

### **Public Transport**

1014. **Deputy Kevin Humphreys** asked the Minister for Transport, Tourism and Sport the amount Dublin Bus has spent thus far on developing a Wi-Fi service on its fleet; the projected final cost; if there will be a charge for passengers to access the Wi-Fi service; and if he will make a statement on the matter. [26878/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. The National Transport Authority (NTA) has responsibility for the implementation and development of infrastructure projects in the Greater Dublin Area (GDA) such as the renewal of the bus fleet and the provision of Wi-Fi. I understand that Dublin Bus is currently running a trial of Wi-Fi on 10 buses, funded from their own resources, and for which there is no charge to customers. The trial will be extended to the 80 new buses which are due to be introduced to service in the second half of 2012. The purchase of these buses for PSO routes is being funded by the NTA. Noting this, I have referred the Deputy's question to the NTA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

1015. **Deputy Dominic Hannigan** asked the Minister for Transport, Tourism and Sport his plans to include Gormanston, County Meath, in the all in one commuter/Dart and Luas Ticket in view of the high numbers of commuters who live in the Stamullen / Gormanston area; and if he will make a statement on the matter. [26881/12]

1016. **Deputy Dominic Hannigan** asked the Minister for Transport, Tourism and Sport his plans to segment the Luas green and red lines for tax saver tickets; and if he will make a statement on the matter. [26882/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** I propose to take Questions Nos. 1015 and 1016 together.

[Deputy Alan Kelly.]

In accordance with the Dublin Transport Authority Act, 2008 the National Transport Authority (NTA) has responsibility at national level for securing the provision of public passenger land transport services and for the regulation of public transport fares. Responsibility for implementation of the integrated ticketing system in the Greater Dublin Area (GDA) also became a function of the NTA with effect from 30 September 2010. Noting this, I have referred the Deputy's questions to the NTA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

### Departmental Funding

1017. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if assistance is available to an organisation (details supplied) in County Kerry; and if he will make a statement on the matter. [26939/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I understand that discussions are taking place between the operators and Kerry County Council in relation to this matter. I would point out that the facility in question has already received capital funding of €3.8m from the Department. The Department does not however have any current funding available for such purposes.

### Ministerial Appointments

1018. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if he will outline all staff appointments he has made since last March; the name of those appointed; their position; their salary; if any of these appointees are former retired public servants and in receipt of a pension; and if he will make a statement on the matter. [26962/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The following table outlines the staff that I have appointed to my office since March 2011:

Name	Position	Salary	Former retired Public Servant	in Receipt of Pension
Dominic Miller	Press Advisor	€83,337	No	No
Brian Murphy	Special Advisor	€105,837	No	No
Mary Donohue	Personal Secretary	€45,939	No	No
John Carroll	Policy Advisor in lieu of Personal Assistant	€49,790	No	No
John O'Shea	Civilian Driver	€32,965	Yes	Yes
James O'Grady	Civilian Driver	€32,965	Yes	Yes

### Rail Network

1019. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport if he will provide details of rail projects which he has submitted to the Department of Finance and Department of Public Expenditure and Reform for consideration in advance of their recent discussions with representatives of the European Investment Bank; and if he will make a statement on the matter. [26997/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My officials and I keep the relevant Ministers and Departments informed on priority, affordable and viable transport

projects ready to proceed to construction over the medium term should additional funding for capital investment become available either from the Exchequer or other sources.

Given this, in relation to the specific meeting referred to by the Deputy, there was no additional information sought by either the Department of Public Expenditure and Reform or the Department of Finance.

### **Public Transport**

1020. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if a bus shelter will be provided in a town (details supplied) in County Kerry; and if he will make a statement on the matter. [27040/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The issue of bus stop improvement is a matter for the National Transport Authority (NTA) in conjunction with the relevant transport provider. I have referred the Deputy's question to the NTA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Traffic Management**

1021. **Deputy Jerry Buttimer** asked the Minister for Transport, Tourism and Sport the recommendations that have been issued by him in relation to national policy on urban roundabouts; if local authorities have been advised to phase out urban roundabouts; if such advice has been given the basis and reasoning behind same; and if he will make a statement on the matter. [27050/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The traffic management guidelines which were prepared in conjunction with the then Department of the Environment, Heritage and Local Government, issued in 2003. The purpose of these guidelines is to provide guidance on a variety of issues including traffic planning, traffic calming and traffic management. In particular, chapter 8 of these guidelines deal with selecting the appropriate type of junction. These guidelines are available on my Department's website at [www.dttas.ie](http://www.dttas.ie).

### **Road Traffic Offences**

1022. **Deputy Dominic Hannigan** asked the Minister for Transport, Tourism and Sport the steps he is taking to stop the practice of illegal plying for hire of taxis; and if he will make a statement on the matter. [27137/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** It is an offence under the Road Traffic Act 1961 as amended for a taxi to stand for hire other than at an appointed stand.

The enforcement of the taxi regulations, including the illegal plying for hire of taxis, is a matter in the first instance for the National Transport Authority (NTA) under the Taxi Regulation Act 2003. In addition to the enforcement officers of the NTA, under Section 49 of the Taxi Regulation Act 2003 members of An Garda Síochána are also authorised persons for the purpose of enforcement of the taxi regulations.

I have arranged for your question to be forwarded to the NTA for a direct response. If you do not receive a response within ten working days, please notify my private office.

### **Tourism Industry**

1023. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his plans



[Deputy Brendan Griffin.]

for the development of angling tourism here; and if he will make a statement on the matter. [27142/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy's question to Fáilte Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Sports Capital Programme**

1024. **Deputy Anne Ferris** asked the Minister for Transport, Tourism and Sport if funding will be provided for new toilets and shower facilities at a club (details supplied) in County Wicklow; and if he will make a statement on the matter. [27248/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** Last year a special once-off allocation of €1.25 million was made to the Irish Amateur Boxing Association to be used to improve basic facilities in boxing clubs and, in particular, with a view to accommodating female boxers in more clubs. This grant is centrally managed by the IABA. The club in question was allocated the maximum grant of €25,000 for substantial improvement works including the provision of a new bathroom and changing room.

On Friday 1 June the Department was informed by the IABA that the works have been completed and have been signed off by the IABA architect. The IABA also confirmed that it had received the final invoice and expected to make a payment to the contractor this week.

### **Road Network**

1025. **Deputy Willie O'Dea** asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No. 535 of 15 May 2012, if he will clarify and advise the budget allocated for the Nenagh/Limerick M7; the name of the Contractor and Engineering Company responsible and the costs involved in rectifying the problems associated with same; and if he will make a statement on the matter. [27272/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Within is capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within ten working days.

### **Taxi Regulations**

1026. **Deputy James Bannon** asked the Minister for Transport, Tourism and Sport if he will consider the impact of deregulation of the taxi sector on a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [27289/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The regulation of the taxi industry, including issues pertaining to the transfer of vehicle licences, is a matter for the National Transport Authority (NTA) under the provisions of the Public Transport Regulation Act 2009.

As set out in the Taxi Regulation Review Report 2011, it was considered by the review group that it was necessary to move away from a system whereby a licence will have value in itself — a licence should determine a person's suitability to carry out a function and it should not have monetary value or be traded on the open market. Action 14 of the review report proposes the introduction of a prohibition on the transferability of taxi vehicle licences such that all taxi vehicle licences will be unique to the person to whom the licence has been issued and cannot be transferred or sold to another individual.

I have arranged for your question to be forwarded to the NTA for a direct response in relation to this particular case. If you do not receive a response within ten working days, please notify my private office.

### **Sports Capital Programme**

1027. **Deputy Patrick Nulty** asked the Minister for Transport, Tourism and Sport when allocations under the sports capital grants scheme will be made following the closing date for applications; and if he will make a statement on the matter. [27383/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** The 2012 sports capital programme is now closed. The closing date for on-line applications was 5 p.m. on Friday, 1 June 2012. Any organisation that applied under the programme should receive an acknowledgement of its application before the end of July 2012.

Departmental officials will start evaluating all applications as soon as possible. This process will take some time, due to the volume of applications and the detailed information contained in each one. As a result, I do not expect to be able to announce the list of successful applicants before the late autumn or early winter 2012.

### **Rail Network**

1028. **Deputy Patrick Nulty** asked the Minister for Transport, Tourism and Sport when Hansfield railway station, Dublin 15, will be fully open and operational; and if he will make a statement on the matter. [27384/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. Following the establishment of the National Transport Authority (NTA) on December 2009, the implementation and development of infrastructure projects in the greater Dublin area (GDA), such as Hansfield train station, comes under the remit of the NTA. Noting this I have referred the Deputy's question to the NTA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Notwithstanding the above, I understand that agreements on the various land issues have now been concluded between Iarnród Éireann, Fingal County Council and the relevant developers/their representatives which will facilitate the construction of the access road. Subject to the successful award of the tender for construction of the access road by Iarnród Éireann and funding being provided by the NTA I would expect that construction will commence before the end of this year which will facilitate the opening of the station.

### **Sports Capital Programme**

1029. **Deputy Joanna Tuffy** asked the Minister for Transport, Tourism and Sport if there are any rules in relation to the sports capital programme to ensure that grants are allocated in a

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transparent way and on objective grounds; and if he will make a statement on the matter. [27399/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):**

The 2012 sports capital programme is now closed. The closing date for on-line applications was 5 p.m. on Friday, 1 June 2012. Any organisation that applied under the programme should receive an acknowledgement of its application before the end of July 2012.

Departmental officials will start evaluating all applications as soon as possible. All applications received under the programme are assessed on an individual basis by the Department in accordance with a detailed set of assessment criteria.

Every effort is made to achieve a balanced geographical spread of funds throughout the country, while also affording priority to projects in areas of social and economic disadvantage, and facilitating investment in facilities of regional and national strategic importance. In this regard, the assessment process takes into account factors such as the number and quality of the applications received, the amount of funding being sought by each applicant as well as the most recent census of population figures.

The Minister for Transport, Tourism and Sport will make the final decision on the allocation of funding.

### **Road Network**

1030. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport the status of the proposed plans for the M20/ N21 Cork to Limerick road incorporating the Adare bypass; if the projects have been fully withdrawn from planning; if the county councils have been communicated to regarding the release of constrained lands for planning permission applications; and if he will make a statement on the matter. [27400/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads is a statutory matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

The M20 project has been withdrawn from An Bord Pleanála but the project has not been abandoned as it may be re-initiated in the future. Had An Bord Pleanála approved the M20 project, the NRA/local authorities concerned would have been required to exercise the CPO authorisation within 18 months or the approval would have lapsed. Without a facility in place to advance the construction stage of the project it would not be appropriate to incur significant land costs on the project at this time. It should be noted that the N21 Adare bypass remains with An Bord Pleanála for decision.

In cases such as the M20 project, planning authorities have been requested to make all reasonable efforts to protect identified preferred route corridors. Within these parameters, however, there may be scope for planning authorities to accommodate some development within the route corridors.

### **Taxi Regulation**

1031. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport when the Taxi Regulation Bill will be published; and if he will make a statement on the matter. [27449/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** A Government decision was taken at the end of last month to approve the drafting, as a matter of priority, of the Taxi Regulation Bill 2012, which will address key enforcement recommendations of the Taxi Regulation Review Report 2011. Drafting is currently underway in the Office of the Attorney General and I hope to publish the Bill by the end of June 2012.

### **Air Navigation Orders**

1032. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport the number of requests to carry munitions of war or dangerous goods on civilian aircraft under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders in the first four months of 2012, January to April; the number of these requests that were made; the number granted; and the number of these that passed through Shannon Airport. [27468/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The number of requests to carry munitions of war or dangerous goods on civilian aircraft under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders in the first four months of 2012, January to April was 316. The number granted was 306. The number of these flights which landed at Shannon was 239.

1033. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport the exact number of US troops that passed through Shannon Airport in the first four months of 2012, January to April; and if a change is expected in the overall numbers for 2012. [27469/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department deals with requests to carry munitions of war on civilian aircraft through Irish airports or in Irish controlled airspace under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order 1973 as amended. My Department does not collate information with regard to the number of troops carried on board civilian aircraft. However, Shannon Airport has informed me that the number of US troops that passed through Shannon Airport from January to April 2012 was approximately 45,000.

### **Road Network**

1034. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport if he will provide funding for the upgrading of 300 meters of the final stretch of public access road L8007 to a facility (details supplied) in County Kerry. [27495/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The improvement and maintenance of regional and local roads in its area, is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

I announced the 2012 regional and local road grant allocations earlier this year. A total of €376 million is being provided to local authorities under this investment programme this year. From this allocation, Kerry County Council is being provided with a total of €16.1 million. My Department has not received an application from Kerry County Council for funding this section of the L8007. In any event, the 2012 regional and local road grants have now been fully allocated and there are no further funds available from which an additional allocation could be made. However, it is open to Kerry County Council to fund these works from their own

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resources or to include the section of road in their Restoration Improvement programme in future years.

### **Tourism Industry**

1035. **Deputy Tom Fleming** asked the Minister for Transport, Tourism and Sport in view of the development of Loop Head Lighthouse, County Clare, his plans to develop lighthouses as tourist visitor centres whereby they would be a source of education, tourism and marine heritage and if he will also insure that the architectural integrity of these structures would be protected. [27496/12]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy's question to the agency for direct reply. Please advise my private office if you do not receive a reply from the agency within ten working days.

### **Sports Capital Programme**

1036. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport the position regarding a capital sports grant application in respect of an organisation (details supplied) [27511/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** The 2012 sports capital programme is now closed. The closing date for on-line applications was 5 p.m. on Friday 1 June 2012. Any organisation that applied under the programme should receive an acknowledgement of its application before the end of July 2012.

Departmental officials will start evaluating all applications as soon as possible. This process will take some time, due to the volume of applications and the detailed information contained in each one. As a result, I do not expect to be able to announce the list of successful applicants before the late autumn or early winter 2012.

1037. **Deputy Willie Penrose** asked the Minister for Transport, Tourism and Sport if he will indicate that apart from the capital sports programme, there are any other avenues by which sports clubs which are just starting off, to cater for the needs across the community receive grant aid; and if he will make a statement on the matter. [27552/12]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** My Department operates the sports capital programme. The application period for the 2012 SCP is now closed. Organisations seeking funding outside of the SCP might contact their national governing body of sport, local authority or local sports partnership.