



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 4 December 2008.

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# DÁIL ÉIREANN

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*Déardaoin, 4 Nollaig 2008.*  
*Thursday, 4 December 2008.*

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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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## **Requests to move Adjournment of Dáil under Standing Order 32.**

**An Leas-Cheann Comhairle:** Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 32. I will call the Deputies in the order in which their notices were submitted to my office.

**Deputy Finian McGrath:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter of national importance, namely, the recent information that members of the British National Party are living and operating in this country, particularly in Santry, Sligo, Galway and Kerry;—

**A Deputy:** They are looking for European seats here.

**Deputy Finian McGrath:** —and to call on all Members of the Oireachtas to ensure that this group does not get a footing on the island; and, further, to call on all elected Members to work against racism and sectarianism; and, finally, to call on all Deputies and Senators to ensure that respect for diversity and human rights is at the top of our political agenda.

**Deputy James Bannon:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the fact that one in six people was at risk of poverty last year according to the annual survey of income and living conditions; and the rise, as reported by the Central Statistics Office, in the proportion of older people and working poor in this category.

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

## **Order of Business.**

**The Tánaiste:** It is proposed to take No. 8, motion re proposed approval by Dáil Éireann of the Criminal Justice (Drug Trafficking) Act 1996, back from committee; No. 8a, Finance (No. 2) Bill 2008 — allocation of time motion for select committee; No. 8b, Finance (No. 2) Bill 2008 — Financial Resolutions; No. 21, Social Welfare (Miscellaneous Provisions) Bill 2008 — Report and Final Stages (resumed); No. 22, Electoral (Amendment) Bill 2008 — Order for Report, Report and Final Stages; and No. 20, Nursing Homes Support Scheme Bill 2008 — Second Stage (resumed).

[The Tánaiste.]

It is proposed, notwithstanding anything in Standing Orders, that Nos. 8, 8*a* and 8*b* shall be decided without debate. In the case of No. 8*b*, Financial Resolutions Nos. 1 to 30 shall be moved together and decided by one question which will be put from the Chair. The proceedings of the resumed Report and Final Stages of No. 21 shall, if not previously concluded, be brought to a conclusion at 3.30 p.m. today by one question, which will be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Social and Family Affairs.

**An Leas-Cheann Comhairle:** There are two proposals to put to the House today. Is the proposal for dealing with Nos. 8, 8*a* and 8*b*, without debate, agreed?

**Deputy Richard Bruton:** The time allocation motion has only come to my notice now. Effectively, the allocation the Tánaiste is proposing is putting in the first three hours of the debate, which is to run for perhaps 16 hours, most of the things that would be of interest to the committee to tease out. I suggest that fewer sections should be dealt with in the first three hours of debate and that time should be made available to debate sections that otherwise would be guillotined under the allocation of time motion before they are reached.

**An Leas-Cheann Comhairle:** Is the general order acceptable?

**Deputy Richard Bruton:** In terms of the time allocation, the general order is fine but too many sections have been assigned to the first three hours where the bulk of the interest will be, so we will not get to debate many of the Government's proposals.

**Deputy Emmet Stagg:** It was agreed at the Whips meeting last night. The Whips understood that the spokespersons and the Minister had agreed to the allocation, but I am sure the Tánaiste will agree to changes within that parameter.

**The Tánaiste:** I would not have any problem. I think we can deal with that.

**An Leas-Cheann Comhairle:** Very good, so the general time allocation is agreed.

**The Tánaiste:** We can arrange the process to facilitate the Members' discussions. I will speak to the Minister about it.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed. Is the proposal for dealing with No. 21, Social Welfare (Miscellaneous Provisions) Bill 2008 — Report and Final Stages, agreed?

**Deputy Caoimhghín Ó Caoláin:** It is not agreed.

**Deputy Enda Kenny:** I am opposed to guillotining this matter. The unemployment figures published yesterday show projections for an unemployment rate of up to 12% by the end of next year and into 2010. Is there any intention to further amend this Bill, for example, to facilitate employers who take on new employees next year, so that they will not have to pay PRSI for 2009? As I have often said before, I am opposed to the principle of a guillotine.

**An Leas-Cheann Comhairle:** Those matters can be discussed during the debate.

**Deputy Eamon Gilmore:** The Labour Party is also opposed to the guillotine on this Bill. As I understand it, amendment No. 11 of a total of 45 amendments has been reached on Report Stage. As there are many critical issues which affect people on social welfare, I do not believe the Bill should be guillotined.

**Deputy Caoimhghín Ó Caoláin:** As with the other Deputies, I strongly oppose the proposition to guillotine the final passage of this Bill. As Deputy Gilmore has indicated, only 11 of 45 amendments have been addressed at this point. Clearly, these matters are of great importance, so the opportunity should be afforded to all Members to engage properly on the amendments they have tabled. I ask the Tánaiste to extend the time so as to allow the process to conclude naturally.

**The Tánaiste:** I cannot agree and we will move the motion.

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

The Dáil divided: Tá, 71; Níl, 61.

#### Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Andrews, Chris.  
Ardagh, Seán.  
Aylward, Bobby.  
Blaney, Niall.  
Brady, Áine.  
Brady, Cyprian.  
Brady, Johnny.  
Browne, John.  
Byrne, Thomas.  
Calleary, Dara.  
Carey, Pat.  
Collins, Niall.  
Conlon, Margaret.  
Connick, Seán.  
Coughlan, Mary.  
Cuffe, Ciarán.  
Cullen, Martin.  
Curran, John.  
Dempsey, Noel.  
Devins, Jimmy.  
Dooley, Timmy.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gallagher, Pat The Cope.  
Gogarty, Paul.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.

Healy-Rae, Jackie.  
Hector, Máire.  
Kelleher, Billy.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Kirk, Seamus.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McEllistrim, Thomas.  
McGrath, Mattie.  
McGrath, Michael.  
McGuinness, John.  
Moloney, John.  
Moynihan, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Flynn, Noel.  
O'Hanlon, Rory.  
O'Keeffe, Batt.  
O'Rourke, Mary.  
O'Sullivan, Christy.  
Power, Peter.  
Power, Seán.  
Ryan, Eamon.  
Sargent, Trevor.  
Scanlon, Eamon.  
Treacy, Noel.  
Wallace, Mary.  
White, Mary Alexandra.

#### Níl

Bannon, James.  
Barrett, Seán.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.  
Burton, Joan.  
Carey, Joe.  
Clune, Deirdre.  
Connaughton, Paul.  
Coonan, Noel J.  
Costello, Joe.  
Coveney, Simon.

Crawford, Seymour.  
Creed, Michael.  
Creighton, Lucinda.  
D'Arcy, Michael.  
Doyle, Andrew.  
Durkan, Bernard J.  
Enright, Olwyn.  
Feighan, Frank.  
Ferris, Martin.  
Flanagan, Charles.  
Flanagan, Terence.  
Gilmore, Eamon.

Níl—*continued*

Hayes, Brian.  
Hogan, Phil.  
Kehoe, Paul.  
Kenny, Enda.  
Lynch, Ciarán.  
Lynch, Kathleen.  
McCormack, Pádraic.  
McEntee, Shane.  
McGinley, Dinny.  
McGrath, Finian.  
McHugh, Joe.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.

O'Donnell, Kieran.  
O'Dowd, Fergus.  
O'Mahony, John.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Reilly, James.  
Shatter, Alan.  
Sheahan, Tom.  
Sheehan, P. J.  
Sherlock, Seán.  
Stagg, Emmet.  
Stanton, David.  
Upton, Mary.  
Varadkar, Leo.  
Wall, Jack.

Tellers: Tá, Deputies Pat Carey and Niall Blaney; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

**Deputy Enda Kenny:** I have three questions for the Tánaiste. Yesterday morning the Minister for Finance gave a strong hint that the national pay deal may be renegotiated. The Taoiseach, in his response to questions here yesterday, said a conclusion would be arrived at in negotiation with social partnership and last night a statement was issued from the Government. The Government is all over the place on this and there is no clarity on the position. Without using jargon, will the Tánaiste say if the national pay deal is set in stone or is up for renegotiation?

**An Leas-Cheann Comhairle:** The Deputy should know that is not an appropriate question for the Order of Business

**Deputy Enda Kenny:** The question is in respect of legislation governing these matters and is a matter that affects many people around the country. I would like to know the Government position. Is the deal up for renegotiation or not?

The Bill dealing with the withdrawal of medical cards was dealt with by Government on Tuesday and I understand it will be in the House next week. What are the projected savings of this legislation on the withdrawal of the medical card from over-70s and what is the impact of the deferral of the measure until 1 March 2009, as announced yesterday?

The Taoiseach has briefed, or is in the process of briefing, every leader in Europe on the Government intentions with regard to the Lisbon treaty. There is little point in coming to leaders of the Opposition the day before he goes off to speak to the Heads of Government about his intentions at the Council meeting. In the context of legislation, does the Government intend to bring forward legislation giving effect to the holding of a second referendum on the Lisbon treaty?

**An Leas-Cheann Comhairle:** The content of legislation is not in order, but legislation on the other matters is. For clarity, what is in order is the timing and tabling of legislation, rather than the content.

**Deputy Enda Kenny:** The matter is of interest to the Chair.

**The Tánaiste:** In order to progress quickly with the legislative measures before the House today, I will give some very short answers. The national pay deal is not up for negotiation, but there is constant interaction between all members of the Government and the social partners, most particularly in the context of the current economic difficulties.

**Deputy Enda Kenny:** So, it is not up for negotiation.

**The Tánaiste:** On the second issue, the legislation will be published tomorrow and the issues raised by the Member can be raised on the legislation. In the context of the legislation being finalised in the next number of days within the House, the deferral is a prudent way to deal with and reassure the people concerned.

On the final issue, it was raised yesterday and I undertook to talk to the Taoiseach. He will provide a briefing on Wednesday to the Members opposite. At present there are no proposals for legislation arising from the Lisbon treaty.

**Deputy Enda Kenny:** The Tánaiste said there is no renegotiation of the national pay deal but that members of the Government are in constant contact with the social partnership. This sends out conflicting messages. I have made my view known about a pay freeze in respect of the national pay deal. Does the Government intend to pay the national pay deal or not?

In respect of the Lisbon treaty, the Tánaiste said there is no intention to introduce legislation giving effect to a second referendum. Am I to take it from that reply that the Government does not intend to hold a second referendum on the Lisbon treaty?

**The Tánaiste:** On the social partners and the specific issue of the national pay deal, it is not up for negotiations. However, I am delighted we are in Government because at least the social partners will be fully *au fait* with the fact that we respect their role.

**Deputy Brian Hayes:** Ask the Green Party about that.

**Deputy Olivia Mitchell:** The partners in Government are not fully *au fait* with their role.

**The Tánaiste:** Following the flippant way in which the leader of the Opposition treats the social partners, I am sure they will outline their views to him in due course. We have always been of the view that the role of social partners within our economy has been pivotal and will continue to be so. The Taoiseach has met with the congress and IBEC representatives to discuss the current economic situation. I have likewise interacted with them, as have my Ministers of State, on a constant basis.

**Deputy Enda Kenny:** The Tánaiste did not answer the question.

**The Tánaiste:** I did answer the question. The answer is “No”. Perhaps the Deputy just does not understand these little words like “Yes” and “No”.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Allow the Tánaiste finish.

**The Tánaiste:** On the second situation, there have been no final decisions made on legislation. Therefore, there are no proposals before the House regarding legislation arising from the discussions of the sub-committee. Discussions will take place on Tuesday and there will be further consultations and discussions regarding the outcome of the Lisbon treaty referendum.

**Deputy Enda Kenny:** The Tánaiste has said——

**An Leas-Cheann Comhairle:** I am anxious to move on. This is the Deputy's third time to speak, but I am anxious to allow other Members speak.

**Deputy Enda Kenny:** The Tánaiste has suggested I do not understand what is going on. If she wants to impute ignorance to us, fair enough, she is following in the footsteps of her leader. Let me ask again. I know the Government is fully entitled to deal with the social partners with regard to the circumstances in which the nation finds itself. I respect the part that social partnership played in stability and economic growth over the past 20 years.

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

**Deputy Enda Kenny:** Irrespective of the discussions that are taking place between the social partners and members of the Cabinet, is the Tánaiste telling me that the Government will pay the national pay deal, as agreed? That is a straight question, requiring a "Yes" or "No" answer.

Second——

**An Leas-Cheann Comhairle:** Please Deputy, this is your third long series of interventions——

**Deputy Enda Kenny:** No, this is a very straight question.

**An Leas-Cheann Comhairle:** ——and other Members have entitlements too.

**Deputy Noel Dempsey:** It is another Question Time.

**Deputy Enda Kenny:** This is my final question after which I shall sit down.

**Deputy Billy Kelleher:** Deputy Bruton ought to be asking such questions.

**Deputy Enda Kenny:** The Tánaiste and the Government have been speaking about elements of a solution in respect of Lisbon. Is one element of the aforementioned solution the holding of a second referendum or not?

**Deputy Paul Connaughton:** The Tánaiste should find out the answer to that.

**An Leas-Cheann Comhairle:** It is important that Members do not allow the Order of Business to become another iteration of Leaders' Questions without a decision of the House to that effect.

**Deputies:** Hear, hear.

**Deputy Paul Kehoe:** Let the Tánaiste answer the question.

**An Leas-Cheann Comhairle:** If Members wish to have more time allocated for Leaders' Questions, the House should order it.

**Deputy Paul Kehoe:** The Tánaiste wants to answer it.

**An Leas-Cheann Comhairle:** I call the Tánaiste.

**The Tánaiste:** There is no legislation proposed on the national pay awards and no legislation is proposed at present to deal with the issues that have arisen from the referendum on Lisbon.

**Deputy Enda Kenny:** That means there will be.

**The Tánaiste:** That is as much as I can say because that is the present position.



**Deputy John Perry:** The Tánaiste does not know.

**Deputy Eamon Gilmore:** I am somewhat surprised by the Tánaiste's ambiguous reply to Deputy Kenny on the issue of the national pay agreement. I understood that the Tánaiste, in her capacity as Minister for Enterprise, Trade and Employment, was the lead Minister in respect of industrial relations and therefore her response is all the more surprising.

**Deputy Michael Creed:** She has been sidelined.

**Deputy Eamon Gilmore:** It appears the Government does not know whether it is talking to the social partners at all or if it is so doing, what it is talking to them about.

**Deputy Billy Kelleher:** The Opposition does not know either. Fine Gael is against it.

**Deputy Eamon Gilmore:** This is supposed to be Deputy Kelleher's job. Are you talking to the social partners?

**An Leas-Cheann Comhairle:** Through the Chair Deputy.

*(Interruptions).*

**Deputy Eamon Gilmore:** This is what you are for Billy.

**An Leas-Cheann Comhairle:** Deputy, through the Chair.

**Deputy Billy Kelleher:** There should be a motion of no confidence in the Opposition.

**Deputy Emmet Stagg:** The Minister of State is a mini-me.

**Deputy Eamon Gilmore:** I wish to raise a related matter, namely, the Tánaiste's responsibility for putting through employment law. Incidentally, this is where Deputy Kelleher comes in as well. An horrific "Prime Time Investigates" programme was broadcast this week that outlined the degree of exploitation of workers. I was particularly concerned about the stories presented about people driving trucks for long hours, without breaks and so on. For Deputy Kelleher's information, there is a pile of legislation in this regard. Although the Employment Law Compliance Bill was published nine months ago, it still has not appeared before the House. If the Minister of State at the Department of Enterprise, Trade and Employment with responsibility for labour affairs has nothing better to do, he might try to secure some time from the Chief Whip and bring it before the House. The Employment Law Compliance Bill is intended to put the National Employment Rights Authority, NERA, on a statutory basis in order that it can check and inspect such trucks that are driving around with people who are overworked and exhausted and so on.

*11 o'clock*

**An Leas-Cheann Comhairle:** The Tánaiste on the Employment Law Compliance Bill.

**Deputy Eamon Gilmore:** There are other similar items, namely, an employment agency regulation Bill and an industrial relations amendment Bill, neither of which have yet been published. The Tánaiste should indicate when this legislation will be brought before the House and when will it be published. If the Minister of State who has direct responsibility for these matters would like to assist the Tánaiste in her reply, I would have no objection to that either.

Another issue I wish to raise pertains to the promise by the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to place a cap or limit on expenditure in local elections. He announced this measure some time ago and I suggested to the Taoiseach that the opportunity should be taken to use the Electoral (Amendment) Bill to bring this



[Deputy Eamon Gilmore.]

forward. In fairness to the Taoiseach, he replied that he thought this was a good idea and indicated that the requisite amendments might be brought forward on Committee Stage of the Electoral (Amendment) Bill. However, Committee Stage has come and gone and the amendments were not made. While the Report Stage debate is due for consideration today, no Report Stage amendments have been tabled by the Minister for the Environment, Heritage and Local Government to introduce a cap on spending limits.

The Minister for the Environment, Heritage and Local Government is not often seen in this House. I am beginning to wonder what he is for. He could not stop the motorway from going through Tara or the incinerator in his own constituency and apparently, he now is unable to get through Cabinet a simple measure he announced months ago to put a cap on expenditure on local elections.

**An Leas-Cheann Comhairle:** The Deputy has asked about two different sets of legislation, the labour legislation and the electoral legislation.

**The Tánaiste:** On the issue of the Employment Law Compliance Bill, which has been published, both the Minister of State and I are in final negotiations with the social partners to bring this matter to the House next year.

**Deputy Pat Rabbitte:** That will be a walkover for the social partners.

**Deputy Billy Kelleher:** We work in co-operation.

**The Tánaiste:** It is called work in progress. At least the head of the Irish Congress of Trade Unions made a very good decision by marrying a Gweedore woman.

Similarly, in respect of the employment agency regulation Bill, the Government hopes to bring the matter to finality. Extremely difficult issues pertain to bringing both these items of legislation before the House. The preferred option is that agreement on the best possible way on this legislation would be obtained before engaging in further discussions between——

**Deputy Ruairí Quinn:** In other words, this House is being made redundant.

**The Tánaiste:** No, before the Government brings it before the House.

**Deputy Ruairí Quinn:** At which point it cannot be changed as it has been agreed.

**Deputy Noel Dempsey:** The Labour Party is in close contact with the social partners.

**The Tánaiste:** However, the views of Members on both sides of the House will be reflected in the context of bringing this legislation to finality.

**Deputy Arthur Morgan:** When will they be sought?

**The Tánaiste:** As for the industrial relations (amendment) Bill, because the Government wishes to bring both the Employment Law Compliance Bill and the employment agency regulation Bill before the House at the beginning of next year, it will become available later in the year. As for the issue regarding the Department of the Environment, Heritage and Local Government legislation, from what I can ascertain it was not possible to introduce the aforementioned amendment within the Electoral (Amendment) Bill. It is under discussion at present in the Seanad. However, I will ask the Minister to contact the Deputy directly.

**Deputy Caoimhghín Ó Caoláin:** While I note the Tánaiste's reply in respect of the Employment Law Compliance Bill 2008, does she not believe that, following the "Prime Time Investigates" exposure of the abuses in employment practices by a number of unscrupulous employers — God knows how many more have not been exposed — there is a real need to fast-track this legislation——

**An Leas-Cheann Comhairle:** I believe this question already has been asked.

**Deputy Caoimhghín Ó Caoláin:** I am asking the Tánaiste to indicate whether there is the prospect, in the light of all that has been exposed this week——

**An Leas-Cheann Comhairle:** Deputy, the Tánaiste already has answered that question.

**Deputy Caoimhghín Ó Caoláin:** ——to fast-track that legislation.

As for the engagement of the social partners, if the national pay agreement is not being revisited and given what has been stated instead in subsequent commentary by the Government regarding working out a strategy——

**An Leas-Cheann Comhairle:** That question also has been answered.

**Deputy Caoimhghín Ó Caoláin:** ——for economic recovery, Members have heard repeatedly——

**An Leas-Cheann Comhairle:** Thank you Deputy.

**Deputy Caoimhghín Ó Caoláin:** ——that the Government has such a strategy. While I believe it has——

**An Leas-Cheann Comhairle:** Is there anything the Tánaiste wishes to add?

**Deputy Caoimhghín Ó Caoláin:** ——a strategy, it has not shared it with Members. Alternatively, is the Government trying to draft a strategy while engaging with the social partners in respect of same?

**An Leas-Cheann Comhairle:** Go raibh maith agat a Theachta. I wish to facilitate a number of Members.

**Deputy Caoimhghín Ó Caoláin:** Finally, I wish to raise one item of legislation.

**An Leas-Cheann Comhairle:** Certainly. I am glad to hear it.

**Deputy Caoimhghín Ó Caoláin:** It is not related to the others, but is of interest to me and there have been a number of inquiries in the recent past regarding No. 34, the animal health and welfare Bill. When does the Tánaiste expect publication of that Bill?

**The Tánaiste:** First, the Employment Law Compliance Bill is to give statutory recognition to an authority which is operating at present and which has an inspectorate, known as NERA. Unfortunately, however, when it comes to the extremely serious issues that were raised about the exploitation of vulnerable workers, which is completely unacceptable, the best defence when supporting people is to have information of good quality. However, it is important to indicate that even though the legislation has not been finalised and passed by this House, NERA has been in operation for a considerable time and additional inspectors have been appointed.

[The Tánaiste.]

As for the animal health and welfare Bill, it was out for public consultation and the line Department is bringing it to finality at present.

**Deputy Seymour Crawford:** As the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, has advised Monaghan County Council that the North-South interconnector should run overground——

**An Leas-Cheann Comhairle:** I know the Deputy shortly will be in order.

**Deputy Seymour Crawford:** Absolutely. When will the electricity (transfer of transmission assets) Bill come before this House in order that Members can discuss this issue?

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Seymour Crawford:** Second, in light of the fact the HSE has advised personnel to move from Monaghan Hospital to Cavan, and that this will affect the aged especially——

**An Leas-Cheann Comhairle:** Is it a question that is relevant?

**Deputy Seymour Crawford:** It is extremely relevant.

**An Leas-Cheann Comhairle:** Is it a question that is relevant to the Order of Business?

**Deputy Seymour Crawford:** Absolutely.

**An Leas-Cheann Comhairle:** The issue is of course highly relevant and therefore should be raised in a proper way.

**Deputy Seymour Crawford:** If you let me, I would have been finished by now. When will the National Council on Ageing and Older People abolition Bill be published?

**An Leas-Cheann Comhairle:** What of those two pieces of legislation, Tánaiste?

**Deputy Seymour Crawford:** It is abolition, as far as Monaghan Hospital is concerned.

**The Tánaiste:** Both pieces of legislation will be taken in the House next year.

**Deputy Ciarán Lynch:** A Leas-Cheann Comhairle, I wish to raise two matters with you. One is a correspondence I received from your office deputising for the Ceann Comhairle, stating that a parliamentary question of mine was out of order. Am I to understand——

**An Leas-Cheann Comhairle:** Deputy Lynch should come and discuss that directly with my office or the Ceann Comhairle's office.

**Deputy Ciarán Lynch:** On the Order of Business, where Members of this House submit questions——

**An Leas-Cheann Comhairle:** There is a procedure. May I explain to Deputy Lynch——

**Deputy Ciarán Lynch:** It is to do with policy.

**An Leas-Cheann Comhairle:** ——the normal procedure is that the Deputy would come and talk to the Ceann Comhairle or the Leas-Cheann Comhairle about that.

**Deputy Ciarán Lynch:** But this seems to be a recurring theme. I am now to understand that a matter of policy on the provision of over capacity in waste management in this country and incinerators is not part of the job of the Minister for the Environment, Heritage and Local Government, Deputy Gormley.

**Deputy Bernard J. Durkan:** Deputy Lynch is correct.

**An Leas-Cheann Comhairle:** Deputy Lynch might allow the Chair to explain. The Chair simply follows the law as enacted by the Houses. If the Houses transfer functions from Ministers to agencies, the Chair, like everybody else, must respect the law. However, I am happy to discuss that matter with the Deputy. Has he another matter?

**Deputy Ciarán Lynch:** I will certainly take you up on that offer later today. Am I to understand, in going to that meeting, that policy on waste management is not a function of the Minister for the Environment, Heritage and Local Government?

**Deputy Emmet Stagg:** The Minister could give back his wages.

**An Leas-Cheann Comhairle:** When we discuss it I will show Deputy Lynch the advice we have.

**Deputy Ciarán Lynch:** The second matter relates to another parliamentary question. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, received the White Young Green report last week. The understanding was that when he would receive that report, it would be published. Can I ask the Tánaiste will that report be brought before the House? It has been sitting on the Minister's desk for a week. His management of the issue to date leaves much to be desired.

**An Leas-Cheann Comhairle:** Is there a promise to hold a debate on that issue?

**Deputy Ciarán Lynch:** It was a full week before the Minister came into the House when the story broke the last time.

**An Leas-Cheann Comhairle:** Deputy Lynch has been given great latitude by the Chair——

**Deputy Ciarán Lynch:** The document is on his desk for a week and no comment was made.

**An Leas-Cheann Comhairle:** ——and he should appreciate that.

**Deputy Ciarán Lynch:** Is the report——

**An Leas-Cheann Comhairle:** Deputy Lynch has made his point.

**Deputy Seán Sherlock:** On the same issue——

**An Leas-Cheann Comhairle:** There is no same issue now. On the first issue on parliamentary questions——

**Deputy Seán Sherlock:** On the same issue——

**An Leas-Cheann Comhairle:** Which issue?

**Deputy Seán Sherlock:** On the issue of Haulbowline and the White Young Green report, there is a serious issue of national importance here, that is, that the cancer registry is showing a remarkable spike——

**An Leas-Cheann Comhairle:** That might be worthy of a proper debate in that instance.

**Deputy Seán Sherlock:** —in the Cobh-Haulbowline area. What we are anxious about is that this site needs to be contained and we need the Minister to act forthwith.

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

**Deputy Seán Sherlock:** Where is the Minister?

**An Leas-Cheann Comhairle:** These are important issues and they should not be simply raised in the way that they are being raised on the Order of Business. They are subjects that are worthy of proper motions and debate. Is there a promise to publish that report or to hold a debate in the House?

**The Tánaiste:** I am not *au fait* with——

**Deputy Phil Hogan:** There is.

**An Leas-Cheann Comhairle:** Allow the Tánaiste.

**The Tánaiste:** —whether or not there is, or if it will be published. I will ask that the offices be in touch with the two Deputies.

**Deputy Bernard J. Durkan:** There has been a noticeable increase in the number of pipe-bombs thrown into gardens and used in the pursuit of criminal activity in the past 12 months or so. There is a Bill to replace the Explosives Act 1875 proposed. It should be nearly time to introduce that Bill at this stage in view of the difficulties to which I referred.

**The Tánaiste:** It will be published next year and I look forward to its discussion in the House.

**Deputy Bernard J. Durkan:** Next year. Would the recent spate of pipe-bomb explosions not merit a more urgent response?

**An Leas-Cheann Comhairle:** It is due next year, is it?

**The Tánaiste:** Yes.

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

**Deputy Bernard J. Durkan:** I have two other items——

**An Leas-Cheann Comhairle:** The House might pay attention to Deputy Durkan.

**Deputy Bernard J. Durkan:** —referring to legislation. Apropos of the electoral (amendment) Bill to which Deputy Gilmore referred, might it be possible to further include in it a proposal——

**An Leas-Cheann Comhairle:** Deputy Durkan may not ask about amendments to a Bill that has not been published.

**Deputy Bernard J. Durkan:** —to destroy the electronic voting machines which are currently stored at locations throughout this country——

**An Leas-Cheann Comhairle:** Has Deputy Durkan a question that is in order?

**Deputy Bernard J. Durkan:** —costing the taxpayer——

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

**Deputy Bernard J. Durkan:** —an enormous amount of money at a time when the country cannot afford it?

**An Leas-Cheann Comhairle:** Deputy Durkan is a long-serving and distinguished Member of the House.

**Deputy Bernard J. Durkan:** I thank you for that last bit.

**An Leas-Cheann Comhairle:** He knows full well that he may not propose on the Order of Business amendments to a Bill that has not even been published.

**Deputy Bernard J. Durkan:** But it could be included. Can I conclude?

**An Leas-Cheann Comhairle:** Has Deputy Durkan something that might possibly be in order?

**Deputy Bernard J. Durkan:** I have one other item. Given the noticeable reluctance of the Green Ministers to attend at the Order of Business——

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

**Deputy Bernard J. Durkan:** ——could I timorously suggest to them that there is legislation that would come within their remit, that is, the legislation to modernise and consolidate all mineral development legislation?

**An Leas-Cheann Comhairle:** What is the Bill?

**Deputy Bernard J. Durkan:** It is proposed under section B and it is called the minerals development Bill.

**The Tánaiste:** That will be published in the middle of next year.

**Deputy Bernard J. Durkan:** Next year. Is everything next year? Could something not be produced this year, given our difficult economic situation?

**The Tánaiste:** The year is nearly done.

**An Leas-Cheann Comhairle:** I call Deputy Creed. I must move on shortly.

**Deputy Michael Creed:** The Tánaiste will be aware that the World Trade Organisation talks are to resume in Geneva at the end of next week. She will also be aware that, following the collapse of those talks in July, Teagasc has done an assessment which shows that many sectors of the Irish agricultural industry, particularly the beef sector, would be devastated.

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

**Deputy Michael Creed:** Does it still remain Government policy to veto any World Trade Organisation deal that would seriously and adversely impact on the Irish agricultural sector?

**An Leas-Cheann Comhairle:** That is not an appropriate question for the Order of Business. It would be a good question, either for Leaders' Questions or a parliamentary question to the Minister for Agriculture, Fisheries and Food.

**Deputy Michael Creed:** Will the Tánaiste clarify that such remains Government policy? There has been much talk about that deal. It means thousands of people being forced out of business. Is that Government policy?

**An Leas-Cheann Comhairle:** I call Deputy Burton.

**Deputy Bernard J. Durkan:** The Tánaiste was one of the negotiators.

**The Tánaiste:** It is not relevant.

**An Leas-Cheann Comhairle:** Please try to be in order on some matters.

**Deputy Michael Creed:** Is there no veto?

**An Leas-Cheann Comhairle:** Let Deputy Burton put her question.

**Deputy Joan Burton:** Some months ago the Taoiseach indicated that the Tánaiste would talk to the National Consumer Agency about the issue of price reductions in respect of sterling being passed on to consumers in the Republic. We were to get a report back to the Dáil. Since then the situation has become even worse. I am sure the Tánaiste is aware that in her constituency in Donegal people are streaming across the Border to buy their Christmas shopping in Derry and other parts of the North because in the Republic, never mind the 6.5% VAT differential, we also have a continuing situation where retailers and chains are not——

**An Leas-Cheann Comhairle:** A relevant question to the Order of Business.

**Deputy Joan Burton:** We were promised a report on this.

**The Tánaiste:** They were not.

**Deputy Joan Burton:** In May, the Taoiseach had a word, as the House will recall, in the ear of the Tánaiste to get on to the National Consumer Agency. We have heard nothing since.

**An Leas-Cheann Comhairle:** Is there a debate or a report promised on this matter?

**Deputy Joan Burton:** Irish consumers are leaving. Can we have a debate?

**An Leas-Cheann Comhairle:** Is there a debate promised?

**The Tánaiste:** I am not aware of one. That is a matter for the Whips. There is no problem.

**Deputy Joan Burton:** Second, in the budget the National Consumer Agency was apparently to merge with the Competition Authority. Could we have information on what has happened with that dalliance, marriage or get together — whatever it was supposed to be?

**An Leas-Cheann Comhairle:** Is there legislation or a debate promised in that area?

**Deputy Joan Burton:** Has it happened?

**The Tánaiste:** There is legislation promised. There will have to be legislation in order to amalgamate the NCA and the Competition Authority. There is no report promised to the House. The Forfás report on the cost of doing business, which is in draft form, will be brought to finality today. I will be discussing with the retailers the issues regarding the sterling differential and prices. I am seriously concerned about the matter, as are all Members of the House,



on the basis that every euro spent in Ireland has a direct affect in supporting and sustaining employment within the retail sector in this country.

**Deputy Emmet Stagg:** The Tánaiste does not seem to be doing much about it.

**The Tánaiste:** However, we also must ensure value for money for our consumers. It is on that basis that it is my expressed view and wish that we provide value for money for our consumers. There is also the sterling differential. There has been a considerable amount of work by myself, the NCA, the Competition Authority and Forfás to deal with these issues.

**Deputy Joan Burton:** Is the Tánaiste committing to a debate? There is no evidence in the shops that these price reductions for sterling are being passed on.

**An Leas-Cheann Comhairle:** I call Deputy Costello. Deputy Burton knows we cannot have a debate about the matter now. I will try to get in the other Deputies.

**Deputy Joe Costello:** A number of bilateral agreements for intercountry adoptions are due for renewal next year but doubts have arisen regarding several of these. We have not put into law the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, which we signed 15 years ago. It was promised that an adoption Bill would be brought with some haste during this session but the Bill has not yet appeared. When is the Bill likely to appear and when will it be implemented?

**An Leas-Cheann Comhairle:** The Tánaiste on the adoption Bill.

**The Tánaiste:** The Bill has been circulated to Departments for observations. It was the intention to bring it to the House before Christmas but given the amount of legislation which we are currently considering, the view is that it will be brought forward in January.

**Deputy James Bannon:** New Garda divisional headquarters have been established in various parts of the country. My own county of Longford has been subsumed with County Roscommon into a new regional division based in Mullingar. When can we expect the publication of the Garda Síochána (amendment) Bill?

**The Tánaiste:** Next year.

**Deputy Bernard J. Durkan:** Everything is next year.

**The Tánaiste:** I hope next year will come for all of us.

**Deputy Bernard J. Durkan:** Mañana, mañana.

**Deputy Kathleen Lynch:** Four months ago, a Supplementary Estimate for €12 million was introduced to the House in order to relieve the pressure on health boards arising from nursing home subventions for the elderly. I understand that none of this money has reached the health boards and, because of the derisory sums involved, it will effectively be worth between €14 and €16 per person when it is distributed.

**An Leas-Cheann Comhairle:** Has the Deputy something relevant?

**Deputy Kathleen Lynch:** Now that the Minister for Finance is sitting beside the Tánaiste, I ask him to introduce a supplementary budget in order to relieve the pressure on families.

**An Leas-Cheann Comhairle:** Is a supplementary budget promised?

**The Tánaiste:** No Supplementary Estimate is promised. The nursing homes legislation is before the House.

**Deputy Kathleen Lynch:** I am not referring to that legislation. The €110 million set aside for the legislation has never been spent. Of this amount, €12 million was supposed to be given to health boards but the money has not come through.

**An Leas-Cheann Comhairle:** I am sure the Deputy will make her point when Bill is discussed in the House.

**Deputy Kathleen Lynch:** People are being put to the pin of their collars to ensure their elderly parents, aunts and uncles are treated properly but the Government has abandoned them.

#### **Planning and Development (Enforcement Proceedings) Bill 2008: First Stage.**

**Deputy Mary Upton:** I move:

That leave be granted to introduce a Bill entitled an Act to abolish summary proceedings for certain offences under the Planning and Development Act 2000; to provide, in limited circumstances, for consequential restrictions on future development by persons the subject of enforcement proceedings under that Act; and to provide for connected matters.

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

**Minister for Finance (Deputy Brian Lenihan):** No.

Question put and agreed to.

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

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

Question put and agreed to.

#### **Criminal Justice (Drug Trafficking) Act 1996: Motion.**

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** I move:

That Dáil Éireann resolves that sections 2, 3, 4, 5 and 6 of the Criminal Justice (Drug Trafficking) Act 1996 (No. 29 of 1996) shall continue in operation for the period ending on 31 December, 2010.

Question put and agreed to.

#### **Finance (No. 2) Bill 2008: Allocation of Time Motion.**

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** With the permission of the House I wish to amend the order on page 1,366 of today's Order Paper be amended to read that sections 1 to 29 to conclude not later than 8 p.m.

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

**Minister for Finance (Deputy Brian Lenihan):** I move:

That, notwithstanding anything in Standing Orders:

(1) The proceedings in the Select Committee on Finance and the Public Service on the Finance (No. 2) Bill 2008 shall be brought to a conclusion in accordance with the following timetable:

<i>Date:</i>	<i>Proceedings</i>	<i>To conclude not later than:</i>
Tuesday, 9th December	Chapters 1, 2, 3 and 4 (part) of Part 1 (sections 1 to 16) Chapters 4 (contd.) and 5 (part) of Part 1 (sections 17 to 29)	8 p.m.
Wednesday, 10th December	Chapters 5 (contd.) and 6 of Part 1 (sections 30 to 40) Parts 2 and 3 (sections 41 to 71)	1 p.m. 6 p.m.
Thursday, 11th December	Parts 4 and 5 (sections 72 to 83) Part 6 (sections 84 to 95), Schedules 1 to 6 and the Title.	8 p.m. 1.30 p.m.

and where proceedings have not concluded by the stated time, they shall be brought to a conclusion by one Question, which shall be put from the Chair, and which shall, in relation to amendments, include only those set down or accepted by the Minister for Finance or a Minister of State, nominated as substitute on his behalf, and the Question shall dispose of all amendments addressed to the Part of the Bill to which they refer.

(2) Where a division is claimed on the proceedings on the Finance (No. 2) Bill 2008, in the Select Committee on Finance and the Public Service, other than on a Question put as provided for in accordance with paragraph (1), the taking of such division and the putting of any Question contingent thereon shall be postponed until—

(a) immediately before the time next appointed for the putting of a Question in accordance with paragraph (1), or

(b) in the event of such Question not being put, when proceedings in Committee on the matters which would have been decided by the putting of such Question have been otherwise completed.

(3) The Select Committee shall, in accordance with Standing Order 87, send a message to the Dáil in relation to the completion of its consideration of the Finance (No. 2) Bill 2008, not later than 16th December, 2008.”

**An Leas-Cheann Comhairle:** Is the motion, as amended, agreed to? Agreed.

#### **Finance (No. 2) Bill 2008: Financial Resolutions.**

**Minister for Finance (Deputy Brian Lenihan):** I move the following Resolutions:

That the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for the introduction of income levy.

[Deputy Brian Lenihan.]

That the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for a tax to be known as ‘parking levy’.

That section 121 of the Taxes Consolidation Act 1997 (No. 39 of 1997), be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for the charge to benefit-in-kind to be determined based on carbon dioxide emission levels of the motor vehicle.

That section 469 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for income tax relief in respect of expenditure incurred in the provision of health care, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That Schedule 11 and Schedule 12 to the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for the withdrawal of approval by the Revenue Commissioners of an approved Profit Sharing Scheme or an approved Employee Share Ownership Trust where the trustees fail to make the required return of information to the Revenue Commissioners.

That section 128 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for the tax treatment of share options and other rights granted to directors and employees, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 819 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which determines whether an individual is resident in the State for a year of assessment, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That Part 30 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for the tax treatment of retirement benefit schemes, retirement annuity contracts, purchased life annuities, personal retirement savings accounts, approved retirement funds and approved minimum retirement funds, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 81 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides the general rule as to deductions, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That Part 8 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for the taxation of annual payments, charges and interest, be amended by making taxation provisions relating to the deduction of deposit interest retention tax and the charge to tax on deposit interest in the manner and to the extent specified in the Act giving effect to this Resolution.

That Parts 26 and 27 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provide for the taxation and returns of life assurance companies, unit trusts and offshore funds, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 448 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides relief from corporation tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That Chapter 2 of Part 29 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for tax relief in relation to scientific and certain other research, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 958 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which provides for arrangements for the payment of preliminary tax and dates for payment of income tax, capital gains tax and corporation tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 549 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains anti-avoidance measures in the case of transactions between connected persons, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 649A of the Taxes Consolidation Act 1997 (No. 39 of 1997), which sets out the rate of capital gains tax applicable to chargeable gains accruing to a person on a disposal of development land, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That Chapter 7 of Part 19 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains provisions relating to reliefs and exemptions from capital gains tax, be scientific and certain other research, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 99 of the Finance Act 2001 (No. 7 of 2001), which provides for the liability of certain persons to excise duty, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That subsection (3) of section 97B (inserted by section 72(1)(c) of the Finance Act 2008), which provides for repayments in respect of mineral oil tax paid on aviation gasoline used for air navigation other than private pleasure flying, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That an excise duty (to be known as air travel tax) be charged, levied and paid on every departure of a passenger on an aircraft from an airport on or after 30 March 2009 the manner and to the extent specified in the Act giving effect to this Resolution.

That Paragraph 4 of Part B of the Finance (1909-10) Act 1910 (10 Edw.7, c.8), which provides that the duty payable shall be reduced by fifty per cent where a wholesale dealer's licence for the sale of any liquor taken out by a person who is the holder of licence authorising him to sell the same liquor by retail, shall cease to have effect in the manner and to the extent specified in the Act giving effect to this Resolution.

That the duties of excise imposed certain liquor licences be charged, levied and paid at the rates and to the extent specified the Act giving effect to this Resolution.

That section 132 of the Finance Act 1992 (No. 9 of 1992), which provides for charging of vehicle registration tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 134 of the Finance Act 1992 (No. 9 of 1992), which provides permanent reliefs from the payment of vehicle registration tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That in the Value-Added Tax Act 1972 No. 22 of 1972)—

(a) each of the following be amended:

(i) section 3, which relates to the supply of goods,

[Deputy Brian Lenihan.]

- (ii) section 7A, which relates to the option to tax lettings of immovable goods,
- (iii) section 7B, which relates to transitional measures in respect of a waiver of exemption,
- (iv) section 20, which relates to refund of tax,
- (v) First Schedule, which relates to exempted activities,
- (vi) Second Schedule, which relates to goods and services chargeable at the rate of zero per cent,

and

(b) provision be made in respect of the travel agent's margin scheme, in the manner and to the extent specified in the Act giving effect to this Resolution.

That Chapters 2 and 4 of Part 5 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which provides for provisions applicable to particular instruments in relation to the chargeability of such instruments to stamp duty, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That section 34 of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which provides for the manner in which certain conveyances or transfers are to be charged to stamp duty, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That the Table in Part 2 of Schedule 2 to the Capital Acquisitions Tax Consolidation Act 2003 (No. 1 of 2003), which sets out the rate of gift tax and inheritance tax chargeable on the taxable value of a taxable gift or a taxable inheritance, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

That the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the manner and to the extent specified in the Act giving effect to this Resolution to provide for a reduction in the tax relief available under section 1003 and section 1003A, in respect of the donation of heritage items and heritage property, from 100 per cent of the market value to 80 per cent of the market value.

That Part 42 of the Taxes Consolidation Act 1997 (No. 39 of 1997), which contains provisions relating to the collection and recovery of income tax, corporation tax and capital gains tax, be amended in the manner and to the extent specified in the Act giving effect to this Resolution.

Question put and agreed to.

### **Social Welfare (Miscellaneous Provisions) Bill 2008: Report Stage (Resumed) and Final Stages.**

**An Leas-Cheann Comhairle:** Amendment No. 12 is out of order.

Amendment not moved.

**Deputy Jack Wall:** I move amendment No. 13:



In page 9, between lines 35 and 36, to insert the following:

“14.—The Principal Act is amended in section 198 by inserting the following subsection after subsection (3D)—

“(3F) The landlord in receipt of a payment of a supplement towards the amount of rent payable of a tenant shall, as soon as practicable, submit to the Health Service Executive the registration details of the tenancy where registration is required by section 134 of the Residential Tenancies Act, 2004””.

May I speak to amendment No. 12?

**An Leas-Cheann Comhairle:** I am afraid it is out of order but I am sure, in addressing amendment No. 13, the Deputy can preface his comments.

**Deputy Jack Wall:** It has been my experience on a number of occasions where a local authority increased rent payments that I have had to refer to a regulation by the Minister for the Environment, Heritage and Local Government which provides that the maximum increase on rent supplement payments is 15%. This was the reason behind amendment No. 12. I accept that the amendment has been ruled out of order but I ask that some sort of regulation be introduced to the Bill in this regard.

Amendment No. 13 deals with the large proportion of private sector rental accommodation of which account has not been taken. In every local authority, hundreds or, in the case of cities, thousands of accommodation units are not yet registered with the Private Residential Tenancies Board. There is no mechanism, therefore, to make these landlords accountable. In my area, applicants receive forms from their community welfare officers which are signed by the local authority before they proceed to seek accommodation. There is no mechanism to allow for the inspection of the rental properties, however.

In regard to the rental sector, I am very annoyed by developers and builders who lease their properties while awaiting planning permission for further development. The condition of these rental units leaves a lot to be desired. I see examples of this practice every time I conduct house calls and during each election. When I enter a street, I can nearly tick off the rented accommodation because in many cases the walls or gates are falling down and the houses are in poor repair. It is rare that the occupants of these properties do not have something to report in regard to heating or cooking arrangements. No mechanism appears to be available to hold people to account.

Amendment No. 13 will require that a landlord in respect of whose property rent supplement is paid must be registered with the PRTB. The fee for registration is €75, which is a small sum, but at least it would allow us to determine whether the owner of a particular building is registered. Subsequent legislation could ensure the protection of tenants. The rental accommodation scheme is in place in a number of areas, which I welcome. From my knowledge of the scheme, the accommodation is first class, well looked after and well documented with the local authority. The payments are made from the local authority to the landlord and there is a mechanism available for the tenant to go to the local authority and ensure that if there is a problem with heating or other normal services, a link is provided.

This is not so with so many thousands of tenancies. Some of this legislation relates directly to them. The landlords in question will put the boot into the tenant because they look for payments under the counter. They will tell the tenants to go the community welfare officer and say he or she is getting the facility for €100, for example, but they will ask for €20 or €30 under



[Deputy Jack Wall.]

the counter when the tenants are accepted and not say anything else about it. We have no mechanism in place for such payments.

The Minister knows as well as I do, in her constituency as much as mine, that there is a tendency for people seeking accommodation to go over the top to try to get better accommodation. It is normal to expect any family to try to look for the best accommodation but unfortunately, there are landlords who will try to be underhand.

There are significant amounts of money involved in rent subsidies and related issues. Some people would suggest that the community welfare officer could investigate such matters but it is impossible for such officers to find time to do so because of the workload they have. The community welfare officers are not even able to cope with what they have. In my area, a community welfare officer has been appointed to deal solely with rent subsidy in order to try to eliminate the backlog on what is there. That is not feasible.

As a first step, the landlord in receipt of the rent subsidy payment should be registered. It would be another box to be ticked on the application form but it would ensure that such landlords come on board, whether they like it or lump it. As a result of the condition of some of the rented accommodation, it will not be possible to rent it to anybody except those who seek rent subsidy. It is necessary to have another box on the application form to ensure the landlord is registered with the Private Residential Tenancies Board and if he or she is not, the payment should not be made. In this regard we would try to improve the facilities for those unfortunate enough to have to seek the subsidy.

The rental accommodation scheme is the way forward as it is clean-cut and does much for the tenant. It is a way around a landlord who is blackguarding many people around the country. I ask the Minister to accept the amendment as it would ensure that we have at least one step forward in getting the rogue landlord, who causes such decimation to family life by getting under-the-counter payments. Such landlords do not put any effort into providing even partially acceptable conditions for those unfortunate enough to have to seek accommodation from them.

**Deputy Olwyn Enright:** I support the amendment and the various amendments put down by the Labour Party on rent supplement. My party has some of its own on the issue later so I will speak to it now.

There are a number of considerations. This amendment links the registration with that of the Private Residential Tenancies Board. I put down questions last week following Committee Stage to the Minister for the Environment, Heritage and Local Government and, as with so many instances here, the first line of the response informed me that the Minister had no function in the matter as the operation of tenancy registration is the responsibility of the PRTB, an independent statutory body. This immediately makes it more difficult to have effective co-operation between the Department of Social and Family Affairs, the Department of the Environment, Heritage and Local Government and the PRTB.

There are approximately 240,000 landlords registered with the PRTB. It is frequently the landlords renting accommodation to somebody on social welfare who are not registered. I am sure everyone in this House can cite so many instances of people coming into our clinics who are living in poor accommodation, who want to get local authority housing and get it based on their accommodation being so poor. At the next clinic in the same area a new person will come in who is in the same accommodation and is seeking local authority housing based on the poor quality of their accommodation. Along the way, these people have been on rent supplement in that poor quality accommodation.

This is a vicious circle that costs the local authorities and the Minister's Department a lot of money. The only way of dealing with it is if the rent supplement is linked to the PRTB. The Minister will argue that she does not want to make the recipient of the rent supplement suffer but we are not doing these tenants any service by effectively forcing them into poor quality accommodation. There is also an issue for the Department of the Environment, Heritage and Local Government.

I agree with Deputy Wall in that rental accommodation scheme is the way to go. There is a fear among people that if they go into better quality accommodation through the scheme they will not be considered for local authority housing. This is not the responsibility of the Minister alone but rather a case that needs interdepartmental co-operation, as well as input from State agencies. The issue will not be solved by any one Minister. There has been a little improvement in trying to ensure we sort it out.

Under-the-counter payments are common, although they are technically illegal. Those in receipt of the rent supplement are only entitled to it if the accommodation is at a particular standard. People are desperate when looking for housing and are willing in some instances to pay the landlord extra money per week because it may be the only housing available.

Another issue relating to payment links to the Minister's Department and the Revenue Commissioners. A Comptroller and Auditor General report indicated concern about the number of landlords getting rent supplement who are not paying tax on the properties being rented. There must be better co-operation to ensure that issue is fully and adequately addressed. This is one way of tracking it within the system so as to ensure tax is being paid. It is difficult to do this with a private tenant, although it should still be done, but when the State is giving rent supplement there must be a mechanism to ensure that where the landlord is the ultimate recipient, he or she is paying tax on that money. It does not always happen.

Another issue is the method of receipt for the supplement. I asked the Minister on Committee Stage to consider the Focus Ireland submission as it was worthwhile. It highlighted some of the difficulties that arise and the poverty traps that can ensue. An interesting matter brought up by the submission, which has been raised here before, is the fact that if a person works for more than 30 hours per week, that person is ineligible for rent supplement.

That makes no sense and amounts to another poverty trap. The issue should not be how many hours are worked but how much money is earned. We spent much time last yesterday debating activation for lone parents and this issue of rent supplement is related. If a trap is put in people's way — after 30 hours working they cannot get rent supplement regardless of how much money is brought in — it is not a logical way of doing business. We should encourage these people to get employment. The issue must be addressed.

**Deputy Arthur Morgan:** I support the amendment and would be delighted if the Minister would accept it. We need a settled housing situation. The difficulty relates to the large local authority housing waiting list of some 43,000 people. However, local authorities cannot make that provision because they are grossly underfunded. At Government level, upwards of €440 million per year is being spent on a housing rental scheme that gives the taxpayer little return on expenditure.

I accept that the overwhelming majority of landlords are responsible, but it is disappointing that they have not all registered with the Private Residential Tenancies Board, PRTB. A serious push must be made to ensure that they register and Deputy Wall's amendment would go some way towards achieving this. It would make for a better regulated rental market and might substantially lessen our grá to own our homes. People would become more comfortable or

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settled in renting a home from free market landlords for their lifetimes. We must review this area.

The culture of “cute hoorism” — I do not know whether that is parliamentary language — or of slippery characters must be rounded up. It will take political courage initially to address the issue, but we must regularise the movers and shakers in towns or villages or on cities’ edges. The long-term benefits to society would be substantial. The essence of the amendment would go some way towards ensuring that those landlords who are not behaving responsibly now do so.

The matter of social housing provision is a bad one, but everyone would agree that the primary issue is that of deposits. A number of constituents present at my constituency offices looking for deposits because local authorities no longer give them to people who qualify for rent subsidy payments. When they meet community welfare officers, CWOs, the officers shake their hands but do not supply deposits either. I accept that it is difficult for local authorities currently strapped for cash — indeed, they have always been strapped for cash — to expend substantial sums of money that will lie in a landlord’s bank account at the cost of funding for other local authority functions. This unfortunate issue must be sorted out quickly. Like me, Members from every side of the House deal with the people in question on an almost daily basis.

**Deputy Finian McGrath:** Yes.

**Deputy Arthur Morgan:** At least two or three people in that dreadful situation approach me each week. I hope that some Minister will take the matter on board and deal with it.

**Deputy Finian McGrath:** I strongly support amendment No. 13 on tying the payment of rent supplement to registration with the PRTB. Linking them would be a sensible, progressive and caring way to help those in receipt of the rent supplement. They need our support and that of society. The majority are trying to get on with their lives against the odds. Like Deputy Morgan, I have encountered many sad and lonely cases. As legislators, we and the Minister for Social and Family Affairs have a statutory duty to protect them.

Some landlords are involved in this matter. Of those I know, the majority treat their rent supplement tenants in a decent and caring way, but they are being done a disservice by the landlords exploiting the situation. In recent weeks, I dealt with serious anti-social issues involving threats of violence against owners, neighbours and so on. This side of the story must be addressed. If tenants are misbehaving, they must be challenged about their behaviour, particularly if they are in receipt of taxpayers’ money. Given that we all have experience of similar situations, it is important to mention them.

Regarding the broader rent supplement issue, we must consider our housing policy. While I was a councillor in Dublin City Council in 1999, a small number of fantastic projects to house senior citizens and rent supplement tenants were commenced and worked successfully. A number of people in their 50s and early 60s were in receipt of rent supplement payments but had been on the housing list for flats in senior citizen complexes for seven or eight years. This matter should be examined.

Councillors also encountered a number of quality rent supplement recipients living on their own who would have been ideal candidates to be placed in charge of senior citizen complexes in Donnycarney, Coolock or Marino in my constituency. We must be creative. Some people in receipt of the supplement are so talented or have so many skills that it is not good enough to

leave them locked in their little bedsits on their own. I encourage the Minister to consider imaginative ways to address the issue.

In the past six months, the national and international economies have changed in terms of regulation. Two years ago, “regulation” was a dirty word, but it is now the buzz word; regulation is the only game in town. We must tie these issues together. For example, the amendment states:

The landlord in receipt of a payment of a supplement towards the amount of rent payable of a tenant shall, as soon as practicable, submit to the Health Service Executive the registration details of the tenancy where registration is required by section 134 of the Residential Tenancies Act, 2004.

This is the important section, in that it calls for greater responsibility and clarity in the interests of the person in receipt of a rent supplement payment.

**Deputy Kathleen Lynch:** I apologise for being late. I was attending a presentation. I will briefly discuss the way in which we ensure that those to whom rent supplement is paid are tax compliant and that their accommodation is reasonable and good enough. In recent months, most of us have been concentrating on putting staff in social welfare offices, given the fact that many people are becoming unemployed. If community welfare officers are dealing with rent supplement payments, I assume that they are expected to keep tabs on the types of accommodation available and whether people are living where they should be. They now deal with as many unemployed persons as they deal with in their usual cohort, if not more. Despite the current delays in getting people their jobseekers benefit payments or their allowances, no additional personnel or support services have been placed in community welfare offices. They are being overwhelmed. They are no longer able to provide their previously good service.

I appeal to the Minister in respect of the rent supplement and so on. The majority of the CWOs’ work now relates to people who have become unemployed. They must also deal with those people’s applications for rent supplement payments and mortgage relief, but no additional supports or staff have been provided. I appeal to the Minister to consider this matter seriously.

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Some 70,000 people are in receipt of rent supplement at present and the number is increasing. The scheme relating to rent supplement gives people flexibility in the context of being able to move home. It also assists people who do not have access to accommodation or who do not have the means to pay for such accommodation.

There is no doubt that in the past some rented accommodation was of questionable quality. The change in the economic climate has led to much more, and better quality, accommodation being available for rent. The latter can only be to the benefit of tenants. When one considers that the State will pay out €436 million of taxpayers’ money in respect of rented accommodation this year and substantially more next year, it is important that such money be directed at the people who require it most. We must also ensure that these individuals will be in a position to access good quality accommodation.

Unfortunately, many people are probably going to apply for rent supplement as a result of the rise in the number of house repossessions. These individuals will probably begin by claiming mortgage interest supplement. If their houses are repossessed, they will then seek rent supplement and will finally end up on the local authority housing lists. A strong message should be sent to the financial institutions that foreclosing on people’s mortgages is extremely short-sighted, particularly as this will give rise to untold difficulties for everyone involved and for

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society in general. If these institutions delay taking precipitative action for a couple of years, it could be of assistance to the families to which I refer. We try to be sympathetic to people who are in receipt of rent supplement.

Deputy Kathleen Lynch referred to community welfare officers. As she is aware, these individuals are employed by the Health Service Executive but they administer money on behalf of the Department of Social and Family Affairs. This is another reason to proceed with the integration of community welfare officers into the Department. We anticipate this will occur in the first half of next year and, as a result, we will have greater flexibility within our own staffing arrangements. We have been given sanction to employ an additional 115 people in the Department in order to deal with the difficulties experienced by and increased pressure on our offices. I will keep the matter under review when the new staff resources are put in place.

Various Members referred to issues relating to the registration of tenancies. All landlords are required by law to register tenancies with the Private Residential Tenancies Board. However, they are only required to register when there is a tenant in place. They are not required to register when they possess a building in which there are no tenants. Landlords have a month within which they must register. We do not want to penalise a tenant who may be moving into a property in which there may not have been any tenants in the past and in respect of which there would have been no legal requirement to register a tenancy. We notify the PRTB when tenancies are created in order that it can follow matters up with the relevant landlords in order to ensure that the proper registration takes place. We pass on to the PRTB the relevant information relating to all new claimants. It is important that the board follow up on the information we provide.

The contract we have is with the tenant. All the legal advice indicates that it is not with the landlord etc., even though many people request that their payment go directly to their landlords. Questions arise with regard to the type of accommodation tenants seek to rent and Deputies will be aware that the Minister for the Environment, Heritage and Local Government has introduced new regulations designed to get rid of bed-sits in the next couple of years. The latter is an important development.

The extension of the rental accommodation scheme means that more people will qualify. The scheme is operating well in all local authority areas throughout the country. The availability of social and affordable housing within local authority areas will also be of assistance in the context of alleviating pressure.

Deputy Finian McGrath was correct to refer to anti-social behaviour and the issues relating thereto. There have been a number of public incidences of such behaviour in recent months. There should be an obligation on tenants who are in receipt of State payments to ensure that they adhere to basic social norms. It had been my intention to include in the Bill a provision to ensure that tenants in receipt of rent supplement would not engage in anti-social behaviour. However, the Minister for the Environment, Heritage and Local Government is working on the same issue in the context of the housing Bill and intends to draft guidelines on how to deal with such behaviour. When those guidelines are put in place, we will be able to apply them in respect of those in receipt of rent supplement.

I do not propose to accept the amendment because we supply the information to which it relates in any event. Our contract is with the tenant and the PRTB is obliged to follow up on matters relating to registration. The scheme is under continual review. We are aware of the pressures that will come into play. We must honour our contracts with tenants and try to support them in the flexible manner required. Our main aim is to ensure that these people do



not remain too long on rent supplement. The scheme was never intended to be of a long-term nature.

Deputy Enright referred to the number of hours people are allowed to work. If one is in receipt of the supplement, one is not meant to be in full-time employment. That is fine because the scheme is designed to support those who are dependent on social welfare payments. However, when people on long-term rent supplement are deemed eligible for the rental accommodation scheme, they can engage in full-time employment. That is an important distinction. They can take up such employment and can then obtain entry to the local authority scheme, which provides them with better prospects, more hope, greater flexibility and, eventually, better housing.

The scheme must be kept under review. In recent months the accommodation has been improving and the rents relating to it have been falling. However, tenants must ensure that they do not pay over and above what they receive in the form of rent supplement because this only feeds the market.

**Deputy Olwyn Enright:** They do not always have a choice.

**Deputy Mary Hanafin:** They have a greater choice now because more accommodation is becoming available.

**Deputy Olwyn Enright:** Only in certain parts of the country. There are other areas, small rural areas etc., which did not experience the same level of growth during the property boom. It is not always an option, particularly for those who live in my area.

**Deputy Kathleen Lynch:** Tenants are being obliged to pay a greater percentage of the rent themselves.

**Deputy Mary Hanafin:** However, they will now have more choice in respect of the accommodation they wish to rent. I accept that in small rural areas people's choices might be limited. There is a great choice of accommodation in large urban areas because properties that did not sell are now being made available for rent. We did not increase the limits this  
12 o'clock year because we did not want to feed the market. Tenants should also seek not to feed the market, particularly as they have access to a greater choice in respect of higher quality accommodation. Landlords must register with the PRTB, to which we forward the relevant information as soon as a new tenancy is created.

**Deputy Jack Wall:** I do not agree with the Minister with regard to better accommodation. If a person is living in extremely poor accommodation and seeks to move to better accommodation, the first thing he or she must do is approach the community welfare officer in order to seek a deposit to secure that better accommodation. Problems immediately arise in such circumstances because the individual's existing landlord will state that a window or tap was broken, that the grass was not cut according to the agreement reached, etc. Tenants are often trapped as a result and cannot obtain a deposit to allow them to move house.

The Minister missed the point that new landlords often seek deposits of far greater value than what is really required. Community welfare officers will not provide people with deposits. They maintain that tenants must be able to save enough money for their own deposits. How can such people save €1,000, €1,500 or whatever for a deposit? It is impossible for them to do so. They are trapped and their existing landlords will demand payments from them and will not allow them to move on with their entire deposits intact. They must then go to the community welfare officer to seek a transfer. I have not yet seen, in respect of all the incidences brought to my attention — sadly, there have been many — a mechanism through which tenants

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can recoup their deposits when seeking to move to better accommodation. I accept the Minister's remarks in respect of accommodation being available, but I do not believe the transfer by a person from poor to good accommodation is easy. There is no mechanism in place to protect people in this instance. Community welfare officers are not in a position to follow up these cases and there does not exist, as far as I am aware, any other person to do this work, thus leaving tenants trapped in their original tenancy. These tenants are not in a position to move to better accommodation except, perhaps, under the RAS scheme.

**Deputy Olwyn Enright:** I wish to make two brief points in regard to the mortgage interest supplement and rent supplement.

I welcome that the Minister for the Environment, Heritage and Local Government is developing a policy in respect of anti-social behaviour. However, I know of, as I am sure do my colleagues, many local authorities that currently have in place such policies. The difficulty that arises — the Minister will discover this when dealing with local authorities in respect of rent supplement — is that a local authority, community welfare officer or any other person given responsibility for people on rent supplement, is powerless to act where one person in a family is causing trouble as they cannot penalise an entire family owing to the behaviour of one person. I accept this difficulty is not the fault of Government, but it is a reality that makes it difficult to properly tackle anti-social behaviour.

On quality of accommodation, I agree with Deputy Wall that there is no flexibility in terms of tenants moving accommodation. On RAS, while I believe it is a good scheme a message must go out from local authorities that a person who signs up to the RAS scheme remains eligible for local authority housing. There is a huge fear among people visiting clinics that this is not the case. When an official inspects accommodation on behalf of the HSE, naturally the person in poor accommodation will fare better than the person living in good accommodation, as his or her need is seen to be greater. A person trying to do the best for his or her family by signing up to the RAS scheme is fearful of being penalised and we must address this issue.

**Deputy Arthur Morgan:** As Deputy Enright said, it is difficult to punish a family for the activities of one of its members. The conundrum with which we are faced is that it is equally difficult to accept the torture of an entire community by one member of a family.

**Deputy Olwyn Enright:** I agree.

**Deputy Arthur Morgan:** We must find a balance in terms of dealing with this issue.

I wish to address the issue of transition from homelessness to accommodation under the rent supplement scheme. Yesterday, I asked the Minister to request the Minister for Finance to negotiate with the banks to ensure people do not lose their homes by the putting in place of a stay on foreclosures during the period of operation of the Credit Institutions (Financial Support) Act 2008. I believe that is a reasonable request and is the least taxpayers are entitled to from the credit institutions given they have put their necks on the lines for banks.

Many homes for rent are advertised in the newspapers. Often, when a constituent seeks guidance or assistance in renting accommodation and one rings seven or eight of the numbers listed in respect of accommodation to rent one is told they do not accept rent subsidy. The reason some landlords are refusing to accept rent subsidy must ring an alarm bell somewhere. I believe that almost certainly they are not tax compliant. This matter warrants investigation and I hope such investigation will take place.

The issue of deposits is of concern to all Deputies and local authority members. I wonder if it would be possible to provide that, rather than pay a cash deposit, a local authority or com-



munity welfare officer would give a guarantee of standing in respect of a deposit in the event it is needed. We all know that in 90% of cases deposits are unnecessary as the process of transition is usually quite reasonable. The introduction of a guarantee scheme that does not involve the exchange of cash and so on might be the best option for all. I hope the Minister will consider my proposition.

**Deputy Kathleen Lynch:** I must begin by acknowledging that there are many excellent landlords in the country. We have all visited homes which we believed were houses owned by the people living in them. However, we also have many bad landlords. They are the people who are giving good landlords a bad name, which is what we are speaking about today. We must ensure that accommodation is of a high standard. Many landlords are good people who make will make allowances for various problems that arise in a house because they recognise they are the product of everyday life.

I believe the situation in respect of landlords refusing to accept rent supplement will change dramatically in the current circumstances. When this happens, we must, as guardians of taxpayers' money, ensure that everyone is tax compliant and registered. Deputy Wall has proposed a simple formula in this regard, namely, that part and parcel of an application for rent allowance is a section which must be filled out by landlords. Landlords who are providing good accommodation and accepting rent supplement, will have no problem ticking a box which will indicate whether he or she is registered. It is a simple form which will be returned by post to the relevant authorities, which is important.

On anti-social behaviour, the Acting Chairman, Deputy Noel O'Flynn and I know, having been members of local authorities for many years, that the biggest problem facing local authorities is how to tackle families that are devastating estates. Often, having gone through a lengthy legal process in this regard, these people are the following week ensconced in a private estate and virtually nothing can be done about it. The only recourse is the community welfare officer who does not have the resources or manpower to do the job properly. Something has to be done about this. It is not good enough that a person whose son or daughter is wreaking havoc in an area can say they can do nothing about it; they can. We must ensure this issue is addressed as such anti-social behaviour is not fair to the people living next door to or in the same community as these offenders.

**Deputy Mary Hanafin:** It is important to reiterate that the details of all new rent supplement tenancies are electronically forwarded to the Residential Tenancies Board to enable it to ensure landlords are meeting all their obligations. Given the number of tenants in receipt of rent supplement — there are 50,000 new recipients this year — substantial work is being done in this area. Of assistance in this regard is the new requirement in the budget that a person holding additional accommodation, be it a holiday home or rented house, pay €200 to a local authority. Landlords will be caught under this provision also. There are in place many mechanisms through which we can obtain this information. It is important landlords are tax compliant and the provision of this information will ensure we can follow up those who are not.

Deputy Wall spoke of people who are unable to pay deposits. The community welfare officer has discretion to give deposits. So far this year, 10,500 payments at a cost of €6.2 million were made to people to enable them to put down a deposit on accommodation. Perhaps what the Deputy outlined is just happening in a particular area. We will keep this under review in the scheme over the next year or so.

**Deputy Jack Wall:** I accept what the Minister said and she has the figures for the deposits in front of her. I am not arguing that point, but people have a major difficulty in obtaining deposits. This problem has been raised in cases I have dealt with not only on the odd occasion

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but regularly and especially in the case of a transfer. There is no doubt in my mind that this is a major problem for people that needs to be addressed.

We have talked about anti-social behaviour. We all want what is right. I honestly believe that if documentation is submitted, as proposed in the amendment, it would put people on guard in this respect. Deputy Morgan is right in pointing out that people do not accept the social welfare commitment in this respect. There is a question mark over landlords' tax in terms of rented accommodation. The inclusion of the proposal in this amendment would put the person concerned on guard.

If someone is registered with the Private Residential Tenancy Board, that is the end of the matter. A fee is paid and there is no follow-up procedure. Community welfare officers, due to their workload which is increasing, are not in a position to determine whether the leased property is good, bad or indifferent. That does not happen. Therefore, it is up to the tenant and, in many cases, the public representative to fight and argue with those in the private rental sector to try to improve the standards for those who have to seek rented accommodation. If the proposed provision were included in the legislation, it would put down a marker. The Minister said that she would keep this under review; I urge and expect her to do so.

Rented properties should be subject to inspection to ensure they are of the standard any of us would consider suitable for occupancy by a tenant. At present that does not happen. We must put down a marker to landlords with properties in the rental accommodation sector to signal that we do not accept the standard of accommodation many of them offer and that this is a first step towards ensuring that they tick all the boxes; this will ensure there is an improvement in the standard of accommodation available.

As the Minister rightly said about the banks and lending agencies, it is time for them to cop on in this regard. The proposition put forward by Labour Party leader, Deputy Gilmore, of a two-year moratorium on mortgage repayments, if adopted, would, I hope, help many people get over the hurdle they face. I know from contacts I have that the number of cases being taken in the High Court involving banks and lending agencies seeking reposessions is comparable to the number of leaves falling off the trees in autumn. We must ensure the measure proposed is encompassed by the lending institutions as quickly as possible. Perhaps the banks will see sense and accept that proposal from the Labour Party leader, having regard to what is also happening in England. The inclusion of this amendment is necessary.

**Acting Chairman (Deputy Noel O'Flynn):** Is the Deputy pressing the amendment?

**Deputy Jack Wall:** Yes.

Amendment put.

The Dáil divided: Tá, 59; Níl, 67.

Tá

Bannon, James.  
Barrett, Seán.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.  
Burton, Joan.  
Carey, Joe.  
Clune, Deirdre.  
Connaughton, Paul.  
Coonan, Noel J.  
Costello, Joe.

Coveney, Simon.  
Crawford, Seymour.  
Creed, Michael.  
Creighton, Lucinda.  
D'Arcy, Michael.  
Deenihan, Jimmy.  
Doyle, Andrew.  
Durkan, Bernard J.  
Enright, Olwyn.  
Feighan, Frank.  
Ferris, Martin.

Tá—continued

Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hogan, Phil.  
 Kehoe, Paul.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Shatter, Alan.  
 Sherlock, Seán.  
 Stagg, Emmet.  
 Stanton, David.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.  
 Wall, Jack.

Níl

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Behan, Joe.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Conlon, Margaret.  
 Connick, Seán.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.

Hector, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Kenneally, Brendan.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keeffe, Batt.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Seán.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 Scanlon, Eamon.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Pat Carey and Niall Blaney.

Amendment declared lost.

**Deputy Jack Wall:** I move amendment No. 14:

In page 9, between lines 35 and 36, to insert the following:

[Deputy Jack Wall.]

“14.—The Principal Act is amended in section 198 by inserting the following subsection after subsection (3D)—

‘(3G) (i) The payment of a supplement towards the amount of rent payable by a person in respect of his or her residence shall be paid in its entirety by the Health Service Executive to the landlord.

(ii) The tenant shall pay to the Health Service Executive the portion of the rent for which they are liable.’”.

In speaking on the previous amendment, I mentioned many of the reasons behind this amendment. In circumstances in which a tenant accepts a tenancy that is agreeable to a community welfare officer but in which, unfortunately, a landlord expects more money, the tenant must pay the additional sum from his or her own resources. This is a regular occurrence. We want the HSE to make the payment to the landlord, thus alleviating any pressure on the tenant to provide more money. Given that there is an increase in the tenancies in question, as we all agree, we must ensure there is transparency.

Every Deputy who has spoken this morning stated there are many good landlords and that, unfortunately, there are bad ones also. We are targeting the latter in this amendment. We are asking that the HSE pay the money directly to the landlord, as is the case with the rental accommodation scheme. There should be follow-on arrangements, bearing in mind that the accommodation a landlord may have might be acceptable under the rental accommodation scheme guidelines. There should be contact right across the board in this area. We should consider this and I ask the Minister to accept the amendment.

**Deputy Arthur Morgan:** Local authorities are currently required by law to ensure rented accommodation is of an adequate standard. Only a handful of local authorities carry out inspections. Last year, less than 5% of properties were inspected, which is a disgrace. Some 30% of the 5% examined were found to be substandard, yet there were only 11 prosecutions by local authorities. These statistics point to huge gaps between the floorboards. Some kind of emergency investigation is required, be it by the Department of the Environment, Heritage and Local Government or the Department of Social and Family Affairs. There is something particularly out of kilter.

The same lackadaisical approach is taken in regard to tax compliance. We know the Revenue Commissioners could deal with this more enthusiastically if minded to do so. I acknowledge a political price would have to be paid by any Government that pursued this and addressed it once and for all. It is like the plastic bag tax and the smoking ban; once they were put in place, people were considerably grateful to those courageous enough to have taken responsibility.

The Department of Social and Family Affairs has failed to keep proper records regarding the €436 million paid out to landlords in rent subsidy. The Office of the Revenue Commissioners sought the information from the Department and was trying to connect it with information pertaining to the Private Residential Tenancies Board but I understand the office is now seeking a law or regulation that would permit it to do this. There is obviously dragging of feet in terms of introducing whatever law or regulation is required to address the issue of wayward landlords, and that is most unfortunate.

It is estimated that there are some 50,000 unregistered flats and apartments. I understand this is probably a conservative estimate. If so, a radical overhaul is required urgently. I would prefer to see the Government dealing with social housing by front-loading some of the national development plan projects, such as the building of social housing and schools, perhaps with

money from the National Pensions Reserve Fund. There would be a considerable return to the taxpayer because the State would no longer have to incur expenditure of €436 million, which figure is ever increasing. I hope the Minister will treat this matter as seriously as it deserves to be treated.

**Deputy Olwyn Enright:** We need a mechanism to ensure landlords pay tax on whatever they receive through rent supplement. I made this point in my contribution on amendment No. 13 and it is no harm to reiterate it. I am not convinced this issue is being dealt with sufficiently. We must ensure under-the-counter payments are not made. They are being made at present. Even Focus Ireland cited examples of where tenants are paying their landlords a little bit more than what is required. Focus Ireland even cited instances of community welfare officers assisting tenants to pay more than what was required so the tenants would not end up homeless.

While this practice is occurring and must be dealt with, I do not believe this amendment is the way to proceed, for the simple reason that it is important that the tenant be able to manage his money and income himself. The responsibility associated with receiving an allowance and paying it to a landlord develops good money-management habits. It is important that the tenant have this sense of freedom and a sense of paying his way. However, I understand what the amendment is trying to achieve and I ask the Minister to ensure landlords are not accepting extra payments from tenants. The tenants simply cannot afford to be making them.

**Deputy Seán Barrett:** My views are somewhat similar to those of Deputy Enright. As we all know, there has been a massive shift towards private rental accommodation in recent years. This was obviously a policy decision taken by the Government and its predecessor as a consequence of their not providing sufficient social housing for those in need. For this reason, I counsel against the proposal in question. It is desirable that people feel responsible for their own accommodation. The amendment is such that I fear debts would mount that would be owed to the Health Service Executive rather than the local authority. This would leave people in a very awkward position, with the possibility of losing their accommodation.

Let us be honest about the fact that, in hard times, in which one might be at the pin of one's collar, the first one thing one would do if one felt one could get away with it would be to postpone paying one's rent. This would be very bad in the longer term. In the short term, one might feel one is getting away with something but the debt would continue to increase. I understand what our Labour Party colleagues may be considering in proposing this amendment but there are other ways to address the problem of people abusing the system. I would not address the problem at the expense of somebody who depends on receiving accommodation through the rental system. Unfortunately, many such people are on low incomes and would find it very difficult to meet debts if they accumulated over a reasonably long period. Therefore, I cannot support the amendment.

**Deputy Bernard J. Durkan:** I have similar views. I fully appreciate the reason for the amendment in that there are issues that need to be addressed. I would not worry about the likely impact of the amendment. It could have a beneficial impact in that there could be a global negotiation of the rents being charged, with the Department having direct control. Now may be the best time to achieve this. Up to now, when there was a landlords' market, the practices described by Deputy Enright were rampant. They still are and, in many cases, landlords are receiving an additional payment. If they did not, they would not rent the accommodation. One problem that arises is finding a sufficient number of landlords who are willing to accept checks by community welfare officers and, as a consequence, meet the accommodation needs of the individuals concerned. As Deputy Seán Barrett said, this has arisen as a result of the failure by the Government to invest adequately in the capital housing programme. This situation has



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continued for ten years and is appalling. The Government resiled from the housing area and handed it over to well-meaning private housing agencies. I will not mention particular agencies but they effectively cherrypicked from the housing market with the result that the local authority, with the few houses left at its disposal, must accommodate everybody else. The result is turmoil. We have an appalling housing situation.

County Kildare has over 3,500 people on housing lists, all of whom, theoretically, would be entitled to rent supplement. We cannot get sufficient people willing to rent houses and accept the welfare cheque for the rent. That is a serious problem and nobody is tackling it. It will get much worse because, coming into that marketplace and competing with those people, will be those who, because of the economic situation, are looking for mortgage and other supports. On top of that, there are more and more emergency situations. In the course of their daily work, Deputies receive emergency calls that require urgent attention. It is no good for someone to tell us that it is all right, that the problem will be put through the system and perhaps in two months there will be a result. That is of no benefit to an unfortunate person who awaits an urgent response. These are issues that, in theory, are covered but, in fact, are not. We have difficulties with individual cases.

The danger of making the payment directly to the landlord is that a peculiar situation might develop in the future. I worry about that. What happens at present is tedious and long drawn out. There is, for example, the old practice of a person who moves from one rented accommodation to another where they had placed a refundable deposit — do Members remember the refundable deposit? I differentiate here between the good and the bad landlord. The bad one takes a look and tells the tenant he is sorry but he will not return the deposit because the paint was scraped off the door, or because something else is wrong. I have no problem with a case where there has been damage to the house resulting in the tenant losing the deposit. However, I do have problems with situations in which, on purely technical grounds, somebody decides a deposit is not refundable. Following that, the public authority, the HSE or the Department of Social and Family Affairs, can leave that person on the roadside and do nothing for him or her, or can provide a new deposit. The person does not have it and will not have the means to get it.

There are many such areas that must be addressed as a matter of urgency. They must be cleaned up in such a way as to provide for some kind of transparency and to ensure that the landlord does not have all the power. We must try to ensure that the unfortunate person who urgently requires a rent supplement can have access to it at an affordable rate, from his or her point of view and from that of the State. At the same time the person must be accountable to the State. We know, and learn on an ever increasing basis, that the State does not appear to have endless resources.

**Deputy Mary Hanafin:** This is a bit like, ar an lámh amháin, ar an lámh eile. The debate is going from one side to the other.

**Deputy Bernard J. Durkan:** There are the two láimhe in this case.

**Deputy Mary Hanafin:** People appreciate the importance of the rent supplement and the importance of that relationship with the tenant. Ultimately, that is what is involved. It is an individual payment to an individual tenant, having regard to his or her circumstances. It allows that tenant the flexibility to use the supplement.

However, where a tenant requests it, the rent supplement can be paid directly to the landlord. Of the 70,000 people who are in receipt of rent supplement, 13,000 have requested that it go



directly to the landlord. Our contract with the tenant still remains but that flexibility is there. I do not see any need to accept the amendment.

Amendment, by leave, withdrawn.

**Deputy Jack Wall:** I move amendment No. 15:

In page 9, between lines 35 and 36, to insert the following:

14.—The Minister shall as soon as may be after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on allowing rent supplement claimants on the waiting list for the Rental Accommodation Scheme switch to the terms of the differential rent of their local authority.

The thinking behind this amendment was to ensure that poverty traps for tenants do not develop and that they can be moved, as soon as possible, to the rental accommodation scheme. Differential rents would then come into play with the local authority with which the applicant would deal.

I receive an amazing number of telephone calls relating that landlords are seeking to provide accommodation on the basis of the rental accommodation scheme. Some of these involve individual houses. Many are flats and apartments and I have even seen a retirement village for senior citizens secured by people under the rental accommodation scheme. This provides a transparent way of ensuring that those in receipt of such payments are not put into poverty traps, that there would be a mechanism that can be checked and that there would be a linkage between the local authority, the landlord and the tenant. That would be to the benefit of the tenant, which, ultimately, is the most important concern addressed by this amendment.

**Deputy Mary Hanafin:** I do not propose to accept this amendment, although I am cognisant that we should not have any barriers to people taking up employment opportunities. The current eligibility thresholds, income disregards and different arrangements in place do not act as a disincentive to taking up employment. It is important that even in cases where people qualify for rental accommodation scheme, they should continue to satisfy the criteria for rent supplement. Once they get onto the rental accommodation scheme, they are then placed on differential rent assessment. For the purposes of this particular scheme, which I shall continue to keep under review, I believe the eligibility criteria are sufficient.

Amendment, by leave, withdrawn.

**Deputy Jack Wall:** I move amendment No. 16:

In page 9, between lines 35 and 36, to insert the following:

14.—The Minister shall as soon as may be after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the implications of relaxing the qualifying criteria for mortgage interest supplement and rent supplement so that these benefits can be claimed irrespective of the number of hours the partner of the claimant may be working (currently a couple can't qualify if one is on welfare but the other is working more than 30 hours per week, irrespective of means and outgoings).

This amendment again relates to qualifications for payment. My party believes these should be re-examined and we ask the Minister to do this and to bring the House a report on the implications of relaxing the qualifying criteria for the two payments, namely, mortgage interest supplement and rent supplement. If this were done a couple might qualify, irrespective of the

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hours that the partner of the client works. This instance comes up on a regular basis in our constituencies and clinics.

**Deputy Olwyn Enright:** I spoke about this matter at length last night, with particular regard to mortgage interest supplement. I will not reiterate the points I made but I believe strongly there must be changes. All Deputies can cite examples of people who have been refused mortgage interest supplement because of the size of their mortgages. If anything, the social welfare system must reflect the reality of the situations in which people find themselves. This current payment does not do that. I raised some of the issues concerning rent supplement and mortgage interest supplement. The Minister's response referred to the responsibility of financial institutions, which we discussed last night also. I do not disagree that financial institutions have a responsibility, but Deputies Kenny and Gilmore have publicly called for a moratorium on repossessions. I have not heard the same call from the Government, however. At least the Minister alluded to it today and I know she represents the Government.

**Deputy Mary Hanafin:** Last night.

**Deputy Olwyn Enright:** It is extremely important for that message to come out loud and clear from the Minister for Finance and the Taoiseach. We will find ourselves in a position — we are already seeing it at our clinics daily — where people are in grave danger of losing their homes. There is a responsibility on the financial institutions, but also on the Minister and the Department in this respect. If people can get the mortgage interest supplement it may well allow them to keep their home. They can then negotiate with the financial institutions on the basis that they have some extra income to help their repayments. The qualifying criteria must be examined in this respect.

In last night's debate, I made the point that if people do not get the mortgage interest supplement they will fall back on rent supplement and may eventually fall back on local authority housing. The Minister reiterated that point today. Some people, however, will not have the opportunity of relying on local authority housing because if they have opted to buy out such a house they must sign a form undertaking never to seek local authority housing again. Some people, therefore, will find their homes being repossessed but will never be eligible for local authority housing because they have signed away their rights in that respect. They will find themselves in serious danger either of becoming homeless or being left on rent supplement for the rest of their lives. No Member of this House could agree with or stand over that situation. Unless the mortgage interest supplement criteria are changed, and community welfare officers have more flexibility on the size of mortgages they can assist with, people will find themselves in that position.

In parts of the country in recent years, people bought out local authority houses at seriously expensive prices. Ten years ago it was a different story and in many ways such purchases were a good deal, enabling people to move up the property ladder. Many people bought local authority houses and sold them on to buy private houses. They will also be debarred, however, because they were originally in local authority housing. We must face that obstacle in the coming months and unless the criteria are changed, such people will have no alternative but to remain on rent supplement or emergency payments.

**Deputy Arthur Morgan:** I support the essence of what Deputy Wall is trying to achieve in this amendment. I agree entirely with what he and previous speakers have said about it. The thing that concerns me most, however, is that there has been complete silence from the Government about home owners who find themselves in this situation. The Government has not said publicly that it will speak to the banks. Under the terms of the credit institutions guarantee

scheme, the Government clearly has every right to negotiate with the banks and, indeed, require them to adopt a certain position, at least for the two-year period of the guarantee scheme. The Government should clarify where it stands on this matter because after Christmas many banks will foreclose on a significant number of mortgage holders. The implication for the market is quite traumatic in terms of a significant collapse of housing prices. It will have an even more traumatic effect for families with young children who find themselves in difficult circumstances when one or both partners may lose their jobs.

A person cannot transfer from their own home to rented accommodation because local authority rules and regulations do not permit it. One must first become homeless, so one stays in a bed and breakfast establishment or moves into grossly overcrowded accommodation with a relative perhaps, in some cases for several weeks before accommodation issues can be sorted out, including rent supplement and access to the housing list. It can be a traumatic experience. The Government should let people know what its intention is in this regard. What is the Government's position on this? Has it at least raised the matter with the credit institutions and, if not, does it intend to do so? Does the Government accept that it has substantial powers under the terms of the credit institutions guarantee scheme? How will it deal with the impending crisis that is coming down the line? Nobody is asking for mortgages to be written off, or that people can get away without paying for arrangements they have made with their financial institutions. In many cases, however, banks gave out 100% or 120% mortgages——

**Deputy Bernard J. Durkan:** Mortgages of 150% in some cases.

**Deputy Arthur Morgan:** ——to people who because of their age, social profile or income were clearly going to have difficulty repaying them. Nonetheless, the banks shovelled such mortgages out anyway, so they have a significant responsibility to recognise their role in preventing a catastrophe from occurring across the land. Within the next 24 hours, the Government should let us know where it stands on this impending crisis.

**Deputy Bernard J. Durkan:** I fully agree with this important amendment and concur with previous speakers. I do not know whether the Department of Social and Family Affairs fully appreciates the magnitude of the problem that is now unfolding before us. Anything we have seen heretofore will fade into the dim and distant past in comparison to this. A series of problems are turning up. For instance, we now have a cohort of people who are self-sufficient, self-starters and always looked after their own businesses. They did the right thing and were not a burden on the State. They bought their house in good faith and were loaned money in an economy with rapidly escalating prices. There is no doubt that they borrowed unwisely, but they were forced to do so because otherwise they would have been left without a house, renting instead from a landlord or investor. In that case, the rent would be equal to their mortgage repayments, so they were in a catch-22 situation. I can tell the Minister it is a case of “Mé féin ar an lámh eile” again. In many cases, given the unfolding economic situation, those people now find themselves out of a job. The criteria being applied to assess their cases are old-fashioned. Those criteria may have been applicable four or five years ago when people were quite happy because they had economic alternatives, but there are problems now.

I compliment community welfare officers who are adopting a human attitude to such assessments. There is a minority who do something totally different. Messages are sent down the chain that this is the answer and that going to a TD will not help. If there is one thing that revs up my engine, it is that phrase. We should send a clear message to whoever issued the diktat saying “Don't go to your local TD because they can't help you either”. We are elected as public representatives and have a job to represent people, including those who are disadvantaged for

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whatever reason. In addition, we are not beholden to any officials or others, and do not have to account to them. I issue that fair warning as to how such people will be treated in future.

**Deputy Arthur Morgan:** The Deputy has a great engine.

**Deputy Bernard J. Durkan:** Absolutely and I will continue to try to keep it that way as well. Although it is being dealt with separately, the question of qualification under the habitual residency clause has been abysmally abused. The Minister knows about this and it was referred to yesterday. It is appalling. Irish citizens who were born in this country and emigrated — like the 42 million of Irish extraction in the United States and a very substantial number who emigrated to the UK — are being refused supplementary rent support at this moment, simply because of the habitual residency clause. It is absolutely disgraceful.

That clause was not introduced for the best of reasons. I know full well whom it was intended to deal with. Like other Irish solutions to Irish problems it is now hammering the people who are most vulnerable in our society and who can do nothing to respond, finding themselves between a rock and a hard place. I am not the only Member of this House meeting such people on a daily basis. Imagine the plight of returned emigrants from the UK, the US or anywhere in the world — they are entitled to come back to their own country. What type of a country have we become? They are now being refused rent support and other supports while the community welfare officers, in effect, gently intone, “Would you consider leaving this country?”. How nice of them.

Perhaps I am too long in this House, but never in my time as an elected representative have I seen the application of that type of criteria. It is appalling that we, as a so-called caring society, should treat people like that. If there are people in this country who should not be here, why does somebody on the Government side of the House not say so? What are they hiding behind? Let them say it up-front and we can all have a look at this. Let there be no hidden agendas, no Irish solutions to Irish problems. Let us be fair and straight with everybody. Remember, we have obligations under international law and human rights commitments as well, which must be adhered to. No clever, slick anticipation or interpretation of rules and regulations and no clever responses at any level should, or will, be tolerated.

I want to mention the lending agencies and repossessions. For example, I referred to a case yesterday in this same debate, the logic of which I cannot understand. A person is on a mortgage, say, of €2,000 a month, when circumstances change. It is not a small mortgage, but there are many people on such mortgages who bought property in what they saw as good times. The Government assured them their future was secure and that this was the third richest country in the world, with 10% annual growth and with even greater growth prospects on the horizon. Everything was full of promise coming up to the general election, but what has happened now?

Family disputes can arise in a case like this, in many instances caused by the financial burden and one or other partner may leave the household, in the event. The current interpretation of the law will mean the community welfare officer will tell the remaining partner, usually the woman, in effect, “Sorry, you only get half the potential rent or mortgage support”, as against what the household would receive when both partners were there. I cannot understand the logic of that. All that will happen is that she will fall further behind and be evicted. Then the Department will have to give her rent support for the entire amount in another house. Why does somebody not talk to the community welfare officers and explain to them what the consequences are? Incidentally, I received a coded message within the last few days after putting down a parliamentary question on one of these issues. A coded message came by way of the

response sent out to the unfortunate constituent, which would appear to me to be a response to my parliamentary question. I recognise coded messages for what they are, and the response will be as it always was.

My last point echoes Deputy Olwyn Enright's concerns about the agreements people are being forced to sign, usually when they are under pressure, to the effect that they can never seek local authority rehousing again. Of course that is illegal. There is no law anywhere that can uphold that. It is pure extortion, an abuse of power by the authorities. They have no right to make such a demand, ever. No one can possibly determine what his or her circumstances will be like in the future, as we now know. Even the Government, which knew everything a couple of years ago, one year or six months ago, now knows nothing about anything. It can tell us nothing. The whole economy is falling apart, but it cannot tell us how it happened.

Equally, no court can enforce this agreement referred to by Deputy Enright, which countless people have felt obliged to sign, because the circumstances have changed. Once circumstances change, it is the duty of whatever Administration is in office to adjudicate on the basis of the prevailing situation. If there were more people present on the Government side today, I should love to engage with them on that particular issue.

**Deputy Seán Barrett:** I assume the Minister will accept this amendment because all it is seeking is, that on the passing of this Bill a report should be prepared and laid before both Houses of the Oireachtas. That seems to me to be a very sensible way of approaching this particular problem.

I should respectfully suggest that, having been laid before both Houses, it should then be debated by the Joint Committee on Social and Family Affairs so that the views of all committee members can be sought on how we deal with this unique problem. It is unique because of the state of the economy, banking and building society structures. This is something I have never seen before, and I have lived through a couple of recessions. It is unique in so far as the banks and building societies are in such a mess that strange things could happen.

I tend to ask when there is a problem how it may be solved, and what will happen if such and such an initiative is taken. Let us consider for a moment what will happen if people are thrown out of their houses. What will be done with the people? They have to go somewhere and they are entitled, under the supplementary welfare Act to seek assistance, albeit for accommodation. What is to be done with the house that has been taken from them? Is to be added to the other tens of thousands of vacant dwellings?

Perhaps the Minister might listen to a point I am trying to make here.

What are we to do with the tens of thousands of houses already vacant? This is something that has to be debated openly and positively within these Houses. Nobody is addressing the situation at all. What happens to the building industry? Are another 10,000 or 20,000 vacant houses to be added to an already very serious situation? This is not just about taking the house of a particular couple and putting them on the street. What happens after that? This is part of what must be dealt with in the resolution of the banking problem. What is the difference between toxic debt from land banks and toxic debt from vacant houses? In other words when this issue is being debated by the Government, I respectfully suggest that it take this situation into account. If the Government is to resolve the difficulties with the banks, it will have to solve the problem of toxic land banks which are the main cause of the crisis. Nobody will invest in banks without knowing the level of debt that exists in respect of land banks. There is no market for such land, and therefore no one knows its value. It could have been worth €100 million two years ago but nobody knows its value today because there is no market. It could be worth €50 million or €20 million or €70 million. However, all adding to the vacant housing



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stock will do is drive the market crazy altogether. If one applies the normal principle of failure to repay in the current climate, we will have a huge problem, incapable of being resolved other than by removing people from their houses, sending them to the community welfare officer and giving them a supplementary welfare allowance until such time as they can rent accommodation. Then they go back to the Department of Social and Family Affairs and get rent subsidy. It is all a roundabout.

This issue must be resolved quickly, because it will not go away. Unique situations demand unique solutions. This problem has not been solved previously, because we did not have this situation. Therefore, the thinking caps must go on in all Departments. The Department of Finance must wear its thinking cap in negotiations with banks and building societies. The Departments of Social and Family Affairs and Health and Children must wear theirs in dealing with the HSE because of its involvement with community welfare officers. The Department of the Environment, Heritage and Local Government must wear its cap when considering public housing.

I cannot stress enough the importance of this amendment, even though it does not seek something immediate, but asks that something happen as soon as the Bill is passed. The amendment should be accepted by all here. It is not a party political issue, but a real problem for which people are awaiting a resolution. Everybody has an interest in finding a solution to this problem, whether one is a person with growing debts for either rent or mortgage repayments, a property owner who is renting property or a building society or bank that has loaned money.

I have always found it peculiar that one of the conditions in respect of rent allowance was that a couple did not qualify if one was on welfare, but the other was working more than 30 hours. There is no reference to the amount one is earning if one is working over 30 hours. A person could be earning more money on 25 hours. It is all about ticking the box. People could be earning €12 an hour and working 25 hours or €8 an hour and working 30 hours, but they would be better off if they were working 25 hours at €12 an hour.

I have never been able to understand the ceiling of 30 hours. Perhaps the ceiling should be an amount earned rather than the number of hours worked. If somebody was working 31 hours, he would most likely go to his employer and ask him to take two hours off him so as not to lose his rent allowance. This issue needs debate. The acceptance of this amendment would give a guarantee to the House that a report will be produced on the implications of any changes. A committee is the right place for such a report to be debated and it could then come back to the House with its report.

**Deputy Seymour Crawford:** I will be as brief as possible. Like most other Deputies, I have some experience of the difficulties faced by people in this regard. I wish to mention a particular case that has come to a conclusion. In this case a couple went to Start Mortgages when they were under pressure to meet payments other than their loan repayments. They were encouraged by advertisements to put all their borrowings into one loan. Unfortunately, through no fault of his own, the man lost his job. As soon as the first payment became overdue, it became a legal issue. When the couple eventually got a loan elsewhere, one they thought they fortunate in getting at the time, they discovered on Christmas Eve, six months later, there was an outstanding bill of €12,000 for the legal case that had been entered, although nothing had arisen from it. Eventually, this was settled for €10,000 and the couple had their loan facilitated by the local authority.

There are implications with regard to such cases. The requirement that people sign an agreement that they will never be housed by a local authority again is unjust and perhaps close to illegal. In the current situation, where so many people are losing jobs and where many may



have stupidly over-borrowed, we should face the facts. Everybody was being encouraged to buy their own home. They were sitting in queues outside offices to ensure they would get these homes and loans were being offered by several banks, not just one. Now these people have lost jobs and found themselves in extraordinary situations, we should be considerate of their situations and be sympathetic.

I understand our counterparts across the water have made allowances on account of the current situation in recent announcements and I urge the Minister, in conjunction with the Taoiseach and the Government, to do something similar. We have a crisis and it must be dealt with. I support my colleagues Deputies Enright and Barrett on the issues they have raised. There are technical issues in the system that have no logic. Just because somebody works over 30 hours in a low-paid job, does not mean he or she is making a fortune or is self-sufficient.

Another case I am aware of is that of a person who was self-employed until recently, but now has no work. However, his mortgage is ongoing. There is significant difficulty in obtaining social welfare assistance for this person because he does not have the stamps required. We are in a unique position. Nobody is happy with the situation or proud of it. I do not wish to cast aspersions across the House about the position we are in, but young couples are in extraordinary situations and have mortgages they cannot meet. I urge the Minister, as a goodwill gesture, to accept the amendment in order to alleviate some of the problems. Accepting the amendment will not cost any money. It will only facilitate the drawing up of a more logical process and give us the opportunity to debate the issues.

**Deputy Mary Hanafin:** I share people's concerns about the number of people who must fall back on mortgage interest supplements and those people who are in danger of losing their homes. We discussed some of the issues surrounding this last night and earlier today. The problem is evident in the number of people making new applications. We had 7,000 at the end of October and I suspect that number will be substantially higher by the end of November. Unfortunately, we can anticipate great demand again next year.

Deputy Barrett is right about the surplus of houses. What good will the surplus be to the banks even if they reclaim the houses? In the current market, they will probably end up selling them for less than the mortgage handed out initially. The situation has a serious impact on the families involved and on the community. The amount of money we anticipated spending on this area this year has fallen far short of what is required. We reckon now that the amount required to be spent will be €26 million and the provision for next year is €31 million. However, looking at the outturn for this year, I expect more will be required next year as well.

The scheme is one that has always been used by a small number of people. However, as demand increases, we will have to examine the needs of the applicants. It is a means-tested scheme and those who qualify get it.

In some ways this counteracts the argument regarding working for 30 hours because one is still obliged to remain within a particular limit. However, it is designed not to be a disincentive to people to enter full-time employment and by limiting this to one group, one always tries to encourage people to take up employment. However, I accept these are changing and difficult times.

It should be noted that the social welfare budget is not limitless. A total of €19.6 billion has been set aside for next year, which constitutes an extraordinary amount of taxpayers' money as a proportion of next year's overall expenditure. Consequently, one must ensure that it is targeted at the right people and those who need it most. I intend to carry out a review of the mortgage interest supplement and the criteria surrounding it soon. However, I am unsure what information can be derived in respect of applicants, those who do not qualify etc., because the

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scheme operates through the community welfare officers. Nevertheless, I will ascertain what information can be gleaned. As the scheme operates by regulation, it would not require further legislation, were the Government to introduce any changes. While I do not propose to accept the amendment on the report, I acknowledge such an amendment is designed to allow debate on a particular issue, which is the reason it was tabled. However, as Members have suggested, this might be a matter the Joint Committee on Social and Family Affairs may decide it could usefully examine. I will be consider it over the next couple of months in any event.

**Deputy Jack Wall:** I believe the sincerity expressed regarding the amendment by Members is a reflection both of its wording and case history with which they have had personal dealings. Great research undoubtedly is needed on the qualifying criteria for the mortgage interest supplement payment by the applicant. The Minister correctly observed that few applications had been received heretofore, as the number of applications only has increased within the past year to 18 months. Previously, it had been a matter of showing one's account and demonstrating that interest was accumulating, after which a community welfare officer would make the payment. However, a change has taken place in this regard. Community welfare officers now insist the original loan agreement must be produced and if they discern anything wrong or perceive any additions in respect of seeking the mortgage, they will refuse payment. This is happening at present, presumably nationwide, and the need to examine this issue has never been more overwhelming because, unfortunately, as the Minister noted, the numbers are increasing.

A different emphasis has been placed on processing such applications than was the case heretofore. On numerous occasions, I have been obliged to write to lending agencies asking them to produce the original documentation in order that the person affected could make an application, which would not be accepted otherwise. This amendment was tabled with such cases in mind and because the matter was discussed by the parliamentary Labour Party and elsewhere. Members' concerns arise from personal contact with such situations and they considered it necessary to table this amendment, which I intend to press.

**Deputy Olwyn Enright:** I wish to express my disappointment. Members have gone through the process of debating the Social Welfare (Miscellaneous Provisions) Bill 2008, which is on Report Stage today. However, the Minister has not accepted any measures that have been tabled. It sounds as though she agrees in theory with much of what has been said. The amendment contains nothing that is offensive to, or critical of, the Government. It contains nothing that would imply a loss of political capital by the Minister, were she to accept it. This amendment reflects the extremely difficult position that many people face at present. While the Minister has stated her intention to produce a report, this amendment exerts pressure to ensure such a report is actually produced. With respect, although Members have been waiting for a report on lone parents from the Minister, her predecessor, the Minister, Deputy Cullen, and his predecessor, the late Séamus Brennan, Lord have mercy on him, no action has been taken.

People are in danger of having their houses repossessed, some of whom are unaware they are in such danger. They may be in the position outlined by Deputy Noonan yesterday regarding a family he knows, in which two children and both of their spouses work in a company he believes to be in serious danger of closure. This will mean a further two couples whose houses will be repossessed next year. This urgent matter cannot wait and must be dealt with and the Minister should take on board Members' comments.

I will briefly reiterate a point I made yesterday. I tabled a parliamentary question on this subject following Committee Stage and it transpires the Department and the community welfare officers do not even hold data on the number of people who applied for, but were refused, mortgage interest supplement. The Minister's report must start with the most basic information

in respect of who is unable to get the supplement. The only time statistics are collated is when applicants appeal a refusal. While I am sure a majority do so, it is possible that not all applicants appeal because of their disillusionment with their interaction with the system, having been refused in the first place. A report on this issue must begin with the basics and accepting this amendment at least would confirm that the Government in good faith intends to deal with this issue, because this is not evident at present.

**Deputy Seán Barrett:** I appeal to the Minister to reconsider her decision. In any parliamentary democracy, if someone comes up with a perfectly reasonable request to the effect that a report be produced that could provide information for further debate, it always is good for a government to have the input of positive contributions from its opposition. I do not understand how a government can refuse to accept an amendment calling for the production of a basic report.

The Minister's reply also referred to the fact that the taxpayer only can pay so much. All Members agree with that point and they acknowledge the budget for social welfare is large. However, everyone pays PRSI to be used at a time of need and this issue goes beyond that. Moreover, in respect of much of what has been discussed in this regard, I do not seek the taxpayer to fork out. This issue must be resolved by those banks and building societies that gave out such loans in the first place. My point is that as part of the current negotiations with banks and building societies about recapitalisation and saving their businesses, the Government should play an active part by throwing this issue into the melting pot for debate. The financial institutions should then come up with a solution that Members may not be able to formulate in the space of half an hour's debate in the House. The taxpayer should not be obliged to pay everything and the building societies and banks must find a system, although I am unsure how, to deal with how repayments will be made or how different payments could be made at different times to catch up and similar matters. Ultimately, when it comes to paying off the loan, hopefully the house in question will have risen in value again and will be worth more than what actually was owed. It would be better to have people remaining in their homes and seeing it out to the end, rather than being kicked out on the street.

Members should put on their thinking caps and should not engage in party politics. If the Minister refuses to accept the amendment, the division bells will ring and Members will be taken from their lunch tables who will not know on what amendment they are voting. I suggest that were one to conduct a survey of every Member of the House asking them whether they agree with voting for the production of a report following the passage of a Bill, they all would do so. However, if the Minister sticks to her guns and refuses to accept this amendment, the division bells will ring, Members will march in, the Minister will win and that will be the end of it. This is an appalling way in which to run a parliament.

**Deputy Mary Hanafin:** It is not appropriate to insert a provision seeking a report into a social welfare Bill.

**Deputy Seán Barrett:** Of course it is.

**Deputy Mary Hanafin:** It is appropriate to discuss the issue in this House, it is appropriate for the Government to take action, it is appropriate that the financial institutions should take their responsibility and that both Opposition and Government Members serving on various joint committees should continue to highlight the issue. The bottom line is that people are benefiting from the mortgage interest supplement and more will do so. As it is a demand-led scheme for those who qualify, there is no question of it not being made available to people.

**Deputy Seán Barrett:** Members merely seek a report.

**Deputy Olwyn Enright:** People are being refused because of the size of their mortgages.

**Deputy Mary Hanafin:** Last year 4,111 people benefited from the scheme. This year 7,000 have benefited already, and probably many more will have benefited by the end of this month. I indicated that of course I will continue to review it — I refer particularly to the mortgage interest one because it is only in these months that we are seeing an increase in its use — to see whether the scheme is effective, is meeting people's needs and is being applied fairly throughout the country.

The amendment merely seeks a report and it is not appropriate to provide for that in legislation. I do not dispute many of the points that have been made about the financial institutions, about the importance of the scheme and about the impact it can have on families and on communities, but I do not propose to accept the amendment.

**Deputy Seán Barrett:** The amendment is in order.

**Deputy Kathleen Lynch:** I listened to all the contributions and I did not speak earlier because I would agree with everything that has been said. There is nothing surer than that research must be done on this area. As soon as the Minister leaves this House, given the figures that will be generated in the next few months on the mortgage assistance which her Department must give, there is nothing surer than that she will need to commission a report. That report will be about the level of activity in the service, how it is delivered, how much help people need, why they need that help, what is the proposed length of time for which they will need that help and the different types of mortgages that will be in play.

The Minister makes the argument that it is not right to ask for a report within the social welfare Bill, and I accept that. I am sure that it would be sufficient if everyone could agree that a report will be done, but it must be done urgently. It is not merely about the gathering of statistics because one could bring any community welfare officer in here and he or she would tell the Minister the facts and figures on what they have encountered over the past few months.

It is not good enough that at a time when ever more people are falling back and relying on the State, to which they contributed handsomely over the past number of years through tax and social insurance contributions, this restriction comes in. The Minister cannot do that. People must feel that when they need help the State will be there to pick up the pieces for them. That is the purpose of the social insurance fund. The type of research and report needed must be done as a matter of urgency because we are not certain exactly what type of help will be required; it will be different across individual cases.

There is one issue which has not been raised, and I am reluctant to raise it. In the past number of years some break-ups resulted in the family home being sold and the profit divided between the two parties involved, irrespective of whether they were married. Neither party has had enough money to buy a home of his or her own and yet is precluded from going back on the State's housing list because he or she has funds under the means-tested element of the scheme. That is something that needs to be included in the reporting system. Where does that leave people? It is the most peculiar system I have ever come across. The system does not encourage thrift or savings. No matter how little one has in the bank, one cannot benefit from State aid because it will be means-tested against one's claim. That is something that needs to be put into the report as well.

That report could and should be done in a matter of weeks. The Minister would be foolish to say "No". She and I know that in a matter of weeks she will be looking for this anyway.

**Deputy Jack Wall:** I am pressing the amendment.

## Amendment put.

The Dáil divided: Tá, 58; Níl, 69.

### Tá

Bannon, James.  
Barrett, Seán.  
Bruton, Richard.  
Burke, Ulick.  
Carey, Joe.  
Clune, Deirdre.  
Connaughton, Paul.  
Coonan, Noel J.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Creed, Michael.  
Creighton, Lucinda.  
D'Arcy, Michael.  
Deenihan, Jimmy.  
Doyle, Andrew.  
Durkan, Bernard J.  
Enright, Olwyn.  
Feighan, Frank.  
Ferris, Martin.  
Flanagan, Charles.  
Flanagan, Terence.  
Hogan, Phil.  
Kehoe, Paul.  
Kenny, Enda.  
Lynch, Ciarán.  
Lynch, Kathleen.  
McCormack, Pádraic.  
McEntee, Shane.

McGinley, Dinny.  
McGrath, Finian.  
McHugh, Joe.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Donnell, Kieran.  
O'Dowd, Fergus.  
O'Mahony, John.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Reilly, James.  
Shatter, Alan.  
Sherlock, Seán.  
Stagg, Emmet.  
Stanton, David.  
Tuffy, Joanna.  
Upton, Mary.  
Varadkar, Leo.  
Wall, Jack.

### Níl

Ahern, Dermot.  
Ahern, Michael.  
Andrews, Barry.  
Andrews, Chris.  
Ardagh, Seán.  
Aylward, Bobby.  
Behan, Joe.  
Blaney, Niall.  
Brady, Áine.  
Brady, Cyprian.  
Brady, Johnny.  
Browne, John.  
Byrne, Thomas.  
Calleary, Dara.  
Carey, Pat.  
Collins, Niall.  
Conlon, Margaret.  
Connick, Seán.  
Cuffe, Ciarán.  
Cullen, Martin.  
Curran, John.  
Devins, Jimmy.  
Dooley, Timmy.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gallagher, Pat The Cope.

Gogarty, Paul.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hector, Máire.  
Kelleher, Billy.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Kirk, Seamus.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McEllistram, Thomas.  
McGrath, Mattie.  
McGrath, Michael.  
McGuinness, John.  
Moloney, John.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Flynn, Noel.



Níl—continued

O'Hanlon, Rory.  
O'Keeffe, Batt.  
O'Rourke, Mary.  
O'Sullivan, Christy.  
Power, Seán.  
Ryan, Eamon.

Sargent, Trevor.  
Scanlon, Eamon.  
Treacy, Noel.  
Wallace, Mary.  
White, Mary Alexandra.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Pat Carey and Niall Blaney.

Amendment declared lost.

**Deputy Jack Wall:** I move amendment No. 17:

In page 9, to delete lines 36 to 42 and in page 10, to delete lines 1 to 42.

This amendment was brought on foot of submissions and our own experience of the mortgage interest supplement. I am sure every Deputy received submissions from FLAC and other housing organisations. One of the points made by FLAC is that the changes in the Bill will further restrict access to the mortgage interest supplement by reducing the duration of the payment and excluding specific mortgages from support by inserting new definitions of mortgage interest. Increased administrative powers will be delegated to the HSE. Unless a new mechanism is set up to deal with it, the present arrangement will result in the community welfare officers being overcome with work. In that situation I do not see how any further workload can be added.

As I stated on the previous amendment, the existing legislation is sufficient with regard to the qualification aspect of a person for mortgage interest relief. If the timing is to be decreased or some specific mortgages are to be excluded, we would defeat the purpose of payments from the Department of Social and Family Affairs. I am sure that is not the intention. The Minister has outlined the projected figures for November, December and January and these indicate mortgage interest relief is on the increase.

If it is the case we will now see restrictions put in place in the present application, it seems we will increase the pressure on the unfortunate person who must look for this payment. Our worst days as public representatives are probably when we see someone who cannot pay his or her mortgage or get agreement with the lending agency. These people may have gone to the Money Advice and Budgeting Service which is a great organisation that has done tremendous work in helping so many in this position, but they may not reach an agreement there either.

If we are to increase the pressure on these people by decreasing the ability of a person to make an application, we are surely creating a case that will cause major concern to the family unit. Deputy Kathleen Lynch has mentioned cases where some people are trying to buy out a portion of a mortgage from a partner or former partner where there has been a breakdown. In this instance, if both parties are suddenly unemployed and restrictions have been increased in the application for mortgage supplement, havoc will be created.

I do not see a need for this. I have seen instances where the community welfare officer insists that the original loan application be the base of negotiations but this will create difficulty in the current economic climate, unless the Government provides a measure for mortgage protection in the next year or two. Families may be now subjected to further tension and problems in the making of an application in this regard. That is why our spokesperson, Deputy Róisín Shortall, felt the whole section should be deleted, as the current position is good enough. The



mechanism is available and the process has been put through scrutiny in the last number of months because of increased numbers.

I do not see the need to make changes as the mechanism exists and community welfare officers, to my knowledge, use it to maximum effect with regard to qualification for mortgage interest relief. I ask the Minister to consider accepting the amendment and leaving the matter as it is. In fairness to the Minister, she has indicated she is willing to consider the issue going forward in order to ensure all the problems will be considered. There are many problems, including family and partnership break-ups and people trying to buy out portions of mortgages. These problems are all related to the family being under sustained pressure while trying to own its home.

The one light at the end of the tunnel is that we have seen recent decreases in interest rates, which has been a major help for some people trying to address this problem. I can see no logic in changing the framework to make it more difficult to obtain a mortgage or rent subsidy payment.

**Deputy Mary Hanafin:** I do not propose to accept the amendment. We are trying to give legislative provision for regulations and strengthen the legal basis for those regulations. The section provides for amendments to the legislative provisions and we feel they are necessary for both the rent supplement and mortgage interest supplement. Regulations already set out the maximum rent levels that apply to rent supplement, having regard to the family size, the location of the premises and the period to which the limits apply. The primary legislation is being amended to provide for the making of regulations to specify the maximum amount of rent supplement payable having regard to family circumstances and the location of the residence in respect of which the rent supplement is payable. It is a technical amendment to strengthen the legal base for the relevant regulations.

The section also contains provisions to make regulations setting out the conditions and circumstances under which the mortgage interest supplement can be paid and the duration of the payment. It shall be limited to the amount the HSE determines appropriate but the HSE must have regard to the family circumstances of the person concerned, as well as the other conditions as prescribed in the regulations governing mortgage interest supplement. This is not to disadvantage people but to give a legal basis for the regulations which have been made.

Amendment, by leave, withdrawn.

**Acting Chairman (Deputy Seán Ardagh):** Amendment No. 18 is out of order.

Amendment No. 18 not moved.

**Deputy Olwyn Enright:** I move amendment No. 19:

In page 10, between lines 42 and 43, to insert the following:

“(4) The Minister shall, within 3 months of the commencement of this Act, lay before each House of the Oireachtas, a report on the number of people in receipt of rent supplement on the waiting list for the Rental Accommodation Scheme.

(5) The Minister shall, within 3 months of the commencement of this Act, lay before each House of the Oireachtas, a report on the reform of the Rent Supplement Scheme.

(6) The Minister shall, within 3 months of the commencement of this Act, lay before each House of the Oireachtas, a report on paying Rent Supplement in advance rather than arrears.

[Deputy Olwyn Enright.]

(7) The Minister shall, within 3 months of the commencement of this Act, lay before each House of the Oireachtas, a report on requiring landlords to register with the PRTB in order to be eligible for rent supplement.”.

I have spoken to this amendment already and do not propose to delay proceedings. I know Members wish to discuss other amendments.

Amendment put and declared lost.

**Acting Chairman:** Amendments Nos. 20 and 21 are out of order.

Amendments Nos. 20 and 21 not moved.

**Deputy Olwyn Enright:** I move amendment No. 22:

In page 13, between lines 29 and 30, to insert the following:

“(2) The Minister shall, within 3 months of the commencement of this Act, lay before each House of the Oireachtas, a report on the number of eligible persons and proportion thereof availing of the Back-to-School Clothing and Footwear Allowance.”.

I have put down this amendment because of the financial difficulties being faced by families, particularly when children are returning to school. More people have been brought in under the scheme this year but according to surveys done by various organisations, it is still inadequate in meeting the needs of the child.

Research carried out by Barnardos indicates that between €375 and €405 is required to fund basic costs of sending children back to school and there is a substantial shortfall for many families. This has not been helped by the decision on the school book scheme by the Department of Education and Science, which will put much pressure on families that are already hard-pressed.

Figures published by the Society of St. Vincent de Paul in June, when it concentrated on back to school issues, and earlier this week show substantial increases in the number of people using the organisation, which is of real concern for everybody in the House. The matter must be examined and we should consider the adequacy of this scheme to see if it can meet the needs of people that it currently does not.

**Deputy Kathleen Lynch:** Were the back to school clothing and footwear scheme seriously examined, many savings could be made in its administration. I do not understand why someone must re-apply each year. People must fill in detailed forms before having them stamped by their schools. I understand the need to ensure the allowance’s claimant has a child going to school, but the administration could be well done through the school. The school need not ask whether the person requires the allowance, only whether the child is still attending. The duplication in forms has never made sense.

The amount available to be drawn down by a family has never made sense either. In the past ten years, children have become twice as big as we were when we went to school. The footwear they need cannot be covered by the money given by the Department. Not only must we take all of these factors into account, but we must also consider to whom we are giving the money, why we are giving it and, despite how obvious the scheme’s name is, to what use it is put. How can one best ensure that families qualifying for the allowance get sufficient money

to clothe their children when returning to school? I know of no family that can cover the costs of uniforms and other necessities.

Fashion changes and young people are notorious in not wanting to wear what their parents buy for them, but the number of children who do not wear jackets, for instance, when exiting their schools, particularly secondary schools, is extraordinary. Why is this the case? The Green Party would say it is due to global warming and that we no longer need clothes, but that is not the reason. Rather, jackets are too expensive and cannot be covered by the money the Department gives families.

During the 1980s, the progression evident outside the labour exchange was amazing. During the first six months of a person's unemployment, he or she was well dressed, well kept and still in the mode of looking for work. Gradually, his or her appearance started to go downhill. Three years after first being made unemployed, he or she still had the same jacket, although it was not in the same condition.

The same trends are evident in terms of school uniforms and the kinds of clothing that we need. Constantly, a friend makes the point that we do not dress for the type of weather in which we live whereas all other Europeans do. However, they have a higher standard of living than we do. Even during our boom times, our treatment of those families and school-going children that needed our support was poor.

More people will seek the back to school scheme. Regarding the notion that, come August, there will a radio campaign to advertise for applications, why will the scheme not be rolled out in June when schools will be about to finish and why will those who were on the scheme in the preceding year not be written to in an effort to determine whether their children are still in school and dependants? The duplication in the scheme is worrying.

Community welfare officers and workers in the Department of Social and Family Affairs have been referred to throughout the debate. They operate under the rules that we lay down. We must reconsider the scheme and expand it significantly. The clothing and footwear costs of putting a child through school have increased sizably because their needs have increased.

**Deputy Mary Hanafin:** The back to school clothing and footwear allowance is an important scheme. This year alone, 103,000 households and 200,000 children have benefited from it. As I have extended the thresholds, a further 18,000 families will qualify next year in addition to those who would have qualified under the current thresholds. I chose to extend the thresholds to make it more widely available rather than to increase the amount involved. Since it is the clothing and footwear allowance and not the book allowance, a fact that should be recognised, the amount of €305 is not bad and would cover uniforms and clothes. In the past 12 months and in recent years, the prices of clothing and footwear have decreased by 7% and 24%, respectively. However, there can be pressure where young people want labels, fashion and so on. It is all the more reason for school uniforms, which do not demand expensive shops. A simple top of navy, grey or so on with a crest ironed or stitched on can be just as distinguishing a factor.

Books are expensive, but Deputy Kathleen Lynch's suggestion that the clothing and footwear allowance should be paid through the school is interesting. When I was Minister for Education and Science, people did not want the book allowance to be paid through the school because they did not want to be identified in the school.

**Deputy Kathleen Lynch:** Not paid through the school. The paperwork would be done through the school to check whether someone was still attending the school.

**Deputy Mary Hanafin:** Many parents do not want schools or teachers to know their circumstances.

**Deputy Olwyn Enright:** They must still go to the school to get the form signed.

**Deputy Kathleen Lynch:** The school knows. It must stamp the form.

**Deputy Mary Hanafin:** The form only states whether someone is in school.

**Deputy Olwyn Enright:** That is what Deputy Kathleen Lynch is asking for.

**Deputy Mary Hanafin:** A promotional campaign undertaken last June while children were still in school suggested that people should purchase early. There is always a danger whereby people who get money and, instead of spending it on a uniform, use it for a holiday during the summer months may find themselves being stuck in August or September. The scheme is available from June to the end of September, but we promoted it in June and August. I will examine the take-up levels in those months. Many people only start to focus closer to the time.

I anticipate that many more people will apply for the scheme next year, when our spending on it will have increased to €39 million. The 18 year olds in respect of whom child benefit payments will no longer be made will instead receive €520 in compensation if they are in education. This will push costs up, but I welcome the fact that more people will be able to benefit from the scheme during a particularly difficult time for families next year.

**Deputy Olwyn Enright:** I do not know whether many of the people who have approached me concerning sending their children back to school have been on holidays. It is unfair to claim that people will spend the money on holidays or so on. They receive the allowance because their incomes are low and they could not otherwise afford sending their children back to school. Their incomes are so low that, for many, holidays are something about which they have heard but of which they have not had the pleasure of experiencing. People will not collect the allowance to go on holidays. The Minister's unfair comment immediately creates the notion that people on such allowances are scamming the system or do not need them, but they need them to send their children back to school.

Much of what I will say will relate to child poverty levels, which I will also discuss during the debate on the next amendment. As is evident from Deputy Kathleen Lynch's examples, the provisions in the Bill will not help people sufficiently. The Minister must consider the scheme's operation. If savings can be made through operating it more efficiently, people can avail of it, which we would all like to be the case.

**Deputy Mary Hanafin:** There are some social welfare payments in respect of which it would be possible to pay the allowance automatically. However, there are other circumstances where people might be in employment or on contributory payments where we would be obliged to consider the household income, etc. We must be in a position to know a family's situation on the occasion of its making an application. It is not quite as easy as it appears.

I accept that this is an extremely valuable payment for people who are obliged to pay for clothing and footwear. For example, if one has two children, the payment is €610. This sum is perhaps larger than any other which a person may previously have held in his or her hands. It is important that we focus on what is required. However, we will certainly promote the scheme from an earlier date next year in order to discover what will be the take-up in respect of it. As already stated, we anticipate that demand will increase over the next 12 months.

Amendment put and declared lost.

Amendments Nos. 23 and 24 not moved.

**Deputy Olwyn Enright:** I move amendment No. 25:

In page 19, between lines 24 and 25, to insert the following:

“(3) The Minister shall, within 3 months of the commencement of this Act, lay before each House of the Oireachtas, a report on the introduction of a second-tier, employment neutral, child income support payment to target child poverty levels.”.

I tabled this amendment on Committee Stage and I am reintroducing it now because I am concerned about the lack of progress regarding the supplements paid to families, particularly in respect of children. The programme for Government contains a commitment to amalgamate the qualified child allowance and family income supplement in order to develop a second tier of income supports targeted at the poorest families. There has not been any progress in respect of this commitment.

NESC compiled a very good report on this issue and discovered that the outcomes for children, in terms of efforts to tackle child poverty, were unsatisfactory and that child benefit is extremely inefficient in the context of tackling poverty. NESC recommended the establishment of a new second tier support for families on low incomes.

The Minister placed on record some figures in respect of the EU-SILC report, which was published yesterday. The CSO also published a report yesterday which contains some interesting statistics and which indicates that 20% of children living in Ireland last year were living in poverty. It also states that the children most at risk are those who are underprivileged and that almost 40% of the total number of people living in consistent poverty are children.

There is a real need for the payment to which I refer because it will be targeted at those who need it most. I intend to press the amendment because I want progress to be made in respect of this matter. It is important that a report be laid before the Houses and that we obtain clarification on where the Government stands and in respect of its views on progress being made. Unless amendments of this sort are taken seriously, matters will be placed on the long finger. I do not want to have to table this amendment again next year in respect of the relevant legislation because progress has not been made.

The lives of children who live in poverty are substantially different from those of their peers. There are children attending school today who have not eaten a hot meal, who have no heat in their home or who do not own a coat. One of the criteria used to judge whether a child is living in poverty is whether he or she only possesses one pair of shoes. Many of us may find it difficult to imagine trying to live in such conditions. However, almost 20% of children in this country are obliged to live in consistent poverty. Targeting the payment represents the only way that real improvements will be made. The changes in the qualified child allowance and family income supplement were not sufficient in the context of improving the lives of the children to whom I refer.

**Deputy Arthur Morgan:** I strongly support the amendment. Children are among those who are most at risk in society. The relevant agencies have indicated that the level of child poverty in this State is significant. The evidence in this regard cannot be disputed. I accept that it is not easy to deal with this matter because of the complexities and difficulties involved. However, a resolution must be found and Deputy Enright's amendment offers some guidance to the Minister in that regard. I hope she will give serious consideration to accepting it.

**Deputy Kathleen Lynch:** I support the amendment. We all pay lip-service to children and families. However, regardless of the family or other circumstances in which they live, children



[Deputy Kathleen Lynch.]

expect to have a certain lifestyle. Peer pressure is an extremely important factor in children's lives. When we refer to such pressure, it usually brings to mind teenagers. However, peer pressure starts at a very young age. When they are first affected by it, some children probably do not know that the term "peer pressure" means or what it implies. As everyone is aware, Christmas is almost upon us. Let us consider the case of two four year olds in a crèche or preschool facility, one of whom has asked for a particular doll — and her buggy and various accessories — that has been advertised on television. What will be the position if she receives this present, while her counterpart, who also wants it, does not and receives a lesser present instead? There is nothing to indicate that children are not affected when they do not receive that for which they have been hoping.

I thought I might be sued if I made my next comment, but that cannot happen because I am speaking under Dáil privilege. Perhaps it was because it reminded me of my childhood, but I did not like *Angela's Ashes*. However, one aspect of the book struck me as profound, namely, the fact that children feel humiliation. It is not just adults or teenagers who are affected in this regard. When their parents are not financially secure enough to provide them with a comfortable home and the same supports to which certain of their peers have access, children feel humiliated, not just on their own behalf but also on behalf of their parents. That feeling of humiliation never leaves them. We should strive to eliminate feelings of inadequacy among particular children with regard to the financial position of their families. Certain youngsters feel that they are somehow lesser beings because Santa Claus did not give to them the toys other children received.

Child poverty is very obvious when one looks closely enough. A child living in poverty is one who does not have a coat, who attends the funeral of a grandparent but who is not dressed in a suit and tie, who cannot go on a school trip or who does not receive a bicycle when everyone else living on the road gets one. As adults, we have all passed the stage of feeling peer pressure and we now know what is truly important, namely, the support, encouragement and love one obtains from one's family. When we were children, however, we were of the view that material possessions, etc., were all important. We want to get rid of child poverty in order that every youngster can feel free to harbour the same ambitions as their peers.

It is not as if we came to a realisation about this matter following a sudden flash of blinding light. Those who carried out research into child poverty and indicated the remedies that might be used in respect of it were obliged to highlight the problem for us. We should strive to get rid of child poverty and, in that context, I wholeheartedly support the amendment.

**Deputy Jack Wall:** I support the amendment, particularly as it relates to protecting the health and welfare of children. Many families are finding it difficult to meet the cost of sports gear, namely, hurleys, football boots, hockey sticks, rugby balls and kits. Associations such as the FAI, GAA and IRFU are doing their best. A gap is being created between the children whose families can afford the cost of kits and those whose families cannot afford them, thus leading to a degree of resentment on the part of children. Also, a problem arises in regard to what the children who do not have the gear are to do. Many children who get involved in anti-social behaviour and all the problems generated in that regard do so because they have nothing else to do.

I have argued long and hard for local authorities, when dealing with planning applications, to ensure play facilities are provided in all housing estates, irrespective of the cost of homes therein. The quality of local authority housing is excellent as is evident from those I have seen in Kildare. They are of first-class quality. In the private sector, in particular, provision is not made for small play areas — these would not take from the overall estate — where children



can play among their peers. This would help us to overcome some of the problems generated by anti-social behaviour.

The local club with which I am associated provides facilities for 30 to 40 children, who may also play on the local pitch. However, much more can be done. I believe that the cost factor is what prohibits many families providing the impetus for their children to get involved in social activities. Often, children do not get involved in school sports for the same reasons. Despite the availability of the back to school allowance, the cost to families of sending their children to school is great. Children should be given an opportunity to get involved in every aspect of social recreation. It is sad that some children are unable to do so because their families cannot afford kits and so on. This should not be the case.

I support the amendment from the perspective of providing an alternative to anti-social behaviour and of drug barons pulling children into their webs. One can read every day of the week in the newspapers about children as young as ten or 11 years being used as mules for drug barons. This is reflective of the experience of many of these children who were unable to get involved in the bigger picture of social and community life in their areas. I support the amendment.

**Deputy Mary Hanafin:** No one could argue with the points being made in regard to children poverty. However, the progression of a second tier of income support is a complex issue. The National Economic and Social Council, NESC, and Dr. John Sweeney was unable to come up with a solution when it discussed the issue. What will support our thinking in this regard is the research being conducted in regard to family income supplement, FIS, in terms of low take-up and so on. As I indicated earlier, I intend to publish that research when I get it. This research will inform all of our debate on that matter.

Child poverty is an issue of concern to all of us. It has and is an issue of particular concern to Government. I accept the figures released yesterday show that children continue to be the age group most at risk of poverty. That is not to suggest 20% of children are living in poverty, rather, 20% are at risk of poverty. The consistent child poverty rate fell last year. Obviously, as more people will lose their jobs this year, more children will become dependent on social welfare and that figure will change again next year.

Deputy Lynch spoke about “Angela’s Ashes”. It was probably the rain rather than the family situation that she did not like. One of the most exciting and interesting initiatives of my career was the development of the National Children’s Strategy which gave children a voice for the first time. What was significant was how the children were able to look beyond the immediate, toys and so on, and to speak about their families in terms of their families being the most important people in their lives. They were able to articulate their feelings and so on. While there is a sensitivity there, I do not believe it is a sensitivity in terms of what is the biggest toy Santa can bring. Adults impose those values on children.

As an aside, I recently took my two nephews and niece to the new three-story toy store in Ireland. While they were accompanied by their generous aunt, the two boys, despite the availability of every toy a child could want, chose a fire brigade and some lego, which are simple toys.

**Deputy Arthur Morgan:** The Minister got off lightly.

**Deputy Mary Hanafin:** Yes. I think they were boggled by the amount of toys in the store. We all know that Santa is a generous man, but he too is finding it difficult to come up all the presents children want this year. We are trying to address the issue of child poverty in so many ways, including through child benefit, family income supplement and other payments such as

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the back to school allowance, which we have just discussed, and through encouraging people back into employment and targeting the particularly vulnerable groups such as lone parents. I cannot say we will within any short timeframe come up with proposals in regard to the second tier. There is no consensus on the issue.

I would genuinely be interested in hearing from Members on this issue. Of all the groups at risk of poverty — there have been significant declines in respect of poverty rates for the elderly — children remain the most vulnerable because there is so little they can do for themselves. Children are dependant on everybody else. I would genuinely like to hear from Members their views on the second tier issue. While it is included in the programme for Government, the lack of consensus makes it difficult to address. I cannot accept the amendment.

**Deputy Olwyn Enright:** The second tier is included in the programme for Government but the lack of consensus makes it difficult. The Government was aware of the lack of consensus on this when it was included in the programme for Government, which makes one wonder what exactly goes on at the negotiations in regard to what is to be included in that programme. The programme for Government is like a book of fiction if this is what can be said after the event. The programme for Government contains commitments in terms of what is to be delivered in five years. I accept the first line states “in economic circumstances” but the Minister did not make that argument when responding to the amendment.

I appreciate the Minister’s remarks in respect of the children’s strategy and the report of the Ombudsman for Children last year, which dealt mostly with teenagers who also stated that their families are the most important people in their lives. That is good as it shows that overall children are happy. However, children not only know the circumstances in which they are living but are aware of the circumstances in which their peers are living, which is where the difficulty arises. The Minister, as former Minister for Education and Science, and everybody else, will accept that one can tell immediately when one enters a classroom what children are living in poverty, even if one knows nothing about their backgrounds, by the condition of their clothes, hair and skin, which is sad.

I will not press the amendment. However, if substantial progress has not been made on this following publication of the report on FIS, I will return to this issue. While there are many payments available in this area, the reality is that children remain the most vulnerable group and that these payments are not removing enough of them from that group at a rate we would like. It is important we introduce measures that target children who are most in need. Currently, this is not being done effectively.

Amendment, by leave, withdrawn.

**Acting Chairman (Deputy Johnny Brady):** Amendment No. 26 has been ruled out of order.

Amendment No. 26 not moved.

**Deputy Olwyn Enright:** I move amendment No. 27:

In page 20, between lines 8 and 9, to insert the following:

“(3) The Minister shall, within 3 months of the commencement of this Act, lay before each House of the Oireachtas, a report on eligibility criteria for the Early Childcare Supplement.

This amendment relates to the early child care supplement. The period for which it is given was reduced by six months in the budget and the reason given was that children aged five and

a half are at school. As far as I am aware the age limit at which children start school has not changed since the early child care supplement was introduced. Therefore, that is an unusual argument to make.

In regard to the package of cutbacks introduced in this legislation and in other areas, while we can look to outside economic forces, to some degree, as contributing the current position, the forces at work within Government during the past 11 years have also contributed. Responsibility must be taken for a failure to achieve as much as we could have when money was available and for the waste of money expended across all Departments during that period. Furthermore, the way decisions were made and announced to gain the maximum political goodwill, particularly in the run up to an election, has led to some of the problems we have.

The early child care supplement was introduced without any adequate research being undertaken in this area. On six separate occasions during the previous Dáil Fine Gael asked the then Taoiseach and the then Ministers for Finance, Health and Children and Social and Family Affairs, the cost of this supplement and on each occasion a different answer was given. No homework was done before this supplement was introduced. It is as if it almost came out of the blue to the Government that because the supplement was linked to child benefit, it would have to be paid to parents whose children were living abroad. This provision was introduced to assist people in meeting the cost of child care in Ireland. That difficulty for families was the expensive cost of child care provision in Ireland. As a result of its introduction, Irish parents who still have to pay for expensive child care provision are the ones who are being penalised because not enough homework was done on the reaching of a decision on this matter in the first place.

**Deputy Kathleen Lynch:** The arguments in this respect are fairly straightforward. Which one of us as a politician looking for votes would argue against mothers being given extra money in whatever way? That was probably the reason this measure was introduced in the first instance. In the run up to the election, following which the early child care supplement was introduced, child care provision was the issue of concern to people we heard on the doorsteps. The Government introduced the early child care supplement.

A group met in Buswells today — they have gone now since 1.30 p.m. — regarding the national child care standards in Ireland. That group along with every other pre-school scheme in the country are lobbying on behalf of the these groups. Most of them who are supposed to be self-sufficient at this stage simply cannot charge mothers — usually they are mothers on low income or mothers who are just finding their way in getting back to employment — the fees necessary to ensure that the schemes continue.

We are now facing the first downturn in the economy in many years. It is a serious one and nobody should dismiss it lightly. We are looking down the barrel of a gun and we do not know the half of it yet. No one in here is diminishing the scale of the crisis that is about to hit us and that has already hit some people. If the money allocated for this child care measure had been directed in a different fashion, our circumstances in terms of child care provision would now be different. The introduction of this measure was a political ploy deliberately designed to garner votes and, cleverly, it achieved that, but it did not give us the type of infrastructure we need in terms of child care provision.

We can all be a little bit cynical and practical at this stage and say that with the downturn in the economy and the amount of women and men coming out of employment there will not be as great a need for child care outside the home. The difficulty with that philosophy is that we all know that children need the interaction of other children and, in most cases, the type of help and preparation provided outside the home to get them ready for school and to enable them attain their full potential within the education system. A cutback is proposed in the

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moneys that were to be distributed to parents of young children. If we had a proper debate on this matter in the first instance, we would have quickly realised that this measure would not achieve what it was intended to achieve, namely, to increase the number of child care places or to help parents provide the type of child care they wanted for their children.

We are really arguing about pulling out the plug when we should have been talking, in the first instance, about turning off the tap. I support the amendment, but we should have had a clearer and fuller debate about this matter before this supplement was introduced.

**Deputy Arthur Morgan:** I support the amendment. Child care is one of the areas of Government failure. I do not merely throw that comment across the floor to score a political point. The critical issue for families is for them to secure a reduction in their child care costs, as this cost is equivalent to a second mortgage. The difficulty is to find a way to achieve a reduction in this cost. There are a number of options available to the Government. It should perhaps have invested in facilities and made those available to people to run child care facilities. There were many more imaginative approaches that could have been taken outside, apart even from CE schemes, that would have helped facilitate the reduction of child care costs and the provision to parents of far greater access to child care.

There is more to the issue than just child care. I agree with the comment of the previous speaker, Deputy Lynch, on exposing a child to interaction with his or her peers, which is important, but the lack of child care facilities is preventing enterprise, blocking talent in the home and hindering people who could otherwise become entrepreneurs and provide significant job opportunities to society. It is unfortunate that those people are being hindered in that way.

Society has changed as a result of the dispersal of people from Dublin and other cities throughout the State to areas such as my own in County Louth or the adjoining counties of Meath and so on. The extended family support, with which we are all familiar, is no longer available to people to allow them utilise that traditional source of child care, which very often was the parents or the grandparents of the householders. That is a major difficulty for people trying to deal with this important matter.

I do not heap responsibility for that on the Minister's shoulders. That is not my intention. It is a Government failure that the critical area of not only our society's development but our economic development was blind-sided and major opportunities were missed. I look forward to the day when a Government, sooner rather than later, will recognise the importance of the issue and deal with it comprehensively because a comprehensive impact is required to lessen the burden I have described. I support the amendment.

**Deputy Mary Hanafin:** The early child care supplement was introduced to support people paying for child care but at the same time the Government had to recognise those people who were looking after their children in their own home, which is the reason the payment was made available to everybody and not, as stated in the Fine Gael proposal, for child care expenses. That would only be for people most likely working outside the home. Because it is a family payment under EU rules, it must be paid to people whose children are living abroad.

We can sometimes lose perspective on this issue. It is only 1% of the total budget that is paid to children living abroad. Those rules worked in our favour a number of years ago when Irish men worked in the United Kingdom. Their families were living here but child benefit in the UK was much better than it was here and Irish families benefited. Now the shoe is on the other foot and the money is going the other way. That is an aside.

In the context of having to make savings in all Departments, the Office of the Minister for Children determined this was an area where one could make savings but still meet the criteria

originally behind it, because it was designed to support people in those years before a child was in full-time school. The age of six was chosen because that is the compulsory school age but the vast majority of children are in school by the time they are five and a half. Throughout the country most children are in school by the time they are four or four and a half, so it is still meeting that need for those children. The amount is €1,100 per year. Families will continue to get €6,000 for that period up to the time when a child reaches the age of five and a half.

The other change that was introduced related to not paying the money on a quarterly basis. We discussed the matter last night. That is utterly reasonable. One gets the payment from the time the child is born until he or she is five and a half and not for the couple of months before and after. I accept that should not have been put into the scheme in the first place, but it was done in an effort to recognise the pressures on families and to be as generous as possible in that regard. It was an additional family payment to support all parents in trying to rear their children, especially in those expensive years when child care is involved. At least by making the savings in the way we have done, by cutting the age back to five and a half, we recognise that children are in primary school full time by the age of five and a half.

**Deputy Olwyn Enright:** The problem was child care and the solution did not deal with that for many people. The vouched system to which the Minister referred would at least have been for the cost of child care. People within the home who are caring for their children would still have been able to avail of it and would like to have been able to avail of it, so the vouched system would have worked for everyone. Most people would still like the opportunity, be it only to go out to meet other people and to socialise or to attend a part-time course or whatever else. People would have liked to have been able to avail of that and it would have got over the need to have the money paying for child care in other countries where the costs are negligible compared to what we are paying in Ireland.

The measure was introduced in a rushed fashion even though there were alternatives. The Minister's argument about the age of five and a half is contradictory because she admitted that most children have started school by the age of four and a half so if she really believed in her argument she would probably have changed it to four and a half. The vast majority of children have started school by four and a half and they have certainly started by five. However, I do not ask the Minister to cut it back further.

Mistakes were made when the measure was introduced and that is why the Minister has to make cuts at this point. It may be only 1%, as the Minister indicated, but I am not sure that is the exact figure. An amount of €8 million is meeting the cost of child care abroad. The Minister supplied figures yesterday for fraudulent claims of child benefit and this issue is linked because there are fraudulent claims in regard to this payment also and that is costing the taxpayer on the double. That issue needs to be addressed.

**Deputy Mary Hanafin:** The Deputy is correct in so far as fraud control and abuse is concerned. Where we find that people are defrauding the State by claiming for child benefit and there is a knock-on effect, obviously both payments are stopped and efforts are made to try to recoup the money. We will continue to do that.

Amendment put and declared lost.

**Deputy Jack Wall:** I move amendment No. 28:

In page 20, between lines 24 and 25, to insert the following:



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23.—Where a recipient of fuel allowance expresses a preference for the payment of the sums due to him or her by way of two lump sums, it shall be lawful for the Minister to make such payment by way of two lump sums.

The thinking behind the amendment is based on the fact that most local authorities have installed oil-fired central heating in many homes and the cost of fuel. A senior citizen will have a huge bill once or twice a year. If the amendment is accepted it would mean they would be able to meet the cost of a fill of oil or to fill the shed with turf or other fuel such as timber. Currently, the fuel allowance is part and parcel of the main social welfare payment. It is more and more difficult for senior citizens to meet the cost of filling an oil tank, for example. The cost of a tank of oil is in excess of €500. That is a huge amount of money for a senior citizen to come up with twice or even three times a year depending on the size of the house. If lump sum payments could be made at specific times a person could arrange to fill their oil tank or whatever fuel source they wished.

The amendment is simple and would benefit senior citizens. The fuel allowance has always been considered of importance to older people to ensure they can afford to have sufficient heat in their homes during the winter months. Up to now people generally had back burners and one could buy a bag of coal or sticks every week when a person came to the house selling fuel and the money was available to pay for that. Because local authorities have installed oil-fired central heating the situation has changed and a person is required to have a lump sum to pay for a fill of oil. It is very difficult to have a large amount of money available, irrespective of how prudent a person is with his or her social welfare payments. In some instances people seek help from community welfare officers but it is unlikely that they would get a positive reply given that they are in receipt of a fuel allowance.

This is a simple change that will not put any extra cost on the Exchequer but it would be of great benefit to senior citizens whose lives have changed for the better through the welcome provision of central heating in local authority houses. In general, a lump sum payment would be of benefit even for senior citizens who do not have central heating systems. The senior citizens to whom I have spoken are delighted with the changeover to central heating but they have a problem meeting the cost of a fill of oil. They would welcome a lump sum payment twice a year, as that would allow them to get a fill of oil and they would not have any problem heating their homes for the rest of the year.

By accepting the amendment the Minister would make the lives of those in receipt of the payment easier and that would be to the benefit of everyone.

**Deputy Olwyn Enright:** I support the amendment. I will be brief because Deputy Wall has outlined what needs to be said. We were told at a recent committee meeting that a survey was carried out by the Department and a majority of recipients wanted the fuel allowance to continue to be paid on a weekly basis. Deputy Shortall was mindful of that, which is why she used the phrase, “Where a recipient of fuel allowance expresses a preference”. There is a substantial and growing minority who would prefer to have the fuel allowance paid in two lump sums. Age Action Ireland conducted research that is more recent than the Department’s that showed there is a substantial minority who would prefer two lump sum payments because of the type of heating system they have. This is an administrative issue. It will not cost any more money and it would make life easier for many people. A substantial number of people are not getting enough money in social welfare payments per week to allow them to put money aside to get a fill of oil. It puts them at an enormous disadvantage and that is why many are not purchasing it. If one enters their houses, one will discover a two-bar electric radiator plugged in to heat



the home. This is not a solution, particularly for the elderly. This amendment is extremely important and I hope the Minister will accept it. I have not had much luck in that respect thus far.

**Deputy Arthur Morgan:** The fuel allowance scheme is constructive and excellent, which I appreciate. The additional allowance made available this year, while not enough, is welcome. However, time has moved on. To be fair to local authorities, they are installing central heating systems in an increasing number of homes. They are working their way through their stock at a more reasonable rate than that of recent years and I acknowledge their progress in this regard.

The amendment, which I welcome and support strongly, offers a very practical solution. We filled our almost-empty tank at home the week before last and it cost €580. If anyone believes this was a rip-off, he or she should let me know. People in receipt of fuel allowance are unlikely to be able to raise such a sum without going to a moneylender or another lender. Other speakers made the point that there is no evidence the amendment will cost the Exchequer an extra cent and I agree with them. If there is a difficulty with the two-payment system, the Minister should let us know. It seems straightforward to me.

A growing number of people are using oil-fired central heating because of growing refuse charges. The cost of disposing ash from coal and timber fires is significant and increasing. I warmly support the amendment and hope the Minister will accept it.

**Deputy Mary Hanafin:** It is not just pensioners who benefit from the scheme; approximately 300,000 people benefit from the allowance, at a cost of €170 million. One should also consider those who benefit from the household benefits, which allow them to obtain electricity or gas units. The total value of the fuel allowance and the household packages amounts to between €1,200 and €1,300 per annum, depending on whether the recipient lives in a smokeless fuel area. The allowance represents a significant help towards meeting the cost of fuel.

One difficulty that arises is that one could only make the two payments to somebody in receipt of a long-term social welfare payment.

**Deputy Olwyn Enright:** It would be a good start.

**Deputy Mary Hanafin:** We must consider the matter in respect of pensions. In this regard, it is some time since the research was done, which I accept. Central heating systems have been installed in many local authority houses in particular. Many of the systems use gas, which, unlike oil, is paid for on a monthly basis.

**Deputy Olwyn Enright:** Many parts of the country have no gas.

**Deputy Mary Hanafin:** I realise that.

Despite all the difficulties associated with budgeting this year, I was glad to be able to extend the fuel allowance period by two weeks to 32 weeks. People certainly welcomed this move. The increase of €2 brings the total to €23.90 in a smokeless fuel area and this is a significant contribution.

I did not have time to consider the proposal in respect of this Bill but I will consult the groups representing the elderly with a view to determining whether they recommend strongly its introduction in next year's Bill. I will determine whether it can be done in a practical way.

**Deputy Jack Wall:** If the amendment were accepted, the purchaser would be able to seek the best bargain from the oil suppliers. This would be a wonderful option and would allow the buyer to obtain fuel at the right price. If the Minister is willing to consider the proposal in next

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year's social welfare Bill, I will not press the amendment. If not, or if she is saying she will consider it just for the sake of it, I will need to press it.

**Deputy Mary Hanafin:** I will certainly consult the groups that have represented the elderly over the years. The issue will arise as to whether certain individuals should be given a lump sum of €300 or €400 in September, and another after Christmas. It would be up to the groups to advise on whether this is best for some particularly vulnerable individuals. We must weight up the pros and cons.

One matter that would have to be considered is administration. At present, the system is very easy to administer because one just attaches the payment to the book. We would not want an undue administrative cost associated with a scheme from which only a small number would benefit. That is why I need time to consider the matter properly over the coming months.

Amendment, by leave, withdrawn.

**Deputy Jack Wall:** I move amendment No. 29:

In page 20, between lines 24 and 25, to insert the following:

“23.—The Minister shall as soon as may be after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the need to increase the Living Alone Allowance.

This is a very important amendment from the Labour Party's perspective because the most vulnerable are those who are living alone. Unfortunately I was not present yesterday when the clawback of the rent subsidy was discussed. Those living alone, especially senior citizens, will really suffer because of it. They may go to the post office on 1 January 2009 and  
3 o'clock receive a new book stating they have received an increase of €6.95 but, on the same day, they will receive a document from the HSE stating their rent has increased by €5. I cannot believe the Minister did this. It is unbelievable and the most horrendous act of any in this area. We have discussed landlords, etc., at length and know from visiting the individuals in question that they are the poorest of the poor, yet the clawback was made. There was no logic to it and it was mean and unacceptable. The clawback, in so far as it will affect individuals living alone and senior citizens, will come back to haunt us.

I heard the Minister state rent did not increase in four years. So what? If it has not increased, the Minister should put in place a mechanism whereby the most desirable scheme will be realised over the coming four years. The taking of €5 from individuals in one fell swoop was the worst of all the 32 cuts. It represents a false dawn for those affected. When they get the book into their hands, they will expect to receive the money indicated therein. On the following day, they will see that €5 of the rent subsidy has been clawed back. There is an urgent need to consider the position of those living alone. There is no doubt but that they are the most vulnerable, regardless of age or circumstances. Some of them are in horrendous circumstances due to rogue landlords, who, in many instances, have them in fear of seeking alternative accommodation. The landlords say they will not return the tenants' deposits and that they will take cases on foot of the tenants doing this, that and the other.

This amendment is the most important of all. I ask the Minister to consider, when reviewing the budget, the introduction of some mechanism to address the clawback, although it may not be possible by accepting my amendment. It was a horrendous act to do that to senior citizens, giving them the idea they would get €7 when, in real terms, they will get €2. I ask the Minister to look at this. These are the most vulnerable people in society. They visit me in my clinics, or

I visit them and see the conditions in which they live. There is a need to increase the living alone allowance and this issue is tied in with the previous amendment on the fuel allowance. Both are important to the people concerned. It is vitally important that they have a satisfactory living, one that is acceptable to all of us. None of us wishes to see people come under pressure or to see a situation where the people who are in receipt of these payments now find it difficult to survive.

This amendment offers a way to overcome that. I ask the Minister to consider it, and to look at the clawback in respect of the increase in the rent subsidy. It is wrong to do this. Local government rules contain a clause whereby nobody in local authority housing is allowed suffer that situation. I am not sure about the details, but a circular letter was sent by the Minister for the Environment, Heritage and Local Government to local authorities in 2004, in which he gave a directive that they could not take any more than 15% of any social welfare rise for rents. This was especially the case for senior citizens.

I cannot understand how the Minister agreed to take 60% or 70% from senior citizen in this instance. This is not acceptable given the cost of living and all the rises in electricity, gas, fuel and transport. Everything has gone up and yet the Minister hammered those people. She hammered the senior citizens and those who are least well off in society by clawing back this payment from them. In a throwaway remark that I happened to hear one night, the Minister said the payment had not risen in four years. It is nobody's fault other than the Government's that it had not risen during that time. If it had risen year by year, the Minister would have conformed to the local authority directive that only 15% of the rise should be taken back.

I ask the Minister to consider the living alone allowance. I ask her to reflect on the clawback in the rent subsidy increase and make it possible for the person living alone, man or woman, in whatever circumstances, to have his or her standard of living improve to a level acceptable to us all.

**Deputy Olwyn Enright:** When a person finds himself or herself in a position to be eligible for the living alone allowance, the reality is that the only expense in the house that lessens is that of clothes and perhaps, in a small way, of food. Every other household bill remains the same as if two people were in the house. This has been brought home to me time and again by people who find themselves in this position. Their income has reduced because now only one payment comes in and they find it impossible. The cost of everything, oil, insurance, car, etc., must be met by a single person. It is very difficult and we must examine the situation.

I thought the Minister was considering this issue prior to the budget but that does not appear to be the case. I support the amendment because I believe this difficulty must be addressed. It has not been addressed in many years.

**Deputy Kathleen Lynch:** I concur with what the previous two speakers said. One can sit down and do the simple mathematics here, taking the case of a couple, both on old age pensions. One can see that, in comparison to somebody on a pension living alone, their circumstances are astronomically better. Nobody suggests for one minute that where there is a couple living together on a pension they should suffer in any way. If there is one group, apart from children, in danger of living in consistent poverty, it is people who rely on State benefit and live alone. As Deputy Enright rightly said, the cost of heating one's accommodation is the same, repairs and maintenance are the same and the cost of food is the same. There are all the expenses of a household but on a very limited income. The living alone allowance is the way to deal with this. That way, no other group is detrimentally affected.

We must take a serious look at this. It is not right to allow this group of people to suffer. They have been there all along and it is ten years since this allowance was increased. It is very

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worrying that the Minister has allowed this situation to happen. The allowance is the mechanism to treat it. I urge the Minister to take a serious look at this and to accept the amendment.

**Deputy Mary Hanafin:** It has been policy for a number of years in my Department not to increase the living alone allowance but to put all the increases into primary payments so that all pensioners benefit. I fully accept that a person who suddenly finds himself or herself in the position of living alone has all the expenses as were outlined. The house does not become any smaller and must be heated etc. The policy has been to try to increase all the payments.

Deputy Enright is correct that I was sympathetic to this issue prior to the budget. I made the unusual statement last week on Committee Stage that if I had received more money, or less money, in the budget package I might have been able to do something about this. If I had received less money, I would have targeted fuel and living alone allowances. If I had more money, I might have been able to provide the increase we gave, the €7 in the pension, plus the living alone allowance. It fell the way it did.

Despite the fact that this has been policy over the past number of years, I have a certain sympathy for people who find themselves living alone, particularly those on a very limited income. It just was not possible to deal with the matter this year and there will be many hurdles to get over in the future in this regard.

Poverty statistics show clearly that people living alone are much more at risk, whether they are of working age, lone parents or pensioners. Arguments could be made in favour of this allowance. However, given the amount in the budget this year, and in order to try to give everybody increases of 3.5%, it was not possible to put the money into the living alone allowance. The 3.5% increase will now be substantially ahead of inflation next year, given the way inflation figures are going.

With regard to Deputy Wall's point about the rent supplement, it is true the rent supplement has not been increased. The personal contribution has not been increased in four years but in that time social welfare payments increased by €70. It was always the intention that the rent supplement would be about 10% of the basic social welfare payment and it is important to try to catch up with it.

If the people in question were to go into a council house, apartment or flat in the morning, they would end up on the lowest line of the differential rate, at €26 or more, in Dublin or Limerick, for instance and would have to take an immediate hike. With the pressure we are putting on councils to house people it would be an even bigger burden for them to have a very big increase. The aim is to try to bring the basic minimum contribution that a person on rent supplement pays in line with the differential.

I accept the point that smaller steps might have been easier over the past few years but, for different reasons, and because money was more flúirseach——

**Deputy Jack Wall:** It was not coming.

**Deputy Mary Hanafin:** ——it was not done at that stage. It is still reasonable to expect that people should pay that minimum amount of money towards the very substantial supplement they receive.

**Deputy Jack Wall:** I accept that and that there is a differential between a person in a local authority, and one on rent subsidy but I cannot accept that the clawback should be such a high percentage of the increase in social welfare payment. I have no problem that the Minister should try to bring this in line, raising it over a period of time. I accept that should be the way.

However, the fact that 60% or 70% is being taken back in one fell swoop, because people expect they will get €7 of an increase, is a big problem. I guarantee that the people who are expecting that do not anticipate a second whammy, namely, that they will have to pay €5 extra when the cheque arrives from the community welfare officer.

Amendment put and declared lost.

**Acting Chairman:** Amendments Nos. 30 to 32, inclusive, are related, and may be discussed together by agreement.

**Deputy Jack Wall:** I move amendment No. 30:

In page 20, between lines 24 and 25, to insert the following:

“23.—The Minister shall as soon as may be after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the implications of relaxing the qualifying criteria for Back to Education Allowance so that unemployed persons can claim it within three months of the start of their claim.

This relates to the ever-increasing numbers on the live register. The late Deputy Séamus Brennan, God rest him, as former Minister for Social and Family Affairs, accepted that the period of time at that stage, 15 months — which had come about as one of the savage cuts implemented by the present Tánaiste, Deputy Mary Coughlan — was too long and he brought it back to 12 months. At that time Deputy Willie Penrose was calling for it to be nine months but the then Minister, former Deputy Brennan, was not in a position to do that because of the budgetary constraints. However, times have changed dramatically, and I believe this is an opportunity for the Minister to look at this. Twelve months is too long a period to be on social welfare payments before a person may go back to education. The first time a person may contemplate going back to education is when or she is laid off from work, and has to make a decision. If he or she decides on going back to education, naturally, he or she wants to start as soon as possible.

However, the 12 month period is far too long. We believe it should only be three months. There is a decrease in the numbers entering third level and the universities still have places to fill. Given the world situation, there may be a decrease in the numbers of foreign students coming here, and given all the statements from the university presidents as regards funding costs etc., places are available in all faculties.

A good friend finally got into the system after the frustrations of having to wait for more than a year. He is now pursuing a master's degree course having successfully taken his primary degree. However, he had to suffer the frustration of waiting for a year before he could start, which is far too long. We now have an opportunity to act, bearing in mind the plight of so many who have lost their employment, and who must now make a decision as regards further education. It must be remembered that many of those now unemployed include people who dropped out of university and even second level, to avail of the opportunity to earn high wages when the construction industry was at its height. We now have the opposite situation, and many of those would be willing, capable and able to move onto third level, if given the opportunity. However, a 12-month wait is far too long, and now is an ideal time to reactivate educational opportunities for these people, and for that reason the Minister should accept this amendment.

**Deputy Olwyn Enright:** This issue has been debated back and forth, at Question Time and during earlier Stages of this Bill. The Minister acknowledges that the allowance is important,



[Deputy Olwyn Enright.]

and yet there have been no changes in this year's budget that might make it easier for people to qualify. I am particularly concerned about two categories in this regard. First, in order to enter third level education, people have to be unemployed and must be on the live register for a year. The second category refers to people on the minimum wage. Both categories are important, but having failed to persuade the Minister with regard to the first, I suspect it will be virtually impossible to persuade her of the value of the second. I cannot ignore the fact that people with ability in low paid jobs should be given the opportunity to avail of this as well, but today I shall concentrate on the plight of the unemployed in this regard.

This is extremely important, not only in terms of giving people a second chance but also providing many with their first opportunity of entering third level education. When we have discussed this on a number of occasions recently, the Minister has always replied to the effect that people who are made redundant can get it, as can those in a national education action plan, NEAP, area. However, of the 9,796 participating in 2008, those who got statutory redundancy amounted to 113 and those in NEAP areas came to 75. Those figures were not used in all the time we have been discussing this issue. It means in effect that the number qualifying for the back to education allowance under statutory redundancy and NEAP guidelines is less than 200. It makes a nonsense of the replies we have received to date. They were factually correct, but the reality is that significantly more people are not getting the back to education allowance.

I do not know about other Members, but I receive more queries regarding third level than second level because of the fact that the waiting period is a year. The Minister has said on "Prime Time", in the House and so on that the numbers participating are increasing, which is the case. However, that increase is at second level. When one looks at the figures for 2007-08, the numbers who have used the back to education allowance to access third level have dropped by more than 100 on the previous year. Therefore the back to education allowance is not working, particularly for people who want to go to third level, and it is very difficult to qualify.

I made the point before that if a person is unemployed, having been laid off in October, he or she will not be eligible by the following October, not having been on social welfare for 12 months. Effectively, he or she is waiting almost two years, certainly 23 months, before availing of the allowance, in those circumstances. A change to this makes common sense from the perspective of giving people an opportunity to go to third level. It also makes sense because all it will cost the Exchequer more per person per year is the €500 extra payment he or she gets under this allowance. I therefore urge the Minister to accept these amendments and make a change in this regard because it is an extremely important issue.

With regard to Deputy Shortall's amendment No. 31, will the Minister outline the criteria for the type of employment considered for the back to work allowance? How is it assessed and decided and what types of payments are made for what types of work? Is it a question of getting into a job or are ancillary costs taken into account regarding such work?

**Deputy Arthur Morgan:** It is regrettable we only have ten minutes left, because we could have done with an extra two days, at least. The Minister's colleague, the Minister for Enterprise, Trade and Employment, continually mentions a high knowledge economy, as do the Minister for Finance and the Taoiseach. We have an opportunity with amendment No. 30 to do this and to facilitate people getting back into education, or in some cases to attend third level for the first time.

The amazing thing about the amendment is that it is cost neutral as the Exchequer would be making the payment in any event, whether jobseekers allowance or benefit. Therefore, I hope the Minister can explain the difficulty in terms of bringing the qualifying time back to the three-month period. Now that the number of unemployed people is increasing — currently



275,000 plus and I heard Fr. Seán Healy say this morning the number could reach 400,000 by late next year — surely they would be better off if they were gainfully employed in education rather than seeking employment that, in the majority of cases, will not be available.

**Deputy Ulick Burke:** I support the amendments on the back to education allowance. I urge the Minister to be conscious that many young people who are now unemployed left the education scene just before or after their leaving certificate, lured into employment by the attractive incomes and salaries available in the building industry and other manufacturing industries with opportunities for overtime. Many of these people are now unemployed, increasing numbers of them having become unemployed during the past six months.

The Minister must, as a result of the many courses available currently and the many places unfilled within the education system at third level, recognise the opportunity available to her to shorten the period for which people must be out of work before they can avail of the back to education allowance. If we are serious and determined to ensure that as many people as possible can avail of the opportunity to improve and upskill, why create a hindrance to allowing them back into education? I support the amendments wholeheartedly. I urge the Minister to reconsider the criteria and to consider including distance learning as an option for the future.

**Deputy Dan Neville:** I support the amendments. More people are looking to return to college because of the level of unemployment and their awareness of the need to upgrade their skills and more inquiries are being made in our offices about the back to education allowance. In the current climate, it makes sense to facilitate those who wish to return to third level education in the hope of increasing their skills and their employment prospects, rather than forcing them to remain out of work and draw social welfare or the jobseekers allowance in order to be eligible for the back to education allowance.

The loss of income is substantial if a person goes off the jobseekers allowance. A person on a low income wishing to return to education is only entitled to €4,103 per year in educational support, whereas a person with a social welfare background is entitled to €25,266 a year. Over a three-year degree course, this amounts to a €63,489 disparity in essential support. This anomaly limits the incentive for low-paid workers to return to full-time third level education to improve their skills and future job prospects. Essentially, people who want to escape the low-paid trap are penalised for working. Therefore, I wholeheartedly support the amendments.

**Deputy Kathleen Lynch:** This is one of the common sense amendments that has been tabled to the Bill. The amendment must work out cost neutral. Even if it was not cost neutral, the Minister would still have to pay the allowance in the future to people interested in returning to education, whether at second or third level. The money must be paid anyway. Therefore, I cannot understand why the Government will continue to allow people become entrenched in long-term employment when the solution is there. Now that we expect to see the type of savings in FÁS that we should have seen over the past eight years, why not spend those savings on the people on whom it should have been spent?

Deputy Tuffy informed us recently that the universities had spare capacity of 12,000 places after all offers were made in October. The universities are crying out for funding and we now have a redundant workforce crying out for education. Why not marry one with the other? It is incomprehensible for the Minister not to do this as it is a common sense proposal. I appeal to the Minister to take this suggestion on board. Let us upskill the workforce as FÁS puts it so that we ensure that when the upturn comes, as it will, we will have a workforce prepared for it.

**Deputy Mary Hanafin:** As Deputies know, I am usually committed to the back to education concept for everybody, particularly those who are most vulnerable and those on social welfare.

[Deputy Mary Hanafin.]

One of the few positive features of the live register published yesterday was the 24% increase in the number of people availing of back to education provisions. The fact there may be more at second level rather than third level is reflective of the vulnerability of that particular group.

**Deputy Olwyn Enright:** It is reflective of the fact it is a six-month rather than a 12-month requirement.

**Deputy Mary Hanafin:** Deputies should be aware that if these people start at second level, they will be able to continue on to third level. The provisions allow them greater opportunities because they are the group most likely to remain unemployed, particularly if they do not even have a leaving certificate.

**Deputy Olwyn Enright:** The Minister is ignoring the issue.

**Deputy Mary Hanafin:** I do not accept the criteria should be reduced to three months. I have said this before, but it is significant. This is a scheme that is in place to support people who are on social welfare. If we changed the provisions, we could get young people finishing their leaving certificate in June and signing on for three months and getting €200 a week despite the fact they fully intended to go on to third level education. This must be avoided.

**Deputy Olwyn Enright:** It does not. The Minister is being disingenuous.

**Deputy Mary Hanafin:** This must be a scheme that is designed to support people on social welfare. We must obviously consider people in the context of those getting statutory redundancy. Few enough have got statutory redundancy, but, unfortunately, as numbers increase, we will draw their attention to the fact that they are the people who can qualify immediately.

**Deputy Olwyn Enright:** Many people will lose jobs and not get statutory redundancy.

**Deputy Mary Hanafin:** People on the national employment action plan also have a shorter timeframe. I am working with my colleagues, the Ministers for Education and Science and Enterprise, Trade and Employment, with regard to FÁS and the spare capacity in the institutes of technology, universities and further education courses to see how we can support these people. It can be done through FÁS and through training or through the back to education allowance. We are actively working on this to see how we can facilitate the maximum number of people possible.

The scheme is not cost neutral. Last year, it cost €62 million and it will cost more this year and next as, hopefully, many more people will be on the scheme. People going on the scheme get the maximum rate of the allowance. Therefore, a person on half rate jobseekers allowance for some reason, such as working part-time, will get the maximum rate as soon as he or she qualifies for back to education allowance, along with the book allowance, etc. As late as this morning, I spoke with officials about ensuring that nobody is in any way disadvantaged by virtue of the changes in the criteria for the jobseekers benefit. We have seen to that to ensure the window that has always been allowed will continue to be allowed. My aim and intention are to ensure we encourage as many people as possible, particularly those becoming unemployed, to avail of the back to education scheme.

I will keep the situation under review over the next few months to see how we can support these people.

**An Leas-Cheann Comhairle:** As it is now 3.30 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: “That Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put.

The Dáil divided: Tá, 68; Níl, 58.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Andrews, Chris.  
Ardagh, Seán.  
Aylward, Bobby.  
Behan, Joe.  
Blaney, Niall.  
Brady, Áine.  
Brady, Cyprian.  
Brady, Johnny.  
Browne, John.  
Byrne, Thomas.  
Calleary, Dara.  
Carey, Pat.  
Collins, Niall.  
Conlon, Margaret.  
Connick, Seán.  
Cuffe, Ciarán.  
Cullen, Martin.  
Dempsey, Noel.  
Devins, Jimmy.  
Dooley, Timmy.  
Finneran, Michael.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gallagher, Pat The Cope.  
Gogarty, Paul.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.

Hector, Máire.  
Kelleher, Billy.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Kirk, Seamus.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McEllistram, Thomas.  
McGrath, Mattie.  
McGrath, Michael.  
McGuinness, John.  
Moloney, John.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Brien, Darragh.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Flynn, Noel.  
O'Hanlon, Rory.  
O'Keefe, Batt.  
O'Rourke, Mary.  
O'Sullivan, Christy.  
Power, Seán.  
Sargent, Trevor.  
Scanlon, Eamon.  
Treacy, Noel.  
Wallace, Mary.  
White, Mary Alexandra.

Níl

Bannon, James.  
Barrett, Seán.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.  
Carey, Joe.  
Clune, Deirdre.  
Coonan, Noel J.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Creed, Michael.  
Creighton, Lucinda.  
D'Arcy, Michael.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Enright, Olwyn.  
Feighan, Frank.  
Ferris, Martin.

Flanagan, Charles.  
Flanagan, Terence.  
Gilmore, Eamon.  
Hayes, Brian.  
Hogan, Phil.  
Kehoe, Paul.  
Lynch, Ciarán.  
Lynch, Kathleen.  
McCormack, Pádraic.  
McEntee, Shane.  
McGinley, Dinny.  
McGrath, Finian.  
McHugh, Joe.  
McManus, Liz.  
Mitchell, Olivia.  
Morgan, Arthur.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.

Níl—*continued*

Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.

Rabbitte, Pat.  
 Reilly, James.  
 Shatter, Alan.  
 Sherlock, Seán.  
 Stagg, Emmet.  
 Stanton, David.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.  
 Wall, Jack.

Tellers: Tá, Deputies Pat Carey and Niall Blaney; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

**An Leas-Cheann Comhairle:** The Bill will now be sent to the Seanad.

### Ceisteanna — Questions.

#### Priority Questions.

#### School Staffing.

1. **Deputy Brian Hayes** asked the Minister for Education and Science the number of uncertified sick days taken by teachers in 2007-08. [44581/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The information requested by the Deputy is normally provided on a school year basis.

The average level of uncertified sick leave combined for the total cohort of primary teachers was 1.98 days and 2.81 days for teachers in secondary and community-comprehensive schools.

The average level of uncertified sick leave, for which substitution cover was claimed, combined for the total cohort of primary teachers was 1.31 days and 1.6 days for teachers in secondary and community-comprehensive schools.

The number of days uncertified sick leave taken by primary teachers in the 2007-08 school year was 60,128. Teachers in secondary, community and comprehensive schools took 48,136 days.

In the 2007-08 school year my Department paid for substitute cover in respect of 39,921 days uncertified sick leave taken by primary teachers, and 27,730 days taken by teachers in secondary and community and comprehensive schools.

Teachers employed by vocational education committees are paid by the 33 individual committees. The payroll costs incurred by the committees, including the cost of substitution, are claimed on a monthly basis from the Department and the Department does not have a breakdown of the specific data for VECs. Therefore, data provided on the VECs is estimated on the basis that the cost, days claimed and the level of absences are 56% of the total of the secondary and community-comprehensive schools. The 56% figure is based on relative teacher numbers in the different second level sectors. On that basis, the estimated number of days uncertified sick leave taken by teachers employed by vocational education committees was approximately 27,000 and the estimated number of days paid for by vocational education committees was approximately 15,500.

**Deputy Brian Hayes:** In trying to make sense of all that, can I conclude that a teacher in this country misses on average one or two days a year due to uncertified sick leave?

**Deputy Finian McGrath:** That is correct.

**Deputy Brian Hayes:** Is that the reality? The Minister has been putting about for the past month or so that there is a major problem of teachers taking “sickies” left, right and centre——

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

**Deputy Brian Hayes:** ——but the information Deputy Batt O’Keeffe has given this House is that somewhere between one and two days on average is lost every year. Is he aware that in his Department last year close to nine days on average were lost per official?

I want the Minister to apologise to teachers for the outrageous slur he and his Department have put about the place for the past month or so as a means of attacking teachers and their representatives. Will he apologise now? The information the Minister has given this House completely demolishes the outrageous spin that he has been putting out in the past month.

**Deputy Batt O’Keeffe:** Can I make two points? I do not write editorial headlines. Any information put out was on the basis of the facts.

The facts are that I have a serious difficulty with the cost of substitution days, whether for uncertified sick leave, sick leave or other substitution. The costs have grown enormously. I do not have the funds to meet those costs. It is my job to point out exactly the number of days that are lost.

**Deputy Finian McGrath:** It is one day a year.

**Deputy Batt O’Keeffe:** It is not one day per year.

**Deputy Finian McGrath:** Near enough.

**Deputy Batt O’Keeffe:** It is over two days.

**An Leas-Cheann Comhairle:** This is a priority question.

**Deputy Brian Hayes:** It is 1.9 days.

**Deputy Batt O’Keeffe:** It is 2.81 days in the second level and 2 days in the primary, and they teach 163 days of the year.

**Deputy Ruairí Quinn:** I am glad to hear Deputy Finian McGrath has found his voice.

**Deputy Batt O’Keeffe:** I will give the facts as they are. The facts are there has been a substantial growth in the cost of substitution, sick days and uncertified sick leave, and we do not have the funding to meet those costs. That is the point that has been made.

**Deputy Brian Hayes:** Would the Minister agree there is not a problem of absenteeism among the primary and secondary school teachers of this country?

**Deputy Batt O’Keeffe:** Of course, on the average of the Civil Service, by and large there is no difference across the board.

**Deputy Brian Hayes:** I thank the Minister.

[Deputy Brian Hayes.]

The Minister stated he deals with facts that are put out by himself or his Department. I refer him to the following comment he made on 20 November last to the Joint Committee on Education and Science, that “on Mondays throughout 2008 there were in excess of 12,500 teachers absent on uncertified sick leave and that there was a similar number absent on Fridays”. Does he now withdraw that comment, which deliberately misled the members of that committee?

Added to the slur is the dirty little war that the Minister has fought over the past month with Irish teachers who are doing their best and who have one of the lowest rates of absenteeism of any workforce in the country. Will the Minister withdraw that comment and, in doing so, will he be man enough to apologise for the outrageous slur he put on the record of a committee of this House?

**An Leas-Cheann Comhairle:** Before the Minister responds, I remind the Deputy of the clear precedent that he may not accuse a Member of the House of being deliberately misleading.

**Deputy Brian Hayes:** We will hear the reply.

**Deputy Batt O’Keeffe:** I have pointed out in every statement I have made that I am astounded by the quality of the teachers in this country and the throughput of education.

**Deputy Brian Hayes:** Were you wrong?

**Deputy Batt O’Keeffe:** In terms of what I said, on Mondays throughout the school year, there were over 12,500 days——

**Deputy Brian Hayes:** You said on one Monday. It was throughout 2008.

**Deputy Batt O’Keeffe:** That was for 2007.

**Deputy Brian Hayes:** The Minister let his Department spin the issue subsequently.

**An Leas-Cheann Comhairle:** Allow the Minister to conclude.

**Deputy Batt O’Keeffe:** In fact, I did the reverse. I asked my Department to contact all the education correspondents to rectify the mistake once I realised that it had been made. If the Deputy was to ask any of these correspondents, he would find that they were contacted to correct any misunderstandings that might have arisen.

**Deputy Brian Hayes:** Will the Minister apologise to teachers for the remarks he made?

**An Leas-Cheann Comhairle:** I call Question No. 2 in the name of Deputy Quinn.

**Deputy Batt O’Keeffe:** I will not allow Deputy Brian Hayes or anybody else to impugn me or imply that I made aspersions against teachers.

**An Leas-Cheann Comhairle:** The Minister will obey the Chair in the same way as every other Deputy.

**Deputy Brian Hayes:** I did not make these remarks. They were made by the Minister.

**Deputy Batt O’Keeffe:** The Deputy made the remarks today. He implied that I am taking issue with teachers.

**An Leas-Cheann Comhairle:** I ask the Minister to reply to Question No. 2.



**Deputy Ruairí Quinn:** Why not correct the record?

**Deputy Brian Hayes:** Will you withdraw it now?

**Deputy Batt O’Keeffe:** No, I never said that.

**An Leas-Cheann Comhairle:** The Minister, no less than anybody else, will obey the Chair.

**Deputy Brian Hayes:** I would stop digging if I were the Minister.

**Deputy Batt O’Keeffe:** I have always attested to the quality of our teachers.

### **Pupil-Teacher Ratios.**

2. **Deputy Ruairí Quinn** asked the Minister for Education and Science if he will confirm that the overall average primary school class size of 24.1 which obtained in 2005-06 and 2006-07 according to a previous parliamentary question will remain the same in the 2009-10 school year; and if he will make a statement on the matter. [44589/08]

**Deputy Batt O’Keeffe:** Class size data for primary schools is compiled by my Department on an annual basis. The source of this data is the annual census of primary schools. Data for each school year is made available when returns for all schools in respect of the year in question have been processed. Schools will not be making returns in respect of the 2009-10 school year until after 30 September 2009 and, allowing for obtaining returns from all schools and the normal checking and processing of this data, the position will be known in summer 2010.

However, since the changes to the staffing schedule for primary schools announced on budget day restore the basis of allocation of teachers to schools to the position that applied in the 2006-07 school year, it is a reasonable working assumption that average class size in 2009-10 should be quite similar. Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups. That is why precise information to enable compilation of the national average position is not available until the position in individual schools is captured through the census.

In any discussion of class size and classes where the number of pupils exceed the average it is important to understand how the main staffing schedule sets out to treat schools in like circumstances in a fair and consistent manner. The current allocation is based on an average of 27 pupils per teacher and the fact that schools make individual choices in assigning teachers to class groups. With over 20,000 individual classes spread across all schools throughout the country there will always be differences in individual class sizes.

I have no difficulty in setting out for this House or for the public generally what the final impact will be on the overall changes in aggregate teacher numbers in schools for the 2009-10 school year and this applies to final average class size as well. I reiterate that prudent management of Government finances is vital at this time of global economic uncertainty when tax revenue has fallen so significantly. Even with the budget measures in place there will still be a significantly increased borrowing requirement in 2009.

### *Additional information not given on the floor of the House.*

When the country was able to afford it we reduced the basis on which primary teachers are allocated to schools from being based on an average number of pupils per teacher from 35 pupils down to the current level of 27 pupils. The change to a new average of 28 pupils per teacher has to be viewed in that context. It means primary schools will be staffed exactly as they were during the 2006-07 school year during which they operated well.

**Deputy Ruairí Quinn:** I thank the Minister for his reply but I should out of courtesy tell him that it was not the priority question that I originally put down. That question, which was ruled out of order for reasons that I understand, noted that the Department has consistently refused to answer questions from the time I became Labour Party spokesperson on education. Out of courtesy to the Minister, I advise him that the matter is coming before the Committee on Procedure and Privileges.

**An Leas-Cheann Comhairle:** We must deal with the question before us.

**Deputy Ruairí Quinn:** Perhaps when we have dealt with that, we might receive the answers a journalist can get by putting down a request under the Freedom of Information Act. Out of courtesy to the Minister, I advise him that I have raised with the Committee on Education and Science the manner in which his Department deals with replies. I did not expect him to write the answers but he should have someone read them because they are quite offensive.

**Deputy Batt O’Keeffe:** I understand the point that the Deputy is making and respect his opinion. I hope, however, he can appreciate that we have a difficulty in this regard. The Department has received 4,300 written and oral questions, which is 13% of the total number of parliamentary questions. The amount of man hours required to answer them is substantial. I am the first to admit that we have to make improvements. We want to develop a more effective procedure and we are working on our information technology systems to increase our efficiency. If the Deputy wishes to raise certain issues, I am willing to arrange for him to meet officials of my Department so that we can rectify whatever difficulties may have arisen.

**An Leas-Cheann Comhairle:** Before I call Deputy Quinn, I remind him that his original question was not in order. The matter will be considered next week by the long-standing and prestigious committee of this House, the Committee on Procedure and Privileges. We should not debate the matter in advance of that committee’s deliberations.

**Deputy Ruairí Quinn:** I appreciate that. I will make two observations to the Minister. When the beef tribunal was in full flight, its chairperson stated that if Ministers had answered questions honestly, openly and accurately in the Dáil, the tribunal would never have been necessary. When the Departments of Post and Telegraphs and Social Welfare experienced telephone chaos, the numbers of questions put down by frustrated Deputies exploded because their constituents could not get a straight reply from the Departments in question. The Department of Education and Science will continue to attract 13% of parliamentary questions if it does not answer them properly.

**Deputy Batt O’Keeffe:** I am aware of the number of questions that are tabled. They reflect a drawback in our system. Since I have taken on this position, I have assigned a dedicated line for Deputies to contact an official in the Department when they have particular issues they want to have investigated. That official is assigned to facilitate Members of this House. I hope we can thereby dramatically reduce the number of questions submitted to my Department.

### **Higher Education Strategy.**

3. **Deputy Brian Hayes** asked the Minister for Education and Science the person who will chair the forthcoming national strategy on higher education; and if he will make a statement on the matter. [44582/08]

**Deputy Batt O’Keeffe:** I intend to bring proposals to Government shortly in regard to the process of developing a new national strategy for higher education. It is envisaged the process

will be led by a high level steering group which will provide business, student, wider community and international perspectives. Senior officials from key Departments will also participate.

The development of a national strategy provides an important opportunity to bring together in a coherent manner our stated ambitions for the sector and to set out the systems which we will use to achieve these ambitions. Furthermore, by its very nature, the process of developing a national strategy provides an opportunity to engage in consultations with those who have an interest in the sector, enhance the quality of the analysis and recommendations and generate a shared understanding of the needs and challenges of the sector, together with a commitment to the change that will be needed to underpin implementation.

The strategy will provide for a survey of the operational environment for higher education and research, an analysis of the demands likely to be placed on the system and a review of capacity to meet those demands. A review will be conducted of the effectiveness of current use of resources with a view to identifying potential for rationalisation or change to maximise the use of those resources and how additional resource requirements to support the achievement of stated objectives can be met over the medium term. Clear strategic guidance will be provided for the development of the sector and of individual institutions and types of institutions within it. Structures will be developed to oversee the planning and development of the system, as well as ensuring quality and accountability. Membership of the steering group is currently under consideration and I do not propose to speculate or comment on any particular names until all are agreed.

**Deputy Brian Hayes:** Is it not the case that the Minister's predecessor outlined her support for such a strategy when she was in office? It has taken us a very long time to get to the stage of announcing this strategy. Does the Minister agree that whoever chairs this strategic way forward for higher education in this country must be internationally and domestically eminent in industry and the connections between industry and education?

Will the Minister put on the record of the House the suggestion that was mooted some time ago that former Commissioner Peter Sutherland had been considered for the chair of this august body, and while the Minister had been "open-minded" to the suggestion, others in Government felt he was the wrong political colour and consequently would not be considered for the chair?

**Deputy Ruairí Quinn:** He was a Taliban faction.

**Deputy Brian Hayes:** He was somehow outside the core. Will the Minister give his views on this issue as it is important that the person chairing this body can hold his or her weight locally and nationally?

**Deputy Batt O'Keeffe:** There has been no mention of any person to chair this committee. I have never discussed the chairmanship of this committee with anybody and I was never privy to any information that a particular person was being proposed for it. It was news to me when I read the newspaper article that a particular person was mentioned.

With regard to the chairmanship, I agree we need somebody of outstanding ability and achievement. He or she should have a very good knowledge of the third level sector and be able to direct and guide this process for the next 20 years. From my perspective and that of the Government, finding the best person to chair this body will be paramount. Politics will not come into play in what I see as being one of the most strategic roles to be played for the next 20 years in terms of developing an educational strategy.

**Deputy Brian Hayes:** Will the Minister indicate when he is likely to propose to Government the strategic group and the chairperson of this important body? Will the Minister further outline his strategy in terms of the establishment of this higher level group? As I understand it, he has asked as one of the first functions to bring forward a report on the potential funding arrangement for third level and higher education in this country.

Does the Minister agree that it would be much more sensible to have the vision and the issue of funding dealt with at the same time? If the Minister is proposing to consider funding first, without looking at the broader remit of vision for higher education — which I referred to two weeks ago in a speech at my own party conference — it will effectively put the cart before the horse. We need both issues to be addressed at the same time rather than rushing in to a funding solution — or not as the case may be — without looking at the wider issues of quality, participation and where exactly we want higher education to be in 20 years.

**Deputy Batt O’Keeffe:** Having committed to the strategy, I thought it appropriate in the first place that I have a look at the budgetary parameters and the financial framework. I also wanted to have an opportunity for in-depth discussions with various people relating to the higher education strategy. I will not be looking at one in isolation of the other; both issues will be considered in tandem.

I see in-depth knowledge of future student commitment as being separate from the overall strategy. The issues will impinge on each other but will coincide in terms of any discussions taking place.

### **Obesity Levels.**

4. **Deputy John O’Mahony** asked the Minister for Education and Science the number of the recommendations of the 2005 task force on obesity which have been implemented to date in primary and post-primary schools; and if he will make a statement on the matter. [44583/08]

**Deputy Batt O’Keeffe:** The subjects social, personal and health education, physical education and home economics at second level cover, among elements of the syllabus, the areas of healthy eating and the food pyramid, healthy lifestyle, physical health, body care, exercise, relaxation and diet. They are evaluated in schools by the inspectorate using indicators specific to primary and to second level schools as appropriate.

Schools in Ireland have a strong and proud tradition of developing sport outside of the school timetable. Sports organisations such as the Gaelic Athletic Association, Basketball Ireland and the Football Association of Ireland provide extensive opportunities for schools to participate in sport. Schools have worked on devising a healthy lunches policies as part of social, personal and health education, SPHE, and physical education, PE.

The curriculum support services at primary and post-primary level have a number of activities in place to promote healthy living in schools and healthy eating policies. Planning templates to assist in school planning for the implementation of the PE curriculum and the wider aspects of physical activity and school sport are also available. In addition, extensive opportunities for professional development for teachers are provided in this area, including in SPHE, PE and home economics. The majority of schools currently participating in the school completion programme operate breakfast clubs or other meal provisions, in accordance with the nutritional guidelines issued by the Department of Social and Family Affairs.

A special PE funding package of €6.5 million issued in 2006 to primary schools, and in 2007 a similar package of €3 million issued to post-primary schools. The Food Dudes programme is being rolled out on a national basis to all primary schools over a five-year period and my

Department also promotes Sport for All Day, the Active School Awards and National Healthy Eating Week.

The task force recommended that all schools should provide for 30 minutes of physical exercise each day, restructuring the school day if necessary. While schools can encourage pupils to take physical exercise during breaks, the extension of the time available in the curriculum for PE is not feasible in terms of the range of curricular options which must be facilitated and the industrial relations and cost implications.

Schools are playing their part in the battle to tackle childhood obesity. However, it should be remembered that children only spend 20% of their time at school and that a healthy home environment is vital to ensuring they do not suffer from obesity. The State of the Nation's Children report launched in 2007 shows that children in Ireland are doing well on physical activity, ranking second across the 32 WHO countries surveyed in being physically active for at least four hours per week.

**Deputy John O'Mahony:** The Minister mentioned facts a few moments ago in a reply to Deputy Hayes on another question. There were 22 recommendations from the task force and I hoped the Minister would tell me how many were implemented with regard to primary and secondary schools.

The Minister mentioned home economics as a vehicle for providing healthy lifestyle and eating. Does the Minister agree that the recent withdrawal of the home economics grant through the budget cutbacks is a setback to the implementation of obesity policy in second level schools? The Minister mentioned the great work done by the various sporting organisations so does the Minister agree that the recent cutbacks in substitution — the figure of €13 million was mentioned — will have a devastating effect on the implementation of obesity policy in our schools? The Minister stated that Ireland is faring well but my figures indicate there were over 300,000 obese children in our schools, and this was growing by over 10,000 each year.

One of the recommendations is that home school community co-ordinators should incorporate healthy skills within a wider framework of home visitation. What does the Minister say to the nine or ten voluntary schools in my constituency that will lose their home school liaison officer and will not be able to implement some of the recommended provisions?

**Deputy Batt O'Keeffe:** I cannot comment on individual schools. It is appropriate that I mention here that at all times I was open to having discussions with the various education partners. When they came to meet me, they indicated they may have some suggestions and I indicated to the education committee that discussions were going on in the background. I bring it to the attention of the Dáil that those discussions have continued and proposals have been made by second level management bodies. These have identified that annual savings of €16 million on substitution can be made not only in the current year but on a continuing basis.

These savings essentially involve replacing an open-ended or demand-led availability of cover for uncertified sick leave and official school business costing €21 million per annum with an allocated or budgeted scheme costing €5 million per annum. This is a constructive and positive approach and I will make €2.7 million available to secondary schools for the remainder of the school year to provide each school with a limited number of hours of substitution cover outside of the supervision and substitution scheme. During this period, I intend for there to be a full review of the substitution and supervision scheme in conjunction with school management bodies and teachers' unions with a view to taking up the additional €2.7 million expenditure. I will also be open to similar constructive suggestions from the primary school management bodies.



**Deputy John O'Mahony:** Will there be a change in the extra €2.6 million allocated to the substitution scheme?

**Deputy Batt O'Keeffe:** No. The Deputy asked me about substitution and the difficulties in terms of sports, games and the operation of schools. We have held discussions with the Joint Managerial Body for Secondary Schools, JMB, and the second level teachers' unions are aware of the suggested agreement.

**Deputy Ruairí Quinn:** That is the post-primary level.

**Deputy Batt O'Keeffe:** In light of a full review, I am prepared to invest €2.7 million in the system between January and June to complete discussions. It has been indicated to me that the schools will be able to live within these parameters.

**Deputy John O'Mahony:** Will the cutback be €16 million instead of €18 million?

**Deputy Batt O'Keeffe:** No. The JMB and everyone involved in the constructive negotiations have indicated to me that €16 million in savings can be found in a full year. I will invest €2.7 million. We will continue our discussions during the coming school year and arrive at a satisfactory conclusion within the parameters. In terms of the constructive negotiations, having left the door open for discussion and realising that I do not want to affect schools into the new year, it would be sensible of us for the moment to take an approach that will deliver supervision and substitution within schools. In this way, I will get the majority of the savings for which I am looking.

**Deputy John O'Mahony:** I welcome that.

**Deputy Brian Hayes:** I hope that we will also welcome the answer to the next question.

### **School Accommodation.**

5. **Deputy Ulick Burke** asked the Minister for Education and Science if, in view of the contents of reports from the Health and Safety Authority, the risk assessment report and the Health Service Executive report on the conditions at a school (details supplied) in County Galway, he will sanction the provision of a new school; and if he will make a statement on the matter. [44585/08]

**Deputy Batt O'Keeffe:** An application for capital funding towards the provision of a new school building was received in April from the school referred to by the Deputy. This was the first such application from the school. On foot of it and information supplied by the school regarding its condition, officials from the planning and building unit of my Department visited the school in June. Consequently, €26,862 was sanctioned to carry out remedial works to the school.

In November, the school invited the Health and Safety Authority, HSA, to inspect the building. The HSA inspector served an improvement notice on the board of management directing that "a new safety statement based on site-specific risk assessment must be compiled by a competent person and implemented at this place of work". It is the responsibility of individual school management authorities to have an up-to-date safety statement in place in their schools. Following receipt of the HSA report, my Department has sanctioned funding for the school to engage a qualified health and safety consultant to survey it and to assist the school authority in compiling an up-to-date safety statement.



The school principal also invited the department of public health of the HSE to inspect the school. A copy of the report of the HSE representative who visited the school was forwarded to my Department in mid-November. The report advised that one classroom should be temporarily closed due to evidence of damp penetration and fungal growth. I understand that the fungal growth has been safely removed and that the classroom is back in use.

The school, which has a current enrolment of 49 pupils, is situated in a rural area. As such, it would have been a suitable candidate for the small schools scheme, introduced by my Department in 2003. The scheme was targeted at small rural schools and provided funding for more than 730 such schools around the country. One of the key principles of the scheme was that responsibility for project management was devolved to individual school authorities for the purposes of refurbishing and/or extending existing buildings in order to address the schools' long-term accommodation needs. However, my Department has no record of having received an application under the scheme from this school.

*Additional information not given on the floor of the House.*

Department records show that, in the past five years, the school received €33,917 under the grant scheme for minor works to national schools. Works that can be covered under this scheme are improvements to school buildings and grounds, the improvement or replacement of mechanical and electrical services, the purchase of standard furniture and physical education equipment, the purchase of floor covering and window blinds and the purchase of IT-related equipment. My Department has been in contact with the school regarding the use of these funds.

My Department is in ongoing contact with the school regarding its needs. The Deputy will be aware that I requested officials from my Department to visit the school. A member of the inspectorate and officials from my Department's building unit are arranging to visit the school on Thursday, 11 December. In light of the many competing demands on my Department's capital budget, it is not possible to give any commitment relating to the provision of a new building for the school at this time.

**Deputy Ulick Burke:** I thank the Minister for his reply. On behalf of the board of management, parents' association, staff, students and community, I wish to put two important facts on the record. The new board of management was established in November 2007 and the principal was appointed in September 2007. They cannot take responsibility for anything that occurred beforehand. The Department's request concerning moneys and grants spent are irrelevant.

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

**Deputy Ulick Burke:** All that is required is help in responding to the matters highlighted by the Minister. I will show him a picture of the classroom——

**An Leas-Cheann Comhairle:** That is not in order.

**Deputy Ulick Burke:** ——closed by the HSE and subsequently analysed with the help of NUI Maynooth. The HSA's preliminary report will be ready next Thursday.

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

**Deputy Ulick Burke:** I welcome this morning's decision that senior departmental officials will visit the school in the coming week but people want a replacement school because of the danger involved. The physical deterioration of the school cannot be exaggerated. None of the reports is scaremongering; they highlight the reality of what the children and staff must bear.

[Deputy Ulick Burke.]

The remedial work carried out was to stop slates from blowing off and injuring people. As well——

**An Leas-Cheann Comhairle:** I will call the Deputy again.

**Deputy Batt O’Keeffe:** The Deputy will understand that the letter to the school needed to be sent through the Secretary General, who is subject to the Comptroller and Auditor General. Some €33,917.44 was provided between 2003 and 2007. According to the information to hand, only €19,000 can be accounted for, leaving a potential balance of €14,610.

During the 2007-08 school year, a new security camera was purchased for €3,500. During the 2006-07 school year, €384.53 was spent on minor works. It is appropriate that my Department ask the pertinent question of the school, namely, where did the balance go and, if there is such a deficiency in the school, why was the minor works money not used to upgrade it in the appropriate manner. It would be inconsistent of us to do otherwise.

The situation begs another question. Why did the school only make an application in April 2008 for a new school to be built? Considering the area’s topography, there are five small schools therein, some comprising approximately 14 pupils or fewer than 20 pupils. In these circumstances, it is appropriate for me as Minister to ask what opportunities for amalgamation of those small rural schools are available.

**Deputy Ulick Burke:** I want the Minister to understand the situation, namely, a new board of management and a new principal. I ask him to bear this fact in mind. They cannot take responsibility for the situation.

While expenditure on a security camera may not be seen as a priority in the Department’s eyes, the school’s dilapidated appearance led to a high degree of vandalism. That has since ceased. As a matter of urgency, I ask the Minister to consider an offer on the table. A new school would be built on site without any disruption and at no cost to the Department other than the cost of the lease. It could be done quickly.

The Minister mentioned he is considering a priority scheme. I hope this school will be afforded top priority within that scheme.

**Deputy Batt O’Keeffe:** If five small schools are situated within two miles of each other, it is appropriate to ask whether there is a possibility that they might amalgamate. We asked the board of management of the school in question to consider the possibility of an amalgamation. It is a matter for the board of management to decide whether such an amalgamation would be appropriate.

**Deputy Ulick Burke:** On a point of information, is the Minister rowing back on the policy——

**An Leas-Cheann Comhairle:** The Deputy should allow the Minister to complete his reply.

**Deputy Ulick Burke:** ——to the effect that rural national schools will not be closed?

**Deputy Batt O’Keeffe:** I am actually adhering to that policy. If a number of small schools are located in the same area, the first option we would consider is whether they might be amalgamated and whether improved facilities might be put in place. That is an appropriate and proper way to operate.

The application in respect of the school in question was received in April last. The board of management at the school is effectively stating that it wishes to jump the queue and have its

application considered before any others. I will consider the position as it relates to the school. If the board of management indicates that it does not wish to become involved in an amalgamation, I will be obliged to examine the matter in that context and in light of all the other applications that have been received.

### Other Questions.

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#### School Staffing.

6. **Deputy John Perry** asked the Minister for Education and Science his views on a newspaper article (details supplied) regarding the issue of bogus teachers taking up teaching positions in schools; and if he will make a statement on the matter. [44203/08]

**Deputy Batt O’Keeffe:** I am concerned by the newspaper report to which the Deputy refers. This matter serves as a timely reminder of the importance of carrying out adequate checks when school staff are being recruited. The recruitment and selection of staff whether for teaching or other positions in a school rests with boards of management, as employers. Good practice should involve the checking of recent employment records, qualifications, experience and names of referees. While many substitute teachers have previous experience of working in schools and may be known to the authorities in particular schools, there is clearly a heightened requirement for vigilance in checking the prior employment record where the person seeking employment is not known to the school or is approaching it for the first time. Good practice is warranted in any event, regardless of the specific issue with regard to safeguarding against any child protection risk.

In the context of child protection, the arrangements for vetting of teaching and non-teaching staff are set out in Department circular 0094/2006, which issued to all schools in June 2006. This circular is available on my Department’s website. The arrangements for vetting new teachers at the time of their initial registration with the Teaching Council — regardless of whether they are likely to enter permanent employment or take up appointments as substitute or part-time teachers — were introduced in 2006. The procedures also apply to prospective employees for posts that involve working with children, such as those relating to special needs assistants, bus drivers, bus escorts for children with special needs, caretakers and other ancillary staff in schools.

As the expansion of service by the Garda vetting unit is rolled out, my Department will be consulting the relevant education stakeholders on how best to introduce vetting of existing teachers that are working in any capacity — permanent, part-time or substitute — in the school system and other existing education staff working with children. The circular requires the vetting of any person being appointed to a teaching position — whether permanent, part-time or substitute — who has not been employed in the school system in the previous three years.

Irrespective of the position on vetting by the Garda vetting unit, where facts or information come to a board of management’s attention calling into question a person’s suitability to work with children, it is a matter for the board to be satisfied that the person is suitable to work in that capacity. The position will naturally have to be assessed on a case-by-case basis. A board of management will be obliged to consider the various circumstances of the case, give due weight to all relevant factors and afford fair procedures to the individual concerned before making a decision.

**Deputy Brian Hayes:** I am extremely concerned by the blasé, hands-off attitude displayed by the Minister in respect of this serious incident, which was reported in *The Sunday Times*. Two

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journalists were able to use aliases in order to gain entry to a school and teach two separate classes. Neither their qualifications nor their standing as teachers was checked by the authorities at the school. The Minister has adopted a kind of hands-off approach and stated that this is a matter for schools and that schools must be aware of the contents of the 2006 circular from his Department. Is he not concerned that someone who does not possess any relevant qualifications can log on to a website, gain entry to a school and then teach 20 or 30 students?

In his initial reply, the Minister commented on vetting. I did not inquire about that matter. However, in the case to which I refer, there was no indication that the two people involved were qualified teachers. Is the Minister concerned about this matter? What further measures does he intend to put in place to ensure that incidents of this kind will not happen in the future? Would it not be sensible for his Department to be involved in the construction of a system that would guarantee that substitute teachers possess the requisite qualifications. Will the Minister treat this issue with greater seriousness?

**Deputy Batt O’Keeffe:** I would not like the Deputy to impute that I am in any way not treating this matter seriously. I was quite concerned by the newspaper article to which the Deputy referred. This matter serves as a timely reminder of the importance of carrying out adequate checks when school staff are being recruited. I have asked my officials to bring to the attention of all schools the difficulties to which this case has given rise. As already stated, all schools must, as employers, be vigilant in this area.

Schools must be made aware of the Irish Primary Principals Network, IPPN, website, which contains a “text-a-sub” service. It would be appropriate that any school taking on a substitute teacher who is not known to it would, in the first instance, require that details of his or her teaching qualifications be provided. As the Deputy is aware, all teachers are obliged to register with the Teaching Council. It would also be appropriate for the school to establish details of an individual’s background in teaching. Every effort must be made to obtain the relevant information in order that it might be established that a substitute teacher’s qualifications and behaviour reach the required standard.

**Deputy Ruairí Quinn:** I support Deputy Brian Hayes in respect of this matter. The Department’s lack of alacrity and speed with regard to dealing with bogus institutions advertising themselves as universities. Deputy Brian Hayes and I are stating that the Department must be much more proactive in respect of these matters. The Minister cannot step back and state that these issues must be dealt with by schools. Some of the comments he made in his reply to Deputy Brian Hayes’s supplementary question were of far more assistance than the information contained in his initial reply. I agree with the Minister in respect of the IPPN, which is an excellent organisation. In the context of bogus universities, which do terrible damage to the third level sector in this country, and bogus or unqualified teachers, is there not an onus on the Department to move from first gear straight to top gear in the context of becoming more proactive?

**Deputy Batt O’Keeffe:** Deputy Quinn will accept that the Department cannot micromanage schools and that schools are responsible for employing teachers. I take very seriously our responsibility to emphasise to all schools the importance of vetting all applicants.

I recently took part in a trade mission to China.

**Deputy Brian Hayes:** We heard about it.

**Deputy Batt O’Keeffe:** One of the issues raised with me during my visit was that relating to the status and standing of universities. I have decided that the National Qualifications Auth-

ority of Ireland will be given responsibility for registering all institutions that offer courses through their so-called international schools. We must ensure that the high quality of education provision associated with Ireland is maintained. I also intend to ensure that Enterprise Ireland will continue to have responsibility for marketing these international schools.

**Deputy Ruairí Quinn:** Will the Minister be introducing the education Ireland Bill?

**Deputy Batt O’Keeffe:** I have decided not to introduce that legislation. Responsibility for registering international schools will be conferred on the National Qualifications Authority of Ireland. I will set out clear parameters in respect of this matter. Enterprise Ireland is doing such a good job in the context of marketing that I am of the view that responsibility in this regard should remain with it. I know Deputy Brian Hayes would not like me to establish another quango.

**Deputy Brian Hayes:** Particularly when teachers are losing their jobs. Does the Minister believe it is good enough that an excellent organisation like the IPPN must devise a website and system to ensure we have an adequate supply of qualified substitute teachers? Is it not the responsibility of the Department to do this and to do so in a co-ordinated manner so that the Minister can guarantee the qualifications of the people who go into our schools as substitutes? Will the Minister give consideration to this matter?

In terms of the Minister’s dialogue with the Teaching Council, will he provide the House with information in respect of the number of unqualified teachers currently in our primary school system?

**Deputy Batt O’Keeffe:** The Teaching Council is responsible for registering teachers and ensuring they have the required qualifications to do their job. I am sure Deputy Hayes is not suggesting I duplicate that process within the Department of Education and Science.

**Deputy Brian Hayes:** In respect of substitute teachers.

**Deputy Batt O’Keeffe:** I am not going to do that.

I do not have with me the information in respect of the number of unqualified teachers currently in the system but I will forward it to the Deputy. We are anxious to ensure we reduce dramatically the number of unqualified teachers in our schools. Some of the unqualified teachers in our system have been doing excellent work. The schools in question are satisfied with them. However, it is far more appropriate to have a qualified rather than unqualified teacher acting as a substitute.

### **Higher Education Grants.**

7. **Deputy Olwyn Enright** asked the Minister for Education and Science the support provisions in place for social welfare recipients, who are marginally over the income levels, due to the Christmas bonus payments, for support under third level grant schemes; and if he will make a statement on the matter. [39447/08]

33. **Deputy Olwyn Enright** asked the Minister for Education and Science if support provisions are available for children of social welfare recipients, who are marginally over the income levels for support under the third level student grant schemes, to have their grant applications reviewed in conjunction with his Department and the Department of Social and Family Affairs; and if he will make a statement on the matter. [39448/08]



**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** I propose to take Questions Nos. 7 and 33 together.

Students who qualify for a maintenance grant for their attendance on a recognised full-time approved course in a third level institution or PLC centre may also qualify for the higher, special rate of maintenance grant if they satisfy the relevant terms and conditions.

To qualify for the special rate of maintenance grant, usually referred to as the “top-up” grant, an applicant must qualify for the ordinary maintenance grant in respect of the relevant academic year. In addition, total reckonable income must not exceed a specified amount which for the 2008-09 academic year, namely, €20,147 in the 2007 tax year. Finally, the source of income must include one of the eligible long-term social welfare payments prescribed under the scheme.

The number of students qualifying for the special rate of grant is now in excess of 13,500. I would like to assure the Deputy that the Department of Social and Family Affairs Christmas bonus payment is excluded when calculating the reckonable income limit for the special rate of maintenance grant. While a limited number of grant awarding authorities may have, in error, included the Christmas bonus payment as reckonable income, my Department recently issued a letter to awarding authorities indicating that reckonable income should be net of the Christmas bonus payment.

The annual income threshold for the special rate of maintenance grant is increased in line with the relevant social welfare payments. Students eligible for the full non-adjacent rate of grant receive a standard rate grant of €3,420 and a €3,270 top-up amount, giving a total special rate of grant of €6,690. Applicants with reckonable income above the threshold for the special rate may still qualify for the standard rate of maintenance grant.

The student maintenance grant schemes also contain a change in circumstances clause whereby the eligibility of a person may be assessed or re-assessed by the grant awarding body in the event of changes in circumstances which are likely to be permanent, relating, *inter alia*, to the candidate’s reckonable income. In addition to the maintenance grant schemes, other supports are available for students who may be marginally over the income limits.

The Student Assistance Fund is designed to assist students who, having commenced a third level course, experience financial hardship that may render them unable to continue their studies. In addition, the Millennium Partnership Fund which has been in operation since 2000 provides support to students from disadvantaged areas with a view to improving participation and retention in further or higher education. These funds are administered on behalf of my Department by the National Office for Equity of Access to Higher Education in the Higher Education Authority and are funded by the Government under the National Development Plan 2007-2013.

My Department is currently working with the National Access Office and Pobal in regard to the re-orientation of the Millennium Partnership Fund to support the development of a whole-community approach to equity of access to higher education. In this regard, a consultation process with community partnerships and other stakeholders is currently under way.

**Deputy Brian Hayes:** I thank the Minister of State for his reply.

#### **Residential Institutions Redress Scheme.**

8. **Deputy Pat Breen** asked the Minister for Education and Science if he will estimate the cost to the Exchequer of the redress scheme established to compensate victims of abuse in residential institutions; when he expects the redress board to conclude its work; and if he will make a statement on the matter. [44131/08]



**Deputy Batt O’Keeffe:** The primary function of the redress board is to provide financial redress to persons who, as children, were abused while resident in industrial schools, reformatories or other institutions subject to State regulation or inspection. The closing date for receipt of applications was 15 December 2005 by which time the board had received 14,513 applications. The board has received a total of 14,549 applications (including 36 late applications accepted up to 31 December 2007).

Up to 3 November 2008, 12,280 applications were processed by the board. The overall average award from the inception of the scheme is €64,892. Awards are determined by the board having regard to the severity of the abuse, the severity of physical and psychological injury and the loss of opportunity resulting from the abuse. The level of awards range in value from €0 to €300,000.

Expenditure associated with the redress board to end 2007 was €745,591,963. Based on the total number of applications received, the final cost of the scheme may be in the region of €1.1 billion, including legal and administration costs. Any estimate of the final cost of the scheme at this point will be tentative as the board has more than 2,000 applications to process and the level of award provided in these remaining cases may vary substantially.

The final cost of the redress scheme must be viewed in the context of the Government’s acceptance of its responsibilities in apologising to victims of abuse and the very substantial costs that would have been incurred had no such scheme been established, with cases processed in the normal manner through the courts. The scheme enables victims to obtain compensation for their injuries without having to face the trauma of pursuing their cases in court.

The Government in establishing the scheme considered it was the just and humane thing to do as the State was responsible for children that were placed in institutions by the courts and other public bodies. With more than 2,000 cases yet to be processed, it is difficult to say at this point when the board will complete its work. However, from experience, as a board generally clears between 200 to 220 cases per month, and is likely to have completed processing claims towards the end of 2009. While the processing of awards should be completed in 2009, there will be some residual work to be completed by the board in 2010.

**Deputy Brian Hayes:** The Minister has informed the House that there are 2,000 cases pending. This figure does not take into account the potential impact of the Supreme Court decision in respect of the O’Neill judgment in the High Court last month. If the High Court judgment stands — I do not wish to speculate on the outcome in this regard — the cost involved will be substantially higher because a cohort people previously unable to claim, those between 18 and 21 years at the time the abuse occurred — will be able to claim.

If that happens the current total of €1.1 billion, for which the State will have to pick up the tab, will escalate further. In this context, will the Minister consider re-opening the outrageous deal entered into by this State in 2002 with the religious orders whereby effectively they are handing the State €128 million, a substantial amount of which has yet to be paid, despite the fact that the total cost of the scheme is in excess of €1 billion? I put it to the Minister that if we lose in the Supreme Court, he should consider re-opening the indemnity deal which his party put in place in 2002.

**Deputy Batt O’Keeffe:** I am not going to speculate on the court case. The Attorney General and the Government are confident of winning that case.

**Deputy Brian Hayes:** Has the Government decided to appeal it?

**Deputy Batt O’Keeffe:** We have appealed it. The appeal has been lodged. We did so on the basis that we are confident, on foot of the Attorney General’s advice, we have an excellent

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case and we are not satisfied with the result of the court decision. As in other cases, the appropriate course is to allow the appeals process to continue. We will continue to process the 2,000 applications as part of the scheme and as soon as the appeal judgment is issued, we will then review any consequences — if there are any — on foot of that in regard to other matters that might apply.

**Deputy Ruairí Quinn:** I have two comments and two questions. The Minister complained earlier about the high volume of questions his Department has to answer. If he examined the reply he just offered, he would note he was asked two questions to which he provided about 15 answers. That is his own fault in this case. He should parse and analyse the reply that was written for him. He was asked about how much the scheme will cost and when the board will complete its work. In answering it he made a mountain out of a molehill. We could get through far more questions if he answered the question he was specifically asked.

**Deputy Batt O’Keeffe:** The Deputy will realise that I am given an allocated time to reply.

**Deputy Brian Hayes:** He is given an allocated answer.

**Deputy Ruairí Quinn:** I know, but he is adopting the same strategy that was adopted by his predecessor, which is to filibuster to the maximum in the time allocated.

**Deputy Bernard J. Durkan:** That is right.

**Deputy Jimmy Devins:** The Minister has given the information on this.

**Deputy Ruairí Quinn:** That is the Department policy. My point relates to the scale of the deal. Will the Minister agree that the Department of Finance recommended to his predecessor, Deputy Woods, that the religious orders should, in principle, bear approximately half of the cost of the restitution? That information is in the public domain. What is now emerging is that they will bear less than 20% of the real cost, if it is €1.1 billion, and, as the Minister rightly said, we cannot sign off on that figure. Irrespective of what the Supreme Court judgment may be, is it not time to revisit the whole compensation deal in the light of the unprecedented scale of the cost of the scheme, which we failed to anticipate at the time?

**Deputy Batt O’Keeffe:** There are two aspects to this. One is that we have to await the outcome of decision on the appeal. The second aspect is that a definitive contract and deal was done between the church and State. As far as I am concerned, legally, that is the binding agreement that has been made. From reading the newspapers, I understand that is an indication from the church that it would not be prepared to revisit this issue. I have no detailed knowledge of the background to the agreement; I am dealing with its actuality and am quite satisfied the church is complying very much with that it and that great progress has been made.

There has been a transfer of property to the value of €66 million, a cash contribution of €52 million instead of €41.14 million and counselling as part of the service to the value of €10,000 has been provided. The church has met by and large with all the requirements.

**An Leas-Cheann Comhairle:** There is time for a final supplementary.

**Deputy Batt O’Keeffe:** I understand there are two properties for which the deeds cannot be found and they may be compensated for by way of cash.

**An Leas-Cheann Comhairle:** I ask the Minister to have regard to the Chair.

**Deputy Ruairí Quinn:** It will amount to only 10% of the total cost.

**Deputy Brian Hayes:** Will the Minister agree that what is important is that this matter would be brought to a conclusion very quickly on the basis that the persons who were referred to in the High Court judgment last month by Mr. Justice O'Neill are well into their 70s? Is it not right that this issue should be quickly resolved? Will the Minister in discussions with the law officer in his Department and with the Attorney General's office impress upon those law officers and upon the courts the necessity to bring this matter to a conclusion for all our sakes?

**Deputy Batt O'Keeffe:** The important point is that we would all like this matter to come to a quick conclusion. The last thing I want to be seen to do is to be in any way interfering with the courts. They are a separate entity, they do their own business, but we would like the appeal to be heard at the earliest possible date.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Joe Costello — the provision of permanent accommodation and recognition for Glasnevin Educate Together national school, Dublin 9; (2) Deputy James Bannon — the need to establish a mortgage rescue scheme to minimise mortgage repossession; (3) Deputy Bernard J. Durkan — the payment of mortgage supplement to a person (details supplied) in County Kildare; and (4) Deputy Joanna Tuffy — the provision of a permanent school building for Gaelscoil Na Camoige, Clondalkin, Dublin 22. The matters raised by Deputies Bannon, Durkan, Costello and Tuffy have been selected for discussion.

### **Messages from Select Committees.**

**Acting Chairman (Deputy Charlie O'Connor):** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Legal Services Ombudsman Bill 2008 and has made amendments thereto.

The Select Committee on Communications, Energy and Natural Resources has completed its consideration of the Gas (Amendment) Bill 2008 and has made no amendments thereto.

### **Estimates for Public Services 2008: Message from Select Committee.**

**Acting Chairman:** The Select Committee on Health and Children has completed its consideration of the following Supplementary Estimates for Public Services for the service of the year ending 31 December 2008 — Votes Nos. 40 and 41.

### **Adjournment Debate.**

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### **Financial Services Regulation.**

**Deputy James Bannon:** I thank the Ceann Comhairle for affording me the opportunity to raise this important matter, namely, the need for the Minister for Finance to establish a mortgage rescue scheme to minimise the number of mortgage repossessions, which is a potentially major cause of homelessness.

The current economic climate and the persistent increases in mortgage possession action have made this an area that needs to be urgently addressed. Financial deregulation and

[Deputy James Bannon.]

increased sub-prime lending has drawn in more economically vulnerable households, leading to a situation in which, according to Mr. Justice McGovern, mortgage lenders are leaving it to the courts to deal with the social wreckage caused by giving loans to people who cannot afford to repay them.

Many sub-prime lenders have encouraged people to borrow beyond their means and are quick to take action to repossess properties when payment default becomes an issue. Insurance provisions cannot always save people from repossession and such repossession leads to homelessness.

Mortgage rescue schemes — the introduction of such a scheme is what I am seeking — are already in operation in other parts of Europe. These can be in the form of shared ownership, which reduces the amount of mortgage repayments or a complete purchase of a property in which the former owner becomes the assured tenant and is able to remain in his or her home for as long as he or she likes. There is also a number of private companies offering sale lease-back possibilities, but these may involve home owners selling a property for considerably less than its value and offer little in the way of tenure.

I want the Government to introduce proposals to reduce the number of households becoming homeless as a result of mortgage repossessions, which are currently running at a high level. Education must be provided to ensure that people have the necessary financial capabilities to manage their affairs and information must be provided on what services are currently in place to support people with mortgage difficulties. The Government must ensure that comprehensive information and advice is available to all consumers pre-purchase, taking into account affordability and, in particular, the implications of changes in circumstances and also encouraging improved communication between lenders and borrowers where difficulties arise.

Rural homelessness is not an issue that is commonly discussed and is often hidden as people may face stigma in their community if they lose their home. Dwellings are often in remote areas which are removed from services and such households have a greater difficulty in accessing these than those in urban areas. Housing options may be fewer and affordability for home ownership is particularly difficult, as house prices can be disproportionate to incomes.

The threat of homelessness is very real and is rapidly increasing, with a 70% increase in the number of people seeking help to pay their mortgages from the start of this year and some 7,000 people now applying for assistance, a major increase compared to the 4,000 who were applying for it last December.

The urgent development of a mortgage rescue scheme, allied with improvements in regulation and enforcement, to ensure that courts only approve possession action when lenders have explored all other options to prevent possession being taken, must be undertaken by the Government. As Mr. Justice McGovern said recently: “I wonder what is realistically being done by banks and mortgage companies...?” We could certainly add the Government to that question. I welcome a favourable response from the Minister on the issue raised because it is one that is becoming increasingly widespread. We need a scheme to be put in place urgently to protect people from homelessness.

**Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Trevor Sargent):** Ar dtús báire, ba mhaith liom a rá gur oth liom nach bhfuil an tAire Airgeadais, an Teachta Brian Lenihan, i láthair. D'iarr sé orm an freagra seo a thabhairt don Teachta Bannon.

I wish to start by addressing the Deputy's concerns on the need for supports for those who may fall into arrears on their mortgages and I will later address the issue of how mortgage

providers deal with such situations when they arise and the role played by the Government and the Financial Regulator in responding to those difficulties.

It is obviously most desirable that as few people as possible fall into arrears with their mortgages and one of the ways of achieving that is to ensure mortgages are affordable in the first instance. In terms of the housing market, affordability in Ireland is currently supported by such factors as interest rates that remain low in historic terms — with today's ECB announcement providing further relief — and increases in mortgage interest relief available in particular to first-time buyers. Successive budgets since 2006 have increased the level of mortgage interest relief available to first-time buyers in order to re-focus mortgage interest relief towards home owners who are in most need of assistance.

In order to alleviate the difficulty for prospective first-time buyers who previously may have had access to a mortgage from mainstream financial institutions, but who are now unable to secure sufficient loan finance, the Government has decided to provide assistance through the new home choice loan. Those loans are to be provided by local authorities to first-time buyers of new properties subject to a maximum loan of €285,000, and a maximum loan to value ratio of 92%.

Furthermore, it is envisaged that a new single streamlined Government equity product will be introduced in mid-2009 to change the way in which affordable housing is provided, to introduce greater equality into the system and to provide a basis for achieving greater consistency across the schemes and across different areas of the country. The Government will take an equity stake in the affordable units sold, which the purchaser can either buy out in steps or at the end of a fixed period. That means the State's investment will be better protected and should enable more funds to be recycled into affordable housing in the future.

The Minister for Finance has consistently highlighted the need for responsible behaviour by both borrowers and lenders and, in particular, the need to factor in to their financial decision-making the effects of potential future changes in economic and financial conditions.

Unfortunately, a number of borrowers develop debt problems. Anyone experiencing difficulty in repaying a mortgage or other loan should discuss the matter with the loan provider and seek appropriate financial advice without delay. The money advice and budgeting service, MABS, which falls under the remit of my colleague, the Minister for Social and Family Affairs, is a national, free, confidential and independent service for people in debt or in danger of getting into debt. Funding for MABS in 2008 is almost €18 million and is to continue at that level for 2009.

The Department of Social and Family Affairs also funds the demand-led mortgage interest supplement scheme, which provides short-term income support to those eligible who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. Support for the scheme was re-affirmed in the recent budget and payments from it have reached more than €20 million so far this year. As it is a demand-led scheme, the Government is committed to meeting all payments arising under it, thereby affording protection to those who need it when they need it most.

The Deputy will appreciate that recent media attention on court proceedings for home repossession needs to be interpreted with caution, given the variety of circumstances that give rise to such cases. Although the number of cases involving applications for repossession orders is up in each of the past two years, it should be noted that orders are not always granted and do not always represent residential mortgages. Even when orders are granted, they are not always followed through and levels remain low compared to historical averages and in comparison to similar jurisdictions such as the United Kingdom.



[Deputy Trevor Sargent.]

Non-financial supports in place include the Financial Regulator's consumer protection code, CPC, which applies to home loan providers operating in the State, including so-called sub-prime lenders. The CPC requires mortgage lenders to undertake suitability assessments before offering a product or service to consumers as well as requiring the regulated provider to contact the consumer as soon as it becomes aware that a mortgage account is in arrears, irrespective of the amount of the arrears. The CPC also specifies that the regulated provider must have in place a procedure for handling accounts in arrears and the Financial Regulator's CEO has pointed out that the Financial Regulator considers this to include a requirement that lenders agree a remedial action plan with a borrower as soon as they detect arrears starting to emerge and to try to assist the borrower to manage his or her financial commitments and not allow the situation to worsen.

The Deputy may wish to note that the provisions of the scheme made under the Credit Institutions (Financial Support) Act 2008, requires institutions covered by the guarantee in Ireland to confirm their compliance not only with the consumer protection code, but also with the Irish Banking Federation's, IBF, code of practice on mortgage arrears, IBF code. The other IBF and Irish Mortgage Council members comply with the IBF code on a voluntary basis. In accordance with the IBF code, borrowers are advised to contact their lender about any problems they may experience in meeting their repayments schedule. It recommends that the borrower contact the lender after one missed scheduled payment, again irrespective of the amount, in order to prevent a situation of mounting arrears arising with negative consequences for both the borrower and lender. Once the borrower has contacted the lender, the latter will consider all viable options and develop a plan for clearing the mortgage arrears. Home repossession should be, and generally is, the last resort for the lender and the preferred method of dealing with arrears cases should be early intervention.

In the light of the above, I am satisfied that adequate safeguards are currently in place to minimise home repossessions in Ireland. The Government will continue to monitor the situation carefully and will consider the requirement for any further responses in order that the legitimate interests of mortgage holders are safeguarded.

### **Social Welfare Benefits.**

**Deputy Bernard J. Durkan:** Having listened to the last reply, this one will add further grist to the Minister's mill. The case I wish to outline turns the response we have heard completely on its head. In this case one of the partners is out of the family home due to circumstances beyond the other person's control. Mortgage arrears have arisen to the extent of approximately €6,000. The monthly mortgage payment is approximately €1,400, depending on the interest rate. The person's total income is in the region of €1,500 per month and the mortgage is 95% of that. How does one expect a family to survive with two children in those circumstances?

I advised the person to apply for family income supplement, FIS, as she had applied for the one-parent family allowance previously. She was granted FIS. A helpful letter around that time from the superintendent community welfare officer said: "It would be advisable for Ms So and So to speak with her partner with a view to his surrendering his interest in the family home, in which case the Department would be able to assist fully with the interest element of the mortgage repayment." It transpires that if the husband's interest in the family home was surrendered that would solve the problem.

What amused me most is that it will take time to do that. One does not know what will be the eventual outcome of the family home circumstances. To go through the court proceedings and all entailed in that will incur further expenses both on the part of the State and on the



poor unfortunate person. The sad part is that having been awarded FIS, the woman received a letter from the community welfare officer saying the combination of FIS and the €27 per week she earns from employment, which has been taken into account in a means test, means she no longer qualifies for any assistance with her mortgage. I do not think community welfare officers are fully aware of the rules and regulations in the application of the system. It is happening all the time and the Minister of State knows this well.

I totally disagree with the Minister of State's statement on new sub-prime mortgages. They are still sub-prime mortgages because all that will happen is that over-priced houses will be off-loaded to unfortunate people who are totally incapable of paying for them and who will have negative equity in the next six months, let alone two years. I say this having dealt with housing loans for years. I deal with a large volume every year and I am sure every other Member does the same. It is only by doing so that one gains experience.

In heaven's name, will somebody evaluate this case according to the person's income and recognise that she has approximately €150 per month on which to live after paying the mortgage and that there are recurring household expenses over which she has no control? Making a decision on entitlements on the basis of looking at a chart is not desirable. The Minister of State should remember that community welfare officers can exercise discretion. They operate according to guidelines, not rigid statutory rules.

Will the Minister of State send some kind of message, by pigeon or some other method, down the line to staff who deal with these cases to explain that these are very difficult times and that people need to be treated with respect and concern, given that they may face increases in mortgage arrears and ultimately may be on the roadside without a house? The local authority or HSE will have full responsibility. These bodies can walk away from the matter and say they have no responsibility but if they walk away, we had better recognise that we are flying in the face of all the precedents and established practices of the past 40 years. For God's sake, will the Minister of State tell somebody to wake up and deal with these circumstances immediately and not wait for six months or a year?

**Deputy Trevor Sargent:** Is olc liom a rá nach bhfuil mo chomhghleacaí, an tAire Gnóthaí Sóisialacha agus Teaghlaigh, an Teachta Mary Hanafin, i láthair. Táim cinnte go mbeidh sí ag léamh an Tuairisc Oifigiúil. I thank Deputy Durkan for raising a clear example of a difficulty of which I know the Minister, Mary Hanafin, will be very much aware.

The supplementary welfare allowance scheme provides for a supplement to be paid in respect of mortgage interest to any person in the State whose means are insufficient to meet their needs. The scheme is administered by the community welfare service of the Health Service Executive on behalf of the Department. The purpose of mortgage interest supplement is to provide short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house that is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only.

In general, a person may be entitled to a mortgage interest supplement provided she or he is habitually resident in the State; the loan agreement was entered into at a time when, in the opinion of the Health Service Executive, the person was in a position to meet the repayments; the residence in respect of which the loan is payable is not offered for sale; the mortgage interest payable does not exceed such amount as the Health Service Executive considers reasonable to meet his or her residential needs — in exceptional circumstances, a supplement may be awarded where the mortgage interest exceeds such amount as the executive considers reasonable, but such a supplement is payable for a maximum of 12 months only; and she or he satisfies a means test.

Mortgage interest supplement is normally calculated to ensure that a person, after the payment of mortgage interest, has an income equal to the rate of supplementary welfare allowance,

[Deputy Trevor Sargent.]

appropriate to family circumstances, less a minimum contribution, currently €13, which recipients are required to pay from their own resources. The minimum contribution will be increased to €18 per week from January 2009. Many recipients pay more than the minimum contribution because they are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic SWA rate towards their accommodation costs.

Where two people enter into a joint mortgage agreement there is an obligation on both parties to meet repayments as agreed with the financial institution. The fact that one of the joint mortgage holders is not resident in the property does not remove the obligation on that person to meet that part of the loan repayment which is reasonably attributable to him or her. It is not considered appropriate that the Exchequer should provide assistance towards the accumulation of a capital asset on the part of the absent party to a mortgage agreement.

Where a person residing in the property becomes the sole mortgage holder, a mortgage interest supplement can be considered in respect of such amount as a community welfare officer considers reasonable to meet the person's accommodation needs up to the full amount of interest payable. Where the person resident in the property continues as a joint mortgage holder, a mortgage interest supplement payment will be considered in respect of half of the interest on the mortgage. However, the community welfare officer will take into account the circumstances of each case and in particular where a person resident in a property is seeking to become the sole mortgage holder.

It is a matter for the community welfare officer to make a decision on entitlement to mortgage interest supplement and the amount of that supplement, based on all of the facts of the case and the relevant legislative provisions. There is a right of appeal against the decision of a community welfare officer to a Health Service Executive appeals officer and thereafter to the chief appeals officer of the Department.

The Health Service Executive has advised that the person concerned is not entitled to mortgage interest supplement as her combined income from employment, the one-parent family payment and family income supplement is sufficient to meet the total mortgage interest due on the loan.

**Deputy Bernard J. Durkan:** No, it is not.

**Deputy Trevor Sargent:** Her weekly income after paying the full amount of mortgage interest due is over €360 per week in respect of herself and one child. If she is not satisfied with the decision of the community welfare officer, it is open to her to appeal against the decision to the executive's designated appeals office.

**Deputy Bernard J. Durkan:** The facts in the reply are incorrect

**Deputy Trevor Sargent:** I ask the Deputy to take up the matter with the Minister for Social and Family Affairs, Deputy Hanafin.

#### **School Accommodation.**

**Deputy Joanna Tuffy:** I wish to draw attention to the need for permanent accommodation for Scoil na Camóige in Clondalkin. The school was not included in the list of school buildings announced recently by the Minister for Education and Science. This is very surprising and disappointing for the school, its board of management, the parents and the children. The school has been in temporary accommodation for 15 years and, for most of this time, it has been in prefabricated buildings that are approximately 20 years old.

The school must be one of the schools waiting longest for permanent accommodation. I have raised in the past the fact that Gaelscoileanna seem to be faring very badly in this regard. Many of the schools awaiting permanent accommodation for a long time seem to be Gaelscoileanna. Fifteen years is an extremely long period, particularly given that the school in question is in very unsatisfactory accommodation.

Let me outline the history of the school's request for permanent accommodation. Great hope was given to the school, the parents and children in the lead-up to the general election in 2007 in that they were led to believe a permanent school building would be provided. The issue of the site for the building appeared to have been resolved. Government Deputies, including the Minister for Health and Children, Deputy Harney, and the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy John Curran, were very quick to give good news to parents in this regard.

I have a copy of a leaflet issued in this period by the Minister for Health and Children. It stated she was delighted with the progress made up to that point on what was an important issue for Clondalkin. It also stated she hoped any outstanding details could be resolved very quickly. She paid tribute to all who would be involved in making this happen, especially the parents, who were described as being so energetic and committed in their campaign for the new school site. The Minister thanked them for their kind words regarding the help she had given them and stated she was only too delighted to have pulled out all the stops to make that happen. However, nothing has happened since and the school is in exactly the same position as it was during the general election campaign in 2007. It is still in the same pre-fabs and the improvements made to those were done out of money raised by parents and the school board of management.

Recent correspondence from the Department of Education and Science does not offer much hope to the school. A letter to the council which had raised the issue with the Department states that the school building would be considered in the context of the Department's multi-annual school building and modernisation programme. Nothing is stated about when the school will be built.

In 2007, the Minister for Health and Children, Deputy Mary Harney, said that everybody agreed that the current pre-fab school was not suitable for the pupils or staff and that a new school building was required. At the time serious concerns were expressed about health and safety concerns with regard to the pre-fabs. There were problems with heating and a student had fainted in the classroom.

Recently, the principal requested the council to carry out a dampness report on the school. Serious dampness problems were found. There was poor ventilation in the girls' toilets, damp in the boys' toilets and a fire door needed a draught excluder fitted. The corridor was recorded on the upper register of the damp meter. There was mould in the staff room and in the toilets and there was high damp registration in many of the classrooms. Mould was found on the building. This could cause problems for the pupils because mould has been found to be a factor for people who have asthma.

In general, pre-fab buildings are not very energy efficient, getting over-heated in summer and taking too long to heat in the winter. Considerable costs are involved in heating pre-fabs. If any school should be given priority in the school building programme, Gaelscoil na Camóige is that school. I wish the Minister of State to update me on this matter.

**Minister of State at the Department of Education and Science (Deputy Conor Lenihan):** I thank the Deputy for raising this matter as it provides me with the opportunity to outline to the House the position with regard to the Department's plans to provide for the infrastructural needs of the three all-Irish schools in Clondalkin, including Gaelscoil na Camóige.

[Deputy Conor Lenihan.]

The three schools are Gaelscoil na Camóige and Gaelscoil Chluain Dolcáin which are primary schools, and Coláiste Chillian, a post-primary school. Gaelscoil Chluain Dolcáin and Coláiste Chillian currently occupy the same VEC-owned site in Clondalkin. Gaelscoil na Camóige occupies rented accommodation in the area.

The Department is committed to providing permanent accommodation for Gaelscoil na Camóige and, with the assistance of the Office of Public Works, it made strenuous attempts to acquire a suitable site to enable this. None was available. The Department then sought the assistance of the County of Dublin VEC to arrive at a solution. An earlier VEC proposal was rejected by the school authority but a second proposal was accepted. This involves the provision of permanent accommodation for the school on the Gaelscoil Chluain Dolcáin-Coláiste Chillian site.

Gaelscoil na Camóige has a current enrolment of 225 pupils. Its staffing comprises a principal and eight classroom assistants. The school also has two special education teachers. Gaelscoil Chluain Dolcáin currently has 279 pupils on roll and has a staffing complement of a principal and ten classroom assistants. Three special education teachers are employed there. The intention is to provide each school with permanent accommodation for 16 mainstream classroom assistants to cater for the long-term needs of the area. It is also intended that the schools will re-organise to form a junior and a senior school. The current enrolment for Coláiste Chillian is 387 pupils. Its accommodation is being increased to provide for 680 pupils to cater for demand from the expansion of the primary schools.

The Department asked the VEC to carry out a master plan of the site to ascertain if it could facilitate the plans to accommodate all three schools. This has been done and the Minister for Education and Science, Deputy Batt O’Keeffe, is pleased to be able to inform the Deputy that the site can be developed as intended. The next step is the appointment of a design team to commence architectural planning.

As the Minister, Deputy O’Keeffe, has explained in this House on a number of occasions, all applications for large-scale capital funding, including the one in question, are assessed against published prioritisation criteria and assigned a band rating. Projects are selected for inclusion in a capital programme consistent with that band rating. The band rating attaching to this project is band 1.4, a high rating, and reflects the fact that all-Irish infrastructural provision in the area is to be rationalised.

However, due to the scale of the demand on the capital budget of the Department of Education and Science, it is not possible to provide an indicative timeframe for the progression of the project at this time. Recently the Minister explained the situation in this regard to a delegation from the school.

The Minister is aware there are issues with regard to the school’s temporary accommodation. The Department of Education and Science has informed the board of management that it has the responsibility to ensure that the accommodation it is renting is suitable for school use. It should raise matters of concern directly with the landlord and ensure they are addressed to its satisfaction.

I thank the Deputy again for raising this matter and I assure her that I acknowledge the need for permanent accommodation for Gaelscoil na Camóige. I am committed to providing this as soon as the necessary funding is available.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 9 December 2008.

## 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 8, inclusive, answered orally.*

### **Third Level Funding.**

9. **Deputy Brian O'Shea** asked the Minister for Education and Science the budget deficits of University College Dublin, University College Cork, the National University of Ireland, Maynooth, Trinity College, Dublin and the University of Limerick; and if he will make a statement on the matter. [44340/08]

26. **Deputy Brian O'Shea** asked the Minister for Education and Science if his attention has been drawn to the fact that University College Dublin, University College Cork, the National University of Ireland, Maynooth, Trinity College, Dublin and the University of Limerick are all running budget deficits; the amount of funding each of these universities has had reduced by the Exchequer due to the €44 million cutback for higher education; and if he will make a statement on the matter. [44339/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I propose to take Questions Nos. 9 and 26 together.

The Universities Act, 1997, confers autonomous statutory responsibilities on universities in relation to the day to day management of their affairs. It is a matter for each university to manage their financial resources and to take the necessary steps to ensure that expenditure is kept within the approved budget.

There have been substantial improvements in the funding of higher education in recent years. Overall provision to the third level sector (including capital, recurrent funding and student grants) amounted to some €1.5 billion in 2004, some €1.9 billion in 2007 and some €2 billion in 2008. This is an increase of over 33% since 2004 and an increase of over 111% since 1998 levels when funding to the sector was some €949m.

Recurrent funding allocated specifically to the University sector has increased in recent years from €631 million in 2004 to some €790 million in 2007 and to some €831 million in 2008. This represents an increase of some 32% since 2004 and an increase of some 118% since 1998

[Deputy Batt O’Keeffe.]

levels. This excludes separately provided programmes of funding for capital, for research and development and from the Strategic Innovation Fund.

I have been advised by the Higher Education Authority (HEA) that of the five universities referred to by the Deputy, Trinity College Dublin do not expect to have a budget deficit for the purposes of their 2008 accounts. The expected budget deficits on the 2008 accounts in the case of the other universities referred to by the Deputy are as follows:

- University College Dublin (UCD): €15m;
- University College Cork (UCC): €3m;
- The National University of Ireland, Maynooth (NUIM): €3.9m;
- University of Limerick (UL): €1.5m.

These deficits will be a first charge on the allocations to each of these universities in 2009.

In relation to reductions in funding for 2008, a Government decision of July 2008 identified the need for savings of some €6.6 million to be achieved on the Education Vote in 2008. A savings target of €4.467m collectively was identified for the university and institute of technology sectors and the other HEA designated institutions. In this context, in addition to overall reductions on particular programmes of funding to the sector, specific reductions to notified recurrent funding allocations were applied directly to the five universities referred to by the Deputy as follows:

- UCD: €241,618;
- UCC: €158,472;
- TCD: €176,499;
- NUIM: €60,054;
- UL: €83,974.

There is a responsibility on each of the universities to identify and take whatever measures are required to manage within the budgets available to them. The facility to carry deficits allows a degree of flexibility across calendar years to reflect the fact that the management of budgets in individual universities operates on an academic year basis. However, any significant carry-over of deficits into 2009 will present challenges for university management given the tight constraints on overall funding in 2009 and the need for the universities to achieve pay-roll and non pay savings in common with all public sector organisations. I understand from the Higher Education Authority that it is in continuing correspondence with the universities in relation to deficits and is meeting with each university to discuss their budgetary situation. The Irish Universities Association (IUA) has been advised that the Authority will be paying particular attention to the level of deficit in the sector and will be requiring specific plans on how institutions propose to address any deficits. Through the HEA, I will be monitoring the level of deficit in the sector on an on-going basis throughout 2009.

#### **Departmental Statistics.**

10. **Deputy Kathleen Lynch** asked the Minister for Education and Science the reason his Department claims to compile statistics on primary schools on a county basis, as in Parliamen-



tary Question No. 173 of 20 November 2008, yet cannot compile statistics on the number of prefabs each school has; and if he will make a statement on the matter. [44341/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The types of data collected in my Department’s Annual Census of Primary schools include information on pupils’ age, standard and class, data on entrants, leavers, learning support, pupil retention and teacher data. The Census also collects information on pupils with special educational needs in special classes and special schools.

When all school returns have been processed, a series of statistical tables is produced giving information on indicators such as overall enrolment in primary schools, average class size, teacher numbers and pupil teacher ratios. Schools in my Department’s database are coded fully by county and data are currently published on a county by county basis.

In designing the census to be completed by schools, it is necessary to strike a balance between gathering a large amount of information and reducing the administrative burden on schools by ensuring that the census is not unnecessarily onerous or time-consuming to complete. In this regard, my Department focuses on key data which is known to change on an annual basis, such as pupil numbers.

While it may be desirable to gather other data, this must be done in a cost effective manner. Similarly, the information gathered must be managed effectively and my Department has been developing its information management systems, within the context of the limited administrative and financial resources available.

As part of the Data Strategy, my Department has committed to reducing the administrative burden on schools where possible. To ask schools to supply data regarding their school buildings on an annual basis would significantly increase their existing administrative burden.

While comprehensive information on temporary accommodation in schools is held on individual school files, my Department did not in the past have these details available in a format that provided readily accessible cumulative information on the overall position regarding temporary accommodation. However, this issue is being addressed and work on compiling a comprehensive database of such information will be completed shortly. This work is part of a general review of rental policy being undertaken. Information has already been collected and is being collated on approximately 900 schools which had received approval from the Department for temporary accommodation — including but not limited to prefabs.

The database of temporary accommodation that is currently being finalised will inform my Department’s future decision-making in this area.

### **State Examinations.**

11. **Deputy Emmet Stagg** asked the Minister for Education and Science his views on ending the practice of exempting students sitting their State exams from grammar and spelling mistakes in view of the need to tackle illiteracy; and if he will make a statement on the matter. [44362/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Both the Education Act 1998 and the Education for Persons with Special Needs 2004 include a range of provisions to ensure that the educational needs of all students including those with a disability are identified and provided for. In this context, a range of accommodations are provided to enable students with disabilities to access the Certificate examinations. For example enlarged print, Braille translation, modified questions, use of a scribe, a reader, a personal assistant, a tape recorder or word processor, may be allowed depending on needs.

[Deputy Batt O’Keeffe.]

The scheme was expanded in 2000 following the report of an Expert Advisory Group, to provide opportunities for exemptions where a candidate was not in a position to demonstrate achievement in a specific area of assessment. In keeping with the advice of the Expert Advisory Group and in line with practice at that time in other jurisdictions, a system of annotation was applied to any case where a student was exempt from a specific area of assessment, or where the mode of assessment used had the same effect.

Spelling and grammar waivers in language subjects were provided for students suffering from dyslexia and other learning disabilities on a similar basis with effect from 2001, with annotation of the certificates.

The practice of annotation was the subject of a ruling of the Equality Tribunal in November 2006. The Department appealed the ruling in the Circuit Court, and the Court ruled on 19 October 2007 that the annotation had not discriminated against the students concerned. This ruling is being appealed to the High Court. The State Examinations Commission was asked to undertake a review of policy and practice in this area taking account of best international practice and in March 2007 announced the establishment of an advisory group for this purpose. I understand the report of the Advisory Group has now been finalised and submitted to the State Examinations Commission. The Commissioners are due to meet early in the new year to consider the Report, and will forward it to me after that with their advice.

I have no plans for change in this area, pending full examination of the Advisory Group’s report and consideration of the views of the State Examinations Commission and the National Council for Curriculum and Assessment. The current curricula in languages make it clear that spelling and grammar are essential elements of language subjects and are assessed as part of the examinations. The marks awarded to this area are not disproportionate. For example, in English in the Leaving Certificate, some 10% of the overall marks are applied to this area under the heading of “accuracy of mechanics”.

In regard to literacy generally, it should be noted that the OECD PISA study (Programme for International Student Assessment) of 15 years olds in 56 countries undertaken in 2006 showed that Ireland ranked 6th in Reading overall and 5th out of 29 OECD countries. Only one EU country, Finland, achieved a higher mean score than Ireland in reading.

### **Pupil-Teacher Ratio.**

12. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the extent to which the budget 2009 reduction proposals are expected to result in an increased pupil-teacher ratio on a county basis at all schools here; and if he will make a statement on the matter. [44287/08]

15. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the extent to which recently announced reductions in funding for education are expected to result in a reduction of teachers in schools on a county basis here; and if he will make a statement on the matter. [44286/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 12 and 15 together.

I have consistently said that the 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect Education while protected to a much greater extent than most other areas of public expenditure could not be totally spared. The

various impacts at school level were included in the Budget day announcements including the projected net impact on teacher numbers in primary and post-primary schools.

Clearly a net reduction in the number of teachers, while relatively small in terms of the overall number of teachers that will continue to be employed in our schools, will of course impact to some degree on the pupil teacher ratio in a situation where enrolments are rising. This applies to the ratio for the country as a whole in the primary and post-primary sectors and will apply at individual county level also. There may be some differences between counties depending on the distribution of the projected increase in enrolments.

I have already put it on record that I have no difficulty in setting out for this House or for the public generally what the final impact will be on the overall changes on aggregate teacher numbers in schools for the 2009/10 school year and this applies to final pupil teacher ratios as well. I have nothing to hide here. I have been upfront with the Irish people in relation to these measures and I am not claiming in any way that there will be no impact on the staffing position in schools generally but this will vary from school to school and there will be schools where the number of teachers will remain the same. I have however taken issue with some of the extreme claims that are being made about the overall impact.

I will set out the final position when the allocation processes have been completed. The allocation processes including notification to schools will commence early in the New Year. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. The final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme. The appellate process is particularly relevant at post-primary level where any specific curricular needs of the school concerned are considered. Also at post-primary there is no effective system wide redeployment scheme at present and this can mean that schools retain teachers, though over quota.

For the moment the priority for my Department is to move ahead with the allocation processes and begin the interaction with individual schools early in the new year and I do not propose to divert staff to engage in producing estimated or hypothetical outcomes for individual counties.

### **Departmental Funding.**

13. **Deputy Jack Wall** asked the Minister for Education and Science the percentage of the €8 billion committed to the strategy for science, technology and Innovation that is being spent on achieving the aim of doubling the number of PhD students; and if he will make a statement on the matter. [44338/08]

**Minister of State at the Department of Education and Science (Deputy Jimmy Devins):** The Strategy for Science Technology and Innovation constitutes one of the principal pillars of the National Development Plan 2007-2013, and is underpinned by a projected total investment of €8.2 billion. It is an integrated whole of Government approach to the realisation of an agreed vision that, by 2013, Ireland will be internationally renowned for the excellence of its research and at the forefront in generating and using new knowledge for economic and social progress, within an innovation driven culture.

The €8.2 billion allocation within the SSTI provides for separate programmes of support across a number of Government departments. This investment aims to improve the scale and quality of research carried out in Ireland. The allocation is disaggregated on the basis of research funding activities on a sectoral basis, each of which will be contributing to varying degrees to the funding of expanded PhD outputs.

[Deputy Jimmy Devins.]

Doubling the number of PhD graduates by 2013 is just one of the goals of this investment. Increasing the number of research teams within our higher education system, enhanced collaboration with industry and increased investment by enterprise in R & D activities are also essential for the development of a world class research system. My colleague, the Tánaiste and Minister for Enterprise, Trade and Employment has lead responsibility for the whole of Government approach to implementation of the Strategy for Science, Technology and Innovation. The range of relevant activities under various Ministers is also overseen by a Cabinet Committee on Science, Technology and Innovation.

The SSTI target to double the output of PhDs by 2013 is advancing significantly. The most recent data show total PhD numbers rising to over 1000 in 2007, increasing from 808 in 2005. This indicates that we are on track for achieving our goal of producing in excess of 1,300 PhD graduates annually by 2013.

The achievement of the overall target of PhD numbers will rely on inputs and funding contributions of a range of cross-sectoral research funders. The full aggregate cost contribution across each of the agencies involved is not available. However it is anticipated that full implementation of planned SSTI investments across Government will enable the target to be met. My Department is directly contributing to the achievement of this target through its funding of the Programme for Research in Third Level Institutions, the Irish Research Council for Science Engineering and Technology and the Irish Research Council for Humanities and Social Sciences, all of which provide funding for PhD students. Cycle 4 of the Programme for Research in Third Level Institutions will fund some 300 PhD students over its lifespan and over 1000 students are undertaking a PhD in 2008 with funding support from the two research councils.

#### **Pupil-Teacher Ratio.**

14. **Deputy Joanna Tuffy** asked the Minister for Education and Science the percentage of children in respect of primary school sizes in primary schools of 30 pupils or more for the years 1987 to 2009; the percentage of children in primary classes of less than 20 pupils for the years 1987 to 2009; and if he will make a statement on the matter. [44350/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I am making a table available on class size data for the school years 1987/88 to 2007/08. This shows the improvements over the twenty year period with the percentage of pupils in classes of less than 20 pupils increasing from 3.3% to 13.8%. It also shows how the percentage of pupils in classes of 30 pupils or more has fallen from almost 68% to just over 20%. The information for the current school year will not be available until all the enrolment returns from schools are fully processed.

The improvements over the years reflect our commitment to education and the increased investment when the country was better able to afford it. We reduced the basis on which primary teachers are allocated to schools from an average of 35 primary pupils per teacher in 1995/96 down to the current level of 27 pupils. The change to a new average of 28 pupils per teacher from September 2009 has to be viewed in that context.

Although it reverses some of the progress that we have made in recent years I had no option but to curtail the annual increase in teacher numbers. While I appreciate this will impact on class sizes the reality is that it will not impact on every school rather the change will impact on the total number of teachers in some 10 to 15% of primary schools. The reduced class sizes for the most disadvantaged in our DEIS schools of an average of 1 teacher for every 20 pupils in Junior classes and an average of 1 teacher for every 24 pupils in Senior classes will not be changing in 2009.

In any discussion of class size and classes where the number of pupils exceed the average it is important to understand how the main staffing schedule sets out to treat schools in like

circumstances in a fair and consistent manner. The current allocation is based on an average of 27 pupils per teacher and schools make individual choices in assigning teachers to class groups. With over 20,000 individual classes spread across all schools throughout the country there will always be differences in individual class sizes.

It is of course the case that some schools can have class sizes of greater than 27 but this is often because of a local decision by a school to use its teaching resources in order to have smaller numbers in other classes. Indeed, very often when a particular school has a class of over thirty in a particular grade, it is because there is another class in the same school with just 20 pupils or so.

While the budget measures will impact on class sizes it will be necessary in the more testing economic climate ahead for us to continue to target and prioritise our resources to maximum effect for everyone. While teacher numbers are important numerous influential reports have highlighted the fact that teacher quality is the single most important factor — far and above anything else — in improving educational outcomes for children. Ensuring high quality teaching and learning is a challenge and dealing with factors that inhibit it represent a challenge for the Government, the Department, school management and indeed the teacher unions.

I am confident that as the global economy improves it will be possible to build again on the significant achievements of recent years and do so in a manner consistent with overall prudent management of the Irish economy.

% of Total Pupils by Class Size and School Year

	% of pupils in classes of less than 20	% of pupils in classes of 30 and more
1987-88	3.30	67.76
1988/89	2.74	72.47
1989/90	2.74	71.42
1990/91	3.15	67.96
1991/92	3.53	62.84
1992/93	4.28	56.71
1993/94	5.09	51.68
1994/95	6.13	48.54
1995/96	6.94	43.90
1996/97	7.81	41.77
1997/98	9.17	39.48
1998/99	10.29	37.28
1999/00	11.58	30.25
2000/01	12.75	28.89
2001/02	14.73	27.28
2002/03	15.32	25.88
2003/04	15.44	24.78
2004/05	15.14	24.91
2005/06	14.18	25.14
2006/07	13.73	24.01
2007/08	13.80	20.37

*Question No. 15 answered with Question No. 12.*

### School Curriculum.

16. **Deputy Joe Costello** asked the Minister for Education and Science if his Department will drop the requirement of field work that makes up an integral part of the biology leaving certificate curriculum in view of his cutbacks on substitute cover; and if he will make a statement on the matter. [44352/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Leaving Certificate Biology syllabus aims to ensure that students attain certain skills which include an ability to carry out practical work, laboratory work and fieldwork activities safely and effectively. According to the revised syllabus, students must study and visit one ecosystem. This fieldwork is essential for the effective teaching and learning in this topic.

The arrangements for the fieldwork can take a variety of forms and can range from day trips to local centres where they are facilitated by tutors to fieldwork undertaken in local parks and within school grounds. I understand that visits which have proved extremely effective have included trips to football pitches, hedgerows, nearby parks and rocky seashores. Leaving Certificate Biology students have weekly double lessons for practical work. Where fieldwork trips are based on the school site, they may be incorporated into a double class period which eliminates the need for substitution.

There has been extensive, nationwide in-service training for Biology teachers in the area of ecology fieldwork techniques, delivered by the Biology Support Service. Teachers should be in a position to be able to deliver this element of the curriculum effectively to students in a variety of locations. In addition, there is on-going support should any teacher feel that they require further support in this area.

The 2009 Budget required difficult choices to be made across all areas of public expenditure. Decisions were made in order to control expenditure and to ensure sustainability in the long term. In this respect my Department, while protected to a much greater extent than most other areas of public expenditure, could not be entirely spared, and I acknowledge the impact of funding restrictions in a number of areas, including at school level. However, these are the inevitable result of the challenging economic environment and the need to manage Exchequer resources prudently.

It is a matter for each school management authority to organise its classes, curriculum, teaching time-table and subject options having regard to pupils’ needs within the limits of its approved teacher allocation.

I have no plans to drop the fieldwork component of this subject. It should be noted that my Department continues to pay substantial allowances to teachers for provision of supervision and substitute cover.

### Departmental Funding.

17. **Deputy Seymour Crawford** asked the Minister for Education and Science if he had meetings with the managers of the Protestant fee paying schools to discuss the implications of budget 2009; if not, if he will meet them; and if he will make a statement on the matter. [44317/08]

25. **Deputy Seymour Crawford** asked the Minister for Education and Science if he had a meeting with the Church of Ireland bishops regarding the €2.8 million cut in grants to Protestant secondary schools; if further meetings are planned; his views on whether the cuts will have serious effects on many of these individual schools; and if he will make a statement on the matter. [44318/08]



**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 17 and 25 together.

While I have not met with managers of the Protestant fee charging schools I did meet with representatives of the Church of Ireland Board of Education, led by Archbishop John Neill, on 13 November last.

The meeting provided me with an opportunity to explain at first hand the context for the budget changes that were of concern to the Bishops and the schools serving the Church of Ireland and other minority churches. In the course of the meeting, I confirmed my budget day announcement that the funding provided through the Protestant Block grant was being continued by the Government. I explained that against a backdrop of a difficult economic and fiscal situation I had to take decisions that impacted on the staffing and the range of funding grants to schools generally. The decision to cease paying certain grants to the Protestant fee charging schools, that were not paid to other fee charging schools, has to be viewed in that wider context.

It was inevitable in the difficult financial circumstances that the education budget for 2009 could not be totally spared from the need to curtail expenditure but it is important to reiterate again that the Protestant Block Grant which in the current school year amounts to €6.25 million will continue to be available and the retention of this grant demonstrates the importance that I, and this Government, continue to attach to ensuring that students of the Protestant faith can attend schools that reflect their denominational ethos. Historically this payment covers capitation, tuition and boarding grants and is distributed through the Secondary Education Committee established by the Churches concerned.

I fully appreciate the concerns that were expressed to me about the needs of the dispersed minority population and the particular need to sustain schools in the Protestant tradition that are directly serving that dispersed population in particular areas of the country. In that regard I expressed my willingness at the meeting to respond positively to any proposals that might be made to my Department that would enable the available funding to be focused and adjusted to more effectively meet the twin objectives of access for individuals and sustaining the dispersed schools that they wish to attend. The Bishops indicated that they would reflect on how the funding I am continuing to make available might best be deployed to meet the needs of their schools.

Further meetings can be scheduled at any point to develop and build on what I believe was a useful and constructive discussion.

### **Bogus Educational Institutions.**

18. **Deputy Jack Wall** asked the Minister for Education and Science the reason he is reluctant to use the full rigours of the law to close down bogus educational institutions; and if he will make a statement on the matter. [44337/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Section 52 of the Universities Act, 1997, prohibits the use of the term ‘University’ where the organisation is engaged in the provision of education services unless the Minister for Education and Science consents to the use of the term. When my Department has become aware of organisations using the term without consent, appropriate action has been taken.

In most cases, when the legislative requirements were explained, the organisations concerned voluntarily agreed to stop using the title. Agreement has also been reached with the Companies Registration Office that any business name applied for which features the term ‘University’ will not be accepted without the express approval of the Department of Education and Science.

[Deputy Batt O’Keeffe.]

In addition, the Irish Domain Registry has agreed not to register web addresses using the title ‘University’.

In addition, the Department maintains an Internationalisation Register containing programmes which are approved for the purpose of access to work by students who are citizens from outside the EU/EEA and Switzerland. Only programmes which have been quality assured and/or lead to recognised qualifications are included on the Register. Both the Internationalisation Register and a list of approved higher education providers are maintained on the Department’s website.

My Department is also considering a number of new measures which are intended to bring greater clarity and focus to the international education market. We will, in particular, be examining how functions in the regulatory area can be allocated in the context of the overall rationalisation of agencies as well as developing mechanisms to increase the levels of co-ordination between the various stakeholders in the promotion of Irish education services overseas.

### **Departmental Expenditure.**

19. **Deputy Michael D. Higgins** asked the Minister for Education and Science the amount his Department spends on postage costs regarding the circulation of notices to school boards of management; his Department’s policy on the use of email for this purpose; and if he will make a statement on the matter. [44361/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The specific information sought by the Deputy in relation to the cost of postage of notices to Boards of Management is not readily available within my Department. The amount spent by my Department on the distribution of publications to schools etc. cannot be separated from the overall cost of postage issued from my Department. My Department’s total expenditure on postage this year to end October is €2,031,176.79. This figure includes the cost of posting a variety of materials to schools including publications, circulars, paycheques, posters, leaflets, etc. It should also be noted that my Department agrees on occasion to circulate relevant materials produced by other organisations to schools, the postage costs given above do not exclusively relate to material emanating from the Department. My Department regularly reviews its postage arrangements with a view to achieving maximum value for money. In this regard, last year my Department introduced a system of regular bulk mailings to schools in order to avail of discounted rates and to minimise postal costs.

A wide range of publications and reports are made available electronically on my Department’s website: [www.education.ie](http://www.education.ie). It is the policy of my Department that all circulars can be accessed on my Department’s website and all circulars and notices of general application, whether issued via the postal service or not, are posted on the website for reference and download. The circular or notice in question, where appropriate, requests the management authority to bring its contents to the attention of staff and /or parents in the school.

Teachers are generally made aware of the existence of circulars relating to pay by the inclusion of a text facility in their payslip. In addition, the Online Claims System (OLCS) which has been rolled out to primary and post primary schools has also removed the need for schools to submit certain information to my Department on paper forms, thus saving on printing and postage costs for both schools and my Department. In certain instances schools are also notified when a Circular has been placed on the website by the inclusion of a paragraph on the notes of the OLCS system.

In a further effort to reduce the costs of printing and distribution of publications in 2009, it is now corporate policy within my Department that all publications will be web based and will only be printed and distributed by post in exceptional circumstances.

Email is used by my Department's Post Primary Teachers Unit to disseminate information relating to the posting of circulars on the website and other information to the CEOs of the 33 VECs, the management bodies and the unions in addition to alerting schools through the OLCS.

An email service for the Schools Broadband Access Programme has been commissioned and designed and has been piloted with a number of schools to test the system and obtain feedback on the service. The Department is considering the wider application of this email service generally for schools and specifically as a communications tool for the Department.

### **Third Level Education.**

20. **Deputy Liz McManus** asked the Minister for Education and Science if he will request each third level institution to publish the number of staff involved in direct education provision and those involved in indirect activities which do not involve teaching or research, with clear audit policies used for conducting this survey; and if he will make a statement on the matter. [44335/08]

44. **Deputy Joan Burton** asked the Minister for Education and Science if he will ensure that all third level institutions will publish the number of staff and students in each academic department in their annual reports; and if he will make a statement on the matter. [44334/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I propose to take Questions Nos. 20 and 44 together.

It is a matter for the Higher Education Authority (HEA) to determine the format of annual reports published by Institutes of Technology. The format of the reports published by individual universities is determined by their respective Governing authorities.

I believe the development of appropriate data collection and reporting systems is critical to providing the information necessary for the management, oversight and development of the higher education sector. While some institutions report staff and student statistics in their annual reports by academic department, as there is no consistent definition of what constitutes an academic department across the higher education sector, comparison of this data is not meaningful.

With a view to developing enhanced data collection and reporting systems, the HEA has been consulting with partner agencies in order to define a common format that meets all agencies' needs. This process is at an early stage, and will require agreement across all interested agencies and higher education institutions to succeed. It is envisaged that timely annual reporting of staff numbers by discipline and activity will emerge from this process.

My Department, through the Strategic Innovation Fund, is also funding a number of specific projects that will contribute to this process. These include:

- the Irish Universities Association project on Building Strategic Information/Decision-Support Capacity
- the Irish Universities Association Full Economic Costing project,
- the Institutes of Technology Ireland project on Delivering Systemic Change,

[Deputy Batt O’Keeffe.]

- institution specific projects such as the DIT Strategic Management and Change project.

### **School Transport.**

21. **Deputy Willie Penrose** asked the Minister for Education and Science if medical card holders are exempt from paying the recently increased school transport charges of €300; and if he will make a statement on the matter. [44349/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Yes. School transport charges will continue to be waived in the case of eligible post-primary children where the family is in possession of a valid medical card. Eligible children attending primary schools and children with special needs will also still travel free.

### **Halla Spóirt.**

22. D’fhiafraigh **Deputy Dinny McGinley** den Aire Oideachais agus Eolaíochta cén fáth nach bhfuil halla spóirt ag scoil (sonraí tugtha) go fóill agus nach bhfuil sé tar éis a bheith tógtha le breis mhór agus fiche bliain agus an gceadódh sé deontas sa dóigh gur féidir tús a chur leis chomh luath agus is féidir. [44285/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Tá an tionscadal dá dtagraíonn an Teachta ag ardchéim pleanála ailtireachta faoi láthair.

Machnófar ar dhul chun cinn gach uile tionscadal tógála ar scála mór, an tionscadal seo ina measc, ón túscheim dearaidh go dtí go mbíonn an tógáil déanta, i gcomhthéacs Chlár Tógála agus Athnuachain Scoile Ilbhliantúil mo Roinnse. I bhfianaise na n-éileamh iomaíocha ar bhuiséad caipitil mo Roinne, áfach, ní féidir creatlach ama tascach a chur in iúl do dhul chun cinn an tionscadail ag an am seo.

### **Pupil-Teacher Ratio.**

23. **Deputy Seán Sherlock** asked the Minister for Education and Science if he will explain the decision to increase the class size in further education courses from 16:1 to 17:1; the reason this was not announced in budget 2009; and if he will make a statement on the matter. [44332/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Budget 2009 required difficult choices to be made across all areas of public expenditure. Decisions were made in order to control expenditure and to ensure sustainability in the long term. The regression in the Pupil Teacher Ratio (PTR) in the Post-Leaving Certificate (PLC) sector from 16:1 to 17:1 was taken on the same basis as the regression in the PTR in the Post-Primary Sector from 18:1 to 19:1.

Teacher allocations for both the Post-Primary and the PLC sector are made on the Post-Primary system. The identified savings of 200 teachers in the 2009/2010 school year are based on the regression in the PTR across both the Post-Primary and the PLC sector.

The bases for the allocation of teachers in Youthreach, the Vocational Training Opportunity Scheme and Senior Traveller Training Centres have not changed.

### **Water Charges.**

24. **Deputy Joanna Tuffy** asked the Minister for Education and Science the position regarding

the payment of water charges by schools; the financial support his Department will be providing to schools to pay these charges; and if he will make a statement on the matter. [44351/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Government agreed a transition period to full water charges in the case of non-fee charging recognised schools and the Department of the Environment, Heritage and Local Government has advised local authorities of the detailed arrangements regarding the implementation of this decision.

The transitional arrangements afford schools the opportunity to put in place water conservation arrangements and practices and to undertake works that can help reduce water usage significantly before full water charges are introduced. By virtue of good water conservation schools can be in a much stronger position to reduce the impact of water charges on their overall budgets.

Under the transition arrangements agreed by the Government, schools pay a flat rate per pupil fee as follows:- 2007- €3 per pupil, 2008 — €3.50 per pupil and 2009- €4 per pupil enrolled. For 2007, charges applied based on metering were recalculated on the transitional flat rate with a credit given for any excess payment.

Guidance was also issued to schools on the most appropriate measures to minimise excess consumption of water and to reduce wastage where it exists. In addition, water conservation issues will continue to be addressed by my Department as a matter of routine where new schools are being built or where major renovations are being carried out to existing schools under the schools modernisation programme. Furthermore those schools with very high water consumption will be identified and contacted with a view to introducing measures to help them reduce water usage.

In the context of reducing water costs for schools, it has been demonstrated that fitting simple water saving devices to toilets and sinks can reduce water consumption considerably at very little cost, as can other small works such as fixing easily identifiable leaks. Primary school authorities may use their annual minor works grant to fund such measures. The minor works grant has increased by nearly 50% over the past two years and some €27m is due to issue to all primary schools in early 2009 under this grant scheme.

My Department remains in close liaison with the Department of Environment and Local Government regarding water conservation and is supportive of any initiatives by it and local authorities that will help reduce water costs for schools.

In relation to day to day funding for schools I prioritised funding for primary schools in the recent budget, increasing the standard rate of capitation grant at primary level to €200 per pupil. The increases in the enhanced rates for special needs pupils in special classes and special schools brings the top rate up to almost €1,000 per pupil.

The capitation grant for post-primary schools has been increased by 4.3%, representing an increase of €14 per pupil, to bring it to €345 per pupil from January 2009. Voluntary secondary schools will also benefit also from an increase in the school services support grant by €8 per pupil from January 2009. This will mean, for example, that a secondary school with an enrolment of 500 pupils will receive an additional €11,000 in funding in 2009.

While I clearly will want to improve funding as soon as circumstances permit, I am anxious to make the capitation grant mechanism the single funding channel for schools.

*Question No. 25 answered with Question No. 17.*

*Question No. 26 answered with Question No. 9.*



### School Curriculum.

27. **Deputy Joe Costello** asked the Minister for Education and Science the funding his Department provides for the leaving certificate applied curriculum; and if he will make a statement on the matter. [44353/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In 2008, my Department provided grants of €1.23 million to schools for the Leaving Certificate Applied programme. Schools also benefited from an equipment grant, amounting to €5,079 for each school offering the programme.

As a result of the need to make savings in Budget 2009, this grant has been abolished with effect from 1 January 2009. The budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect, the education sector, while protected to a much greater extent than most other areas of public expenditure, could not be totally spared. Even with the budget measures in place there will still be a significantly increased borrowing requirement in 2009.

While certain grants are to be abolished, I would like to emphasise that the capitation grant for post-primary schools has been increased by 4.3%, representing an increase of €14 per pupil, to bring it to €345 per pupil from January 2009.

Voluntary secondary schools will benefit also from an increase in the school services support grant by €8 per pupil from January 2009. This will mean, for example, that a secondary school with an enrolment of 500 pupils will receive an additional €11,000 in funding in 2009. A more favourable teacher allocation ratio applies to the Leaving Certificate Applied programme.

### On-line Databases.

28. **Deputy Mary Upton** asked the Minister for Education and Science if he will require all third level institutions to establish an on-line database of research dissertations which have merited graduate awards subject to reasonable conditions; and if he will make a statement on the matter. [44333/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Irish Higher Education Institutions are currently involved in the development of open access repositories — online storage and retrieval systems where published research findings and papers are stored and made available for full, open and free access by the research community and the general public.

In a project funded under Cycle 1 of the Strategic Initiative Fund, a number of Irish universities have developed open access repositories of their own and are now engaged in the development of a national open access repository system by connecting the repositories of each participating institution for fuller public accessibility and to increase exposure of Irish University published research.

Recently, Irish research funding agencies have begun the implementation of an ‘open access’ policy for publicly funded research. The Higher Education Authority (HEA) has developed a policy on open access which will be implemented for all future research funding calls. Where a research publication arises in whole or in part from HEA-funded research, researchers will now be required to file their published research papers in an open access repository as soon as is practical, but within six calendar months at the latest.

Other agencies that have also adopted an Open Access Policy include the Irish Research Council for Science, Engineering and Technology (IRCSET), Science Foundation Ireland (SFI) and The Health Research Board (HRB).



Aside from its benefit to the academic and research community, the move towards open access will make theses and other research outcomes generally available to the interested public and is to be welcomed.

### Language Schools.

29. **Deputy Róisín Shortall** asked the Minister for Education and Science his plans to ensure statutory regulation of the English language school sector; and if he will make a statement on the matter. [44356/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The English language education sector is an important part of Ireland’s international education offering, and is a major contributor to the Irish economy. Recent estimates put its total impact on the economy at around €500 million.

It is important, therefore, that institutions offering English language courses and other programmes of education to international students should operate in a regulatory environment which is robust and appropriate, and which has credibility both domestically and in the international market.

The existing regulatory regime for English language schools is operated by ACELS — the Advisory Council for English Language Schools — a body under the aegis of my Department. Institutions offering English language programmes must meet a set of standards in areas such as learning and teaching provision, teacher qualifications, premises and facilities. Compliance with these standards is assessed through an inspection regime operated by ACELS. Only programmes of education which meet these standards, and have been subject to inspection can be added to my Department’s internationalisation register, which allows access by non-EEA students to employment, subject to certain conditions.

Given the importance of the international education sector generally, my Department will be examining the overall regulatory regime for international education provision. As part of this, consideration will be given to assigning regulatory functions to an appropriate existing authority under statute, having regard to overall Government policy in relation to the rationalisation of agencies.

### Schools Building Projects.

30. **Deputy Emmet Stagg** asked the Minister for Education and Science the school building projects that are planned under the public private partnership model with the location of each school, a brief description of the project and the estimated cost of each project; and if he will make a statement on the matter. [44360/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In September 2005 funding of €300 million for an Education PPP Programme comprising of 23 new post-primary schools and 4 new primary schools under a major expansion of the Government’s Public Private Partnership Programme was announced.

The first bundle of schools announced in November 2005 comprises of Banagher College-Coláiste na Sionna, Gallen Community School, Ferbane, Scoil Chríost Rí, Portlaoise and St Mary’s CBS, Portlaoise. 2,700 pupil places will be provided when these schools are completed in 2010.

The 2nd bundle of primary/post-primary projects was announced in November 2006. This bundle comprises Bantry Community College and Gaelscoil Bheanntairi, Co. Cork, Kildare Town Community School, Abbeyfeale Community College, Athboy Community School and

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Wicklow Town Community College. These schools will provide in excess of 4,700 pupil places when completed in 2011.

The Schools remaining in my Department’s PPP programme are:

- Ennistymon Community School;
- Skibbereen Community School;
- Colaiste Ailigh, Letterkenny;
- New Community College and Primary School, Doughiska, Galway;
- St Paul’s Secondary School, Monasterevin
- Doon/Cappamore Secondary School, Limerick Eureka Secondary School, Kells;
- Gorey Post Primary School;
- Colaiste Raithin, Bray and a Primary School;
- Tramore Community School.

My Department is considering each of the above schools as well as a number of other post-primary schools where sites are currently available for inclusion in a 3rd bundle and I intend making an announcement on this bundle as quickly as possible.

As the procurement process for the current PPP programme is ongoing my Department does not provide information on the costs involved in compiling the Public Sector Benchmark. I can confirm that the Bundles currently in procurement each have a Capital cost in the range of €50m-€100m.

### **School Curriculum.**

31. **Deputy Mary Upton** asked the Minister for Education and Science his plans to ensure that children receive at least two hours of physical education in school per week; and if he will make a statement on the matter. [41131/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** It is my belief that a well planned Physical Education programme has a vitally important role to play in a broad and balanced curriculum for our primary and second level students.

At primary level, Physical Education is one of seven curriculum areas within the revised Primary School Curriculum which was introduced in 1999. A minimum of one hour of physical education per week is recommended for all primary school pupils. The curriculum has been structured so as to allow individual schools a high degree of flexibility and choice in the planning of a broad and balanced Physical Education programme for pupils, and includes six broad strands featuring Athletics, Dance, Gymnastics, Games, Outdoor and adventure activities and Aquatics. A programme of inservice training in PE has been provided to support the full implementation of the curriculum. In addition to implementing the curriculum, schools are also encouraged to devote one day every year to “Sport for All” whereby an entire day is given over to sporting activities that emphasise participation and co-operation, rather than winning or losing.

In accordance with the Rules and Programme for Secondary Schools, all second level schools should provide Physical Education as part of the curriculum. The programme that each school

plans and delivers should be based on my Department's approved syllabuses and the teaching hours should be registered on the school timetable. The syllabuses have been developed on the basis of a time allocation of two hours per week.

The phasing in of a revised Physical Education syllabus (non-examination) at Junior Cycle level commenced in September 2003. The Junior Cycle Physical Education Support Service has been in place since then to support teachers in the implementation of this syllabus. The programme includes adventure activities, aquatics, athletics, dance, invasion games, net and fielding games, gymnastics and health related activity.

Apart from the formal curricula, schools take a range of measures to encourage physical activity among students during the school day and many provide extensive, broad-based programmes of co-curricular physical activities that are highly rewarding for both pupils and teachers alike. In particular, schools play a major role in nurturing and promoting the involvement of students in sporting activities in the wider community. Sports organisations such as the Gaelic Athletic Association, Basketball Ireland, the Football Association of Ireland provide extensive opportunities for such participation.

### **Language Schools.**

32. **Deputy Ciarán Lynch** asked the Minister for Education and Science the procedures followed in the Advisory Council for English Language Schools' accreditation process; the qualifications required by teachers to be employed in these schools; and if he will make a statement on the matter. [44355/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The Advisory Council for English Language Schools (ACELS) was established in 1967 and reconstituted as a company operating under the aegis of the Department of Education and Science in 1995. It provides a voluntary quality assurance and inspection scheme for private sector English language schools. ACELS also approves teacher training qualifications for the EFL private sector, and has developed English language proficiency test instruments.

Schools which comply with the ACELS quality assurance and inspection scheme are approved by my Department for the purpose of providing English language programmes in the private sector. The conditions for recognition of schools are available on the website [www.acels.ie](http://www.acels.ie), and include such requirements as:

- that courses are educationally sound and have content appropriate to their objectives within a documented framework;
- that placement procedures are educationally sound and students are placed in classes according to competence and age;
- that class size does not exceed 15 students;
- that courses reflect Irish life and culture where appropriate;
- that satisfactory arrangements are in place for academic management, staffing and administration, and that all teachers have a third level qualification at a minimum of Level 7 in the national qualifications framework or equivalent, plus an ACELS recognised qualification in Teaching English as a Foreign Language;
- that premises meet the requirements set out in a schedule of standards.

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There is an annual application process and all centres are inspected prior to approval, as well as being subject to a full inspection at least once every three years. Unannounced spot checks are also undertaken. The quality standards for management, staffing and administration are on the website, as are the criteria for inspection.

The programmes recognised by ACELS for teaching in the EFL sector are programmes which comply with the Key Standards and Guidelines and Common Assessment Framework for the Certificate in English Language Teaching, or the Preparatory TEFL qualification for State qualified teachers. The key standards and assessment framework, also on the website, cover such issues as trainee entry criteria, course duration and programme hours, supervised teaching practice, classroom observation, lesson planning and programmes of work, teaching techniques and assessment, classroom management and selection of materials, and review, in addition to having appropriate premises and resources for the programme. These standards are based on best international practice in the EFL sector.

Applications may be made to ACELS for approval of teacher training programmes for this purpose. In addition, ELT programmes of a minimum of 115 hours duration leading to awards recognised by the Higher Education and Training Awards Council, Dublin Institute of Technology, NUI and recognised universities, and their international equivalent are also recognised.

*Question No. 33 answered with Question No. 7.*

#### **Higher Education Grants.**

34. **Deputy Michael D. Higgins** asked the Minister for Education and Science the position regarding grants available for teachers who wish to pursue a postgraduate qualification; and if he will make a statement on the matter. [44379/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In general, there are no grants payable directly to teachers to obtain a postgraduate qualification. However, the Teacher Education Section does pay tuition fees directly to colleges for teachers who undertake a number of post-graduate programmes in the area of Special Educational Needs. The Deputy might be interested to note that teachers who successfully complete certain post-graduate programmes in the area of Special Educational Needs also qualify for payment of an additional allowance provided that they satisfy all the other criteria for eligibility.

It should also be noted that where a teacher successfully completes certain other accredited courses and subject to certain other criteria, an allowance may be payable to teachers. This would include basic teaching qualifications with varying allowances for honours and pass and certain post-graduate qualifications.

The Teacher Education Section also manages the Teacher Fee Refund Scheme. This scheme was initiated in 1998, under the Programme for Cooperation and Work (PCW) to provide funding towards the cost of the course and examination fees incurred by primary and post primary teachers on successful completion of in-career development courses. The courses must be relevant to the teaching profession and approved by the Department and school authorities. Qualifying courses must be of benefit to their schools as well as of benefit professionally to the teacher concerned.

#### **Schools Building Projects.**

35. **Deputy Ciarán Lynch** asked the Minister for Education and Science his views on the future development of school campuses in view of the expected 100,000 increase in pupil

numbers in the next ten years; his further views on the continued feasibility of one and two teacher schools in view of same and on the continued feasibility of having separate schools cater for each and every religious denomination; and if he will make a statement on the matter. [44354/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department is indeed open to the concept of multi-school campus arrangements as this can have many positive outcomes, including the reduction in land take required for school development. The Forward Planning Section of my Department will always convey this to Local Authorities when requesting site reservations for educational purposes as part of a Local Area Plan or a County Development Plan.

The Deputy will be aware that I have recently announced a review of the procedures for the establishment of new primary schools under the Commission on School Accommodation. A number of policy issues have to be considered as part of the review, including the issue of both minimum and maximum school sizes and the question of diversity of school provision. It is expected that this review will be completed and the revised arrangements put in place within a two year time frame.

In the interim it is not proposed to recognise any new primary schools, except in areas where the increases in pupils numbers cannot be catered for in existing schools and which require the provision of new schools. This means that new schools will not be established for reasons unrelated to demographic growth in areas where there is already sufficient school accommodation or where increases can be catered for by extending existing school accommodation.

#### **School Accommodation.**

36. **Deputy Kathleen Lynch** asked the Minister for Education and Science the number of prefabs currently in use by primary schools on a county basis; and if he will make a statement on the matter. [44347/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Approximately 900 schools were contacted in September 2007 and asked to complete a questionnaire regarding the stock of temporary accommodation in their schools. This information has now been collected and is currently being collated in my Department. The data received so far from schools has been entered into a database and shows the following information: The total number of prefabs being occupied by these primary and post-primary schools amounts to 2,450. A further 85 rental arrangements relate to the rental of buildings on a temporary basis, 35 are for rental of both buildings and land, while 55 relate to the rental of land only. Of the prefabs being occupied, the returns show that 1,745 were rented and 705 were declared to have been purchased.

The information sought by the Deputy on a county basis will be assembled and forwarded as soon as possible

#### **Schools Building Projects.**

37. **Deputy Denis Naughten** asked the Minister for Education and Science when he will announce the next public private partnership schools bundle; if he has finalised the schools to be included; and if he will make a statement on the matter. [44316/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department is examining the feasibility of grouping a number of schools in the 3rd Bundle of school projects to be procured via Public Private Partnership. The make up and timing of bundles in my Department’s PPP school building programme will be determined by my Department in consultation

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with the National Development Finance Agency (NDFA). The issues to be considered in the timing and bundling of these schools include site availability for each school, geographical spread and the estimated total cost of the proposed school bundle. The examination in relation to the 3rd Bundle is nearing completion and it is my intention to make an announcement about the matter as quickly as possible.

### **Third Level Funding.**

38. **Deputy Liz McManus** asked the Minister for Education and Science his views on linking budget allocation for third level institutions to results achieved in improving third level access to students from disadvantaged socio-economic backgrounds; and if he will make a statement on the matter. [44336/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In July of this year I launched the National Plan for Equity of Access to Higher Education 2008-2013. One of the key objectives of this plan is to mainstream our approaches to improving access to higher education, including reflecting the importance of access in the funding model for the sector. Since 2006 the Recurrent Grant Allocation Model (RGAM), which is the Higher Education Authority (HEA) model for allocating funding to the universities and other institutions, has included an allocation for under-represented groups in higher education.

The purpose of this funding allocation is to reflect the costs to institutions of attracting and supporting students who come from non-traditional backgrounds. The funding applies a 33% additional per student weighting linked to the number of students from under-represented groups. This approach is being reviewed in context of more detailed data that has been gathered through an ‘Equal Access’ data collection mechanism. This new mechanism, for the gathering of standardised data on students’ social, economic and cultural background, was introduced as part of the registration processes of the majority of higher education institutions last year.

As well as under-pinning the extension and development of the funding model, developments of the evidence base for access will advance a number other key objectives of the National Access Plan. It will enable better strategic planning for access at both sectoral and local level, in particular the setting of new national and institutional targets for participation by under-represented groups. It will also support meaningful evaluation of the impact of policies to broaden access and participation in higher education.

### **Departmental Statistics.**

39. **Deputy Willie Penrose** asked the Minister for Education and Science the statistics his Department collects with regard to primary schools; the way this data gathering operates; and if he will make a statement on the matter. [44348/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department conducts an Annual Census of primary schools in order to gather the data my Department needs for statistical, administrative and policy planning purposes. The types of data collected include information on pupil’s age, standard and class, data on entrants, leavers, learning support, pupil retention and teacher data.

The Census also collects information on pupils with special educational needs in special classes and special schools.

The Annual Census of primary schools is a paper-based census. Once a form is received back into the Department, it is logged and checked and errors are resolved with the school if necessary. The data is then keyed into a database and undergoes further validation. When



every school has made a census return and each form has been fully processed and added to the database, a series of statistical tables is produced giving up to date information on various indicators such as overall enrolment in primary schools, average class size, teacher numbers and pupil teacher ratio. Schools are asked to return their forms to the Department by the end of October each year. Due to the large volume of forms it takes a number of months after the October deadline to fully complete processing and produce final statistics.

### Schools Building Projects.

40. **Deputy Thomas P. Broughan** asked the Minister for Education and Science the primary and post-primary capital school building projects that are on site at 30 November 2008; the expected completion date of every project; and if he will make a statement on the matter. [44358/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information requested by the Deputy regarding major projects on site at 30 November 2008 along with their expected completion dates is given in the following tabular statement.

There are 27 major primary school projects and 6 major post-primary school projects which are currently in construction and which will progress to completion in 2009 or early 2010.

In addition, this years capital programme has seen the completion of 43 new primary schools and 3 new post-primary schools with a further 29 major primary school extension and refurbishment projects and the 15 major post-primary extension and refurbishment projects reaching completion.

Taken together, these major projects reflect the concentration by my Department this year on providing sufficient school places in developing areas, while also delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country and represent an unprecedented level of achievement.

Large Scale Projects on site on 30 November 2008

Primary	County	Roll No.	School	Expected Completion date
1	Clare	13418J	Ballyea Mixed NS, Sn Baile Aodha	September 2009
2	Cork	15597W	Macroom BNS, Macroom	April 2009
3	Donegal	16642G	Clonmany Mixed NS	August 2009
4	Donegal	17728V	Woodlands National School, Letterkenny	May 2009
5	Donegal	20054L	Scoil Eoghan Merville	August 2009
6	Donegal	19333I	Dooish NS Ballybofey	November 2009
7	Dublin	19769W	Scoil Thomais Laurel Lodge Castleknock	December 2008
8	Dublin	20020R	Gaelscoil Thaobh na Coille, Cill Tiarnain	September 2009
9	Dublin	20048Q	Gaelscoil Lios na nOg, Dublin 6	May 2009
10	Galway	20108I	Knocknacarra NS	July 2009
11	Kildare	00779U	Presentation Convent, Maynooth	May 2009
12	Kildare	19786W	Castledermot NS Mixed School	December 2008
13	Kildare	20159C	Gaelscoil Nas Na Riogh — Piper’s Hill	May 2009
14	Kildare	20023A	Gaelscoil Chill Dara Newbridge	February 2010
15	Kildare	20177E	Newbridge Educate Together NS	February 2010

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Primary	County	Roll No.	School	Expected Completion date
16	Kildare	70650L	Athy Community College	February 2010
17	Kilkenny	17657B	SN Tobar Mhuire Bhuac Thomastown	December 2008
18	Kilkenny	19523N	Holy Spirit Special Sch, Gaol Road, Kilkenny	August 2009
19	Limerick	16237U	Dromtrasna NS Abbeyfeale	January 2010
20	Laois	13643Q	Emo Mixed NS Portlaoise	August 2009
21	Mayo	193871 / 19773N	St Dympnas and St Nicholas Special Schools	August 2009
22	Meath	16655P	Scoil Naise Na Dearmhai Longwood	August 2009
23	Meath	18016O	S N Columbain, Ballivor	May 2009
24	Meath	16646O	St Mary’s Convent NS Trim	January 2010
25	Roscommon	18571T	Knockcroghery National School, Lecarrow	December 2008
26	Westmeath	16838A	Baile Ui Gheibhinn NS, Gainstown	April 2009
27	Wicklow	13597M & 18408I	(1) St. Andrew’s N.S., & (2) Newcourt Special School, Newcourt Rd, Bray	December 2009

Post-Primary	County	Roll No.	School	Expected Completion date
1	Dublin	76097U	Adamstown Community College	August 2009
2	Galway	91514U	Glenamaddy Community School, Glenamaddy	November 2009
3	Laois	91550B	Mountrath Community School, Mountrath, Co. Laois	August 2009
4	Leitrim	76089V	Mohill Community College, Mohill, Co. Leitrim	December 2008
5	Mayo	72050U	St Brendan’s College Belmullet	June 2009
6	Meath	71950L	St. Peter’s College, Dunboyne	August 2009
7	Wexford	63650U	St Peter’s College Secondary School, Summerhill, Wexford	August 2009

41. **Deputy Thomas P. Broughan** asked the Minister for Education and Science the capital building construction projects that will commence in 2009 at primary level and at post-primary level; and if he will make a statement on the matter. [44359/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** On 29th September this year I announced details of 25 major school building projects. Details of these projects are in the table which is also available on my Department’s website.

The school building projects which I announced will provide permanent primary school places for over 4,600 students in five new schools and 15 extended and modernised schools. A further 3,600 students at post-primary level will benefit from one new school and four major extension and refurbishment projects.

I would also like to draw the Deputy’s attention to my statement on 29th September that it is my intention to make a further announcement in the first quarter of 2009 on a further group of major primary and post-primary school projects to proceed to tender and construction.

## Outline of Announcement of Major School Building Projects

1. The following 5 primary and 2 post-primary projects are to prepare to go to site before the end of 2008:

Roll No.	School Details	Project Details
16237U	Dromtrasna Ns, Abbeyfeale, Co Limerick	New five-classroom school, general purpose hall and associated works.
16646O	St Mary's Convent N.S., Trim, Co Meath	Extension of nine classrooms, five special needs rooms, general purpose hall and alterations.
19333I	Dooish N.S., Ballybofey, Co Donegal	Three-classroom extension, autistic spectrum disorder unit, general purpose room, ancillary accommodation, alterations and refurbishment, and associated works.
20023A	Gaelscoil Chill Dara, Newbridge, Co Kildare, (Joint Project With Newbridge ET)	Renovation and extension of the former dining room block to provide a five-classroom extension and ancillary accommodation. Renovation and extension of the former dormitory block to provide 16 classrooms and ancillary accommodation. General purpose hall. Associated works.
20177E	Newbridge Ed. Together N.S., Newbridge, Co Kildare] (Joint Project With Gs Chill Dara)	Renovation and extension of the former dining room block to provide a five-classroom extension and ancillary accommodation. Renovation and extension of the former dormitory block to provide 16 classrooms and ancillary accommodation. General purpose hall. Associated works.
70650L	Athy Community College, Co Kildare	New school, PE hall and autistic unit — 4,843m <sup>2</sup> to cater for 400 students.
71950L	St Peter's College, Dunboyne, Co Meath	Extension of 3431m <sup>2</sup> for a school with 1,000 pupils.

2. The following 12 primary and 3 post-primary projects are to proceed to tender, with a view to going on site in the first half of 2009:

Roll No.	School Details	Project Details
00885T & 20200T	Ratoath Jnr And Snr N.Ss Ratoath, Co Meath	10-classroom extension and four-classroom extension and associated works. Two schools.
13350B	Scoil Bhríde N.S., Athgarvan, Co Kildare	Four-classroom extension, library, general purpose room, alterations and associated works.
15696B	Silvermines N.S., Silvermines, Co Tipperary	New three-classroom school, general purpose hall, ancillary accommodation and site decontamination works.
17662R	Scoil Bhríde N.S., Kill, Co Kildare	New 32-classrooms school and associated ancillary accommodation and site works.
17964K	Scoil Mhuire Naofa, Rathfeigh, Co Meath	Extension, alteration and refurbishment of five-classroom school.
18028V	Corr A Chrainn N.S., Corr A Chrainn, Co Monaghan	Two-classroom extension, GP room and refurbishment.
18363M	Sn Muire Gan Smál, Green Lane, Co Carlow	Eight-classroom extension, autistic spectrum disorder unit, alterations, covered walkway and associated works.
18646B	Springdale N.S., Lough Derg Rd, Raheny, Dublin 5	New six-classroom school and new ball court and play area. Demolish existing building.
18654A	Caragh N.S., Naas, Co Kildare	15-classroom extension, general purpose hall and ancillary accommodation.

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Roll No.	School Details	Project Details
18786R	Scoil Iosagáin, Farranree, Co Cork	Two-classroom extension and general purpose room.
20196I	Ballybunion N.S., Ballybunion, Co Kerry	New eight-classroom Generic Repeat Design school. Amalgamation of St Joseph’s Primary and Ballybunion Boys NS.
62970K	Colaiste Iognáid S.J., Bothar Na Mara, Galway	Extension of 2,455m <sup>2</sup> and refurbishment for a school for 600 students.
61710C	Meánscoil Iognaid Rís, Naas, Co Kildare	Extension of 3105m <sup>2</sup> and associated works for a school for 1,000 students.
76060U	Davitt College, Castlebar, Co Mayo	Provision of a PE hall of 591m <sup>2</sup> for school with 600 pupils.

3. The following 3 primary schools are to progress up to and including application for planning permission and preparation of tender documents, with a view to the earliest possible date to site:

Roll No.	School Details	Project Details
18778S	S.N. Naomh Mochta, Clonsilla, Dublin 15	16-classroom extension and ancillary accommodation.
20076V	Bunscoil Bhóthar Na Naomh, Lismore, Co Waterford	Extension of seven classrooms and ancillary accommodation.
20106E	Scoil Niocláis, Frankfield, Grange, Co Cork	16-classroom extension and associated works.

### School Accommodation.

42. **Deputy Róisín Shortall** asked the Minister for Education and Science the reason more than €1million has been spent on renting prefabs at a school (details supplied) in County Waterford over the past ten years despite the fact that this school could have had its major building project completed; and if he will make a statement on the matter. [44357/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers was given approval to rent temporary accommodation while awaiting a new school building. The original project brief for the school was for a refurbishment and extension consisting of six additional mainstream classrooms and appropriate ancillary accommodation to cater for a long term projected enrolment of a Principal and 16 mainstream class teachers. This project proceeded to architectural design, based on the project brief as above.

In 2005, my Department reviewed the long term projected enrolment for the school. Reviews of this nature are essential for all proposed projects in order to ensure that what is being designed continues to meet the long-term needs of the school and such reviews are in accordance with Department of Finance Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector. Having considered all options, my Department recommended that the brief for the project be changed from 6 additional classrooms and appropriate ancillary accommodation to a new 24 classroom school at the rear of the existing site.

The proposed project to provide the new school is in architectural planning and is currently at the detailed design stage of the planning process. Because of competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of this project at this time.

### **Schools Refurbishment.**

43. **Deputy Jan O’Sullivan** asked the Minister for Education and Science when the details for the summer works scheme 2009 will be completed; the date by which the details of the summer works scheme will be published; and if he will make a statement on the matter. [44363/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Since the Summer Works Scheme was introduced, over 3,000 projects, costing in excess of €300 million, have been completed. With so many smaller projects having been completed over the past few years, the particular emphasis in 2008 has been on providing sufficient school places in developing areas, while also delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country. Accordingly my Department has focused on delivering as many large projects as possible in 2008 and funding was not made available for a Summer Works Scheme this year.

However, I recognise the benefits of the scheme in addressing the needs of schools and I have previously informed the house of my intention to have a Summer Works Scheme in 2009. The details of the operation of the scheme in 2009 and the level of funding to be made available under the scheme in 2009 are currently being considered and will be completed as soon as possible. The Professional and Technical Reports provided by schools for 2008 can be used again for future projects so that schools will not be at the loss of expenditure on them.

*Question No. 44 answered with Question No. 20.*

### **Legislative Programme.**

45. **Deputy Seán Sherlock** asked the Minister for Education and Science the date for the Committee Stage of the Student Support Bill; the reason for the delay of this stage; and if he will make a statement on the matter. [44331/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Student Support Bill was published in February 2008 and provides the legislative framework for the reform of the administration of student grants and the amalgamation of the existing four student grant schemes into a single unified scheme which will be provided for by way of regulation.

The Bill concluded Second Stage in the Dáil on the 30th April 2008 and it is anticipated that it will progress to Committee Stage shortly. A number of amendments are currently being considered, arising from a review of the Bill following the Second Stage debate and further consultations since publication.

The Bill is part of an overall programme of legislative and administrative reform, which will facilitate the introduction of significant service level improvements in the administration of student grants, providing for greater consistency of application, improved client accessibility and timely delivery of grants to those who need them most. It will include guaranteed time-frames for the assessment of grants, an independent appeals procedure and more efficient arrangements for handling applications and making payments.

This new, significantly more customer-oriented system of administration will provide for a more simplified and accessible applications system, much greater speed and consistency in processing student grant applications, more transparency and accountability in the awarding of grants and regular, on-time EFT payments for students. The roll-out of these very considerable service level improvements will also require the development of an IT system, which it has already been agreed will operate as a shared service across all 33 VECs.

### School Transport.

46. **Deputy Denis Naughten** asked the Minister for Education and Science the status of his Department's review of school transport catchment boundaries; and if he will make a statement on the matter. [44384/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** I am pleased to advise the Deputy that the proposals for progressing the commitment given in the Programme for Government to review the school transport system including catchment boundaries are almost complete. I expect to be making an announcement on the matter shortly.

### Departmental Guidelines.

47. **Deputy Jan O'Sullivan** asked the Minister for Education and Science if his Department will issue guidelines to schools regarding dealings with separated parents of pupils; and if he will make a statement on the matter. [44364/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** My Department has not issued guidelines to schools on this matter and it is not an issue that has been raised as causing particular difficulty in schools.

In general, it is my Department's view that both parents should be encouraged to take an active interest in their children's education and it is to the benefit of the children and the school when they do. It is appreciated that practical difficulties for schools can arise where parents are separated. However, my Department's approach to the issue of the rights of separated parents to involvement in their children's education is that the rights of both parents should be respected and given meaningful, practical expression in matters such as school reports, attendance at parent/teacher meetings and other school functions and that generally both parents should receive the same information and level of co-operation from the school. The only qualification to that approach would arise where the best interest of the child required a different approach.

Schools are best placed to exercise their own judgements as to what is appropriate in each individual case given their particular knowledge of the individual circumstances.

### Research Funding.

48. **Deputy Brian Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of the various programmes funded by Science Foundation Ireland in 2008; the level of funding allocated to each programme; and if she will make a statement on the matter. [44501/08]

49. **Deputy Brian Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of the programmes to be funded by Science Foundation Ireland in 2009; the level of funding which will be provided to each programme; and if she will make a statement on the matter. [44502/08]

50. **Deputy Brian Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of planned programmes to be cancelled or postponed by Science Foundation Ireland for 2009; and if she will make a statement on the matter. [44503/08]

51. **Deputy Brian Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the funding allocated to the Science Foundation Ireland STARS programme in 2008; if this programme will run in 2009; and if she will make a statement on the matter. [44504/08]



52. **Deputy Brian Hayes** asked the Tánaiste and Minister for Enterprise, Trade and Employment the details of the 2008 UREKA supplements programme; the level of funding allocated to this programme in 2008; if this programme will proceed in 2009; and if she will make a statement on the matter. [44505/08]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Jimmy Devins):** I propose to take Questions Nos. 48 to 52, inclusive, together.

The table sets out details of expenditure by SFI programme at the 31st October 2008. Arising from the recent Budget process SFI has been allocated €179.3 million for 2009 in respect of capital expenditure for research grants to third level institutions and related activity. This represents an increase of 4% on the Revised estimate capital allocation to SFI for 2008. It is not possible at this stage to provide a definitive breakdown at detailed programme level for 2009 given that funds will be allocated in the context of existing commitments and in accordance with the quantity and quality of future research proposals received by SFI.

However, given the current economic challenges and as part of the SFI strategic planning process for 2009-2013, SFI has evaluated its programmes to align them fully with the core priorities of the SFI mission and the objectives of the Strategy for Science Technology and Innovation 2006-2013. In this context SFI has decided that the UREKA Supplement and STARS programme will not be funded in 2009.

The STARS programme, which had expenditure in 2008 of €435,000, will not be funded by SFI in 2009 due to the decline in demand for laboratory placements by secondary teachers new to the programme and a shift towards delivery of Education and Outreach activities under other SFI programmes, such as the Centres for Science Engineering and Technology and Principal Investigator programmes.

The UREKA Supplement, which had expenditure in 2008 of €413,000, will not be funded by SFI in 2009 based upon feedback received from the undergraduate users and faculty providers of the programme. This feedback identified the SITES sub-programme of UREKA as being more productive than the SUPPLEMENTS sub-programme. The latter will not be funded in 2009 in favour of the former.

SFI has also decided not to run a Call for Proposals under the Stokes Lectureship and Professorship programme in 2008. This decision is based on the fact that the Stokes 2007 call resulted in twice the number of appointments than originally planned due to the excellent quality of applications received. SFI considers that it is appropriate to allow time to fully evaluate the newly appointed Stokes candidates from the first call before embarking on a second call.

For similar reasons a new call under the Research Professor programme will not be launched in 2008.

SFI Programmes	Expenditure at 31/10/08
	€ 000
Principal Investigator	35,035
Centres for Science Engineering & Technology	33,870
Research Frontiers Programme	15,398
Strategic Research Clusters	2,898
Stokes Lectureship and Professorship	6,369
E-Journals	8,250
Research Professor Recruitment Award	5,409
President of Ireland Young Researcher Award	2,931

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SFI Programmes	Expenditure at 31/10/08
	€ 000
UREKA Site	1,932
Mathematics Initiative	2,461
ETS Walton Visitor Award	1,941
Secondary Teacher Assistant Researchers Award (STARs)	435
UREKA Supplement	413
Conferences & Workshops	338
North-South Partnerships	84
SFI/DELL Scholarship 2009 (Young Women in Engineering)	58
US-Ireland R&D Partnership	20
Total	117,842

### Consumer Rights.

53. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment his views on a case (details supplied); and if she will make a statement on the matter. [44399/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I understand that the case referred to by the Deputy relates to the practice of the company concerned imposing a charge on customers who pay their bills by means other than by direct debit.

The National Consumer Agency has received a number of complaints in relation to this practice from consumers. I am advised that the Agency met with the senior management of the company concerned on a number of occasions. Arising from these discussions, the company agreed that this charge would only apply to new customers of the company recruited after 27th November 2006 and that new customers would be made fully aware, before signing up for the company's services, that a charge would be imposed if they did not choose to pay their bill by direct debit.

In so far as the application of VAT to the charge mentioned in the Deputy's question is concerned, VAT legislation provides that VAT is chargeable on the total consideration in respect of or in relation to the supply of goods or services, including all taxes, commissions, costs and charges whatsoever except the VAT itself. Accordingly, all charges to customers for the provision of the services in question, including handling or processing fees, are subject to VAT at the rate of 21.5%.

Whilst the actual practice of imposing charges of this nature is not in breach of consumer law, I remain of the view that such charges should not be imposed in a manner that unduly impacts on consumers, particularly vulnerable consumers. In this regard, I understand that the National Consumer Agency continues to meet with the company concerned in relation to a range of issues.

### Trade Missions.

54. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of businesses from Kildare south that accompanied her on each of the trade missions undertaken by her since the commencement of her Ministry; and if she will make a statement on the matter. [44414/08]

55. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of businesses and the number of new employment opportunities created as a result of each trade mission undertaken by her since the commencement of her Ministry; and if she will make a statement on the matter. [44486/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 54 and 55 together.

Since my appointment as Tánaiste and Minister for Enterprise, Trade and Employment, I have led three trade missions on behalf of Enterprise Ireland. These were to the United Arab Emirates (UAE), London and Zurich.

The mission to the UAE took place from 24th — 28th November last. In all, 88 companies and organisations took part in the mission during which 32 contracts and agreements were signed by Irish businesses from a variety of sectors, including construction services, engineering, architecture, software and financial services. The value of the contracts and agreements signed was € 40 million.

The event in London took place on 9th October 2008 and the programme in Zurich was on 11th and 12th November 2008. In London, I hosted the Embassy's annual Software Dinner, which was attended by a select number of Enterprise Ireland's technology clients and one Údarás na Gaeltachta client, along with their nominated guests. The mission in Zurich was focussed primarily on the Life sciences and Financial Services sectors. It is anticipated that these two events will assist the participating Irish companies to generate a significant volume of new export sales. These companies are also expected to secure contracts in a number of other regions, based on the relationships built at those two events.

As these three trade missions were concerned primarily with expanding trade and not with attracting foreign investment, it is not appropriate to link this work directly with the specific creation of new business and employment.

One of the participating companies on the recent trade mission to the UAE was from County Kildare. There were no other instances of Kildare addresses being given by participants, but it could be the case that some other companies, based in multiple locations, may also have operations in Kildare.

### **Economic Competitiveness.**

56. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she will take, in view of the significant price and VAT difference in Border areas and the consequent loss of business and employment in Border counties as a result, to address this situation; and if she will make a statement on the matter. [44525/08]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** As I said last week in response to a similar PQ, the fiscal positions of both countries are very different. In this regard it should be borne in mind that Ireland already has a low tax economy by comparison with other competing economies, especially in the area of direct taxation on both business and labour, which has a direct impact on all companies and workers in the State. This lower starting position for taxation makes it more difficult to reduce taxes further.

As we are all aware, we are running a significant budget deficit for this year. Suggestions by some commentators that Ireland should replicate UK fiscal policy by reducing our standard VAT rate by 2.5 percentage points would cost in excess of €1.1 billion in a full year. Reducing the standard rate to the same level as that in the UK (15%) would cost almost €3 billion per annum. In this regard, it is important to bear in mind that any policy to reduce VAT in the

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hope that it will boost spending has to be assessed with caution as much of its benefit would likely flow out of the State given the openness of our economy.

My Department does not have programmes or policies to specifically support the retail sector. In response to ongoing concerns in relation to the level of price differences north and south of the border, I have arranged to meet with Retail Ireland to seek explanations on the differences.

However my development Agencies are actively supporting firms in the border region. To further strengthen Irish businesses and employment in border region, Enterprise Ireland will continue to drive improvements in innovation, competitiveness, productivity and management capability in Irish companies. There are currently 2 full time enterprise development programmes ongoing in the border region. This involves business incubation and training for 25 entrepreneurs. Enterprise Ireland has also run 4 Enterprise Start Programmes in the region during 2008. This is a part time support programme to facilitate people who wish to develop and grow an early stage business idea.

To assist companies with innovation and R&D, the Institutes of Technology in the border region have been approved €2,485,773 in 2008 for a total of 18 specific projects. Furthermore, up to August 2008, there were a total of 112 innovation vouchers approved to SMEs in the border region.

With regard to smaller enterprises, the County Enterprise Boards are working to stimulate economic activity and to promote an enterprise culture at local level. In 2007 Cavan, Donegal, Leitrim, Louth and Monaghan CEBs paid over €1.5m in grant aid to 111 clients and assisted in the creation of 243 net jobs in these counties. In 2007 2,525 people participated in training through the border CEBs.

### **Road Safety.**

57. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if his attention has been drawn to continuing safety problems in the Phoenix Park due to pedestrians using cycle lanes; if his further attention has been drawn to the reports that park rangers have been ordered, on foot of complaints by pedestrians, not to ask them to walk on the designated footpaths rather than in the cycle lanes; and if he will make a statement on the matter. [44391/08]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Park Rangers have been instructed to request pedestrians to use footpaths rather than cycle lanes for safety purposes and regularly patrol the cycle lanes to encourage pedestrians to use the footpaths. In addition, the markings on the cycle lanes have recently been renewed.

### **Tax Collection.**

58. **Deputy Tom Hayes** asked the Minister for Finance if an instalment payment plan will be set up to assist small businesses make payments to the Revenue Commissioners especially during the current downturn in the economy. [44407/08]

**Minister for Finance (Deputy Brian Lenihan):** A delay in collection of the revenues due impacts on the level and timeliness of financial resources available to the Government. The Deputy will also be mindful that such delays facilitate businesses, large and small, which, by withholding tax payments and using those monies to improve cash flow, gain unfair competitive advantage.

In this context, I am advised by Revenue that it expects that taxpayers and businesses organise their financial affairs in such a way as to be able to discharge those tax compliance responsibilities in full and on time.

However, where particular difficulties arise, I am further advised by Revenue that it is prepared to work with a business towards restoring timely payment of its tax debts. Crucial to Revenue's ability to work with a business in such circumstances is the quality and timeliness of engagement by the business with Revenue. Permission from Revenue, to pay a tax debt by way of a phased payment arrangement is a concession which is considered in exceptional circumstances, and must be fully justified by reference to the particular circumstances of the business concerned. Revenue has emphasised that any phased payment arrangement will include interest.

### **Tax Code.**

59. **Deputy Ciarán Lynch** asked the Minister for Finance if employers who charge employees market value for car parking space will be exempt from the €200 levy; if such an employer who charges a token amount will be exempted; and if he will make a statement on the matter. [44482/08]

**Minister for Finance (Deputy Brian Lenihan):** Assuming that the car parking space is in one of the areas covered by the levy, and assuming an employee is not entitled to exemption for other reasons, then there are two circumstances which trigger payment of the levy. The first of these is that an employee has entitlement to park and the second is that the space must be provided, directly or indirectly, by the employer. Neither of these criteria makes reference to payment for the facility.

60. **Deputy Ciarán Lynch** asked the Minister for Finance the taxation that is paid by a family of two adults and two children, with one earner on average industrial wages in regard to health service provision; and if he will make a statement on the matter. [44483/08]

**Minister for Finance (Deputy Brian Lenihan):** I understand the Deputy is seeking the amount of income tax, PRSI and levies to be paid by a married one-earner person with two children on the average industrial wage in 2008 (estimated to be about €33,800). The position is as follows:

Married one earner with two children on the average industrial wage in 2008:

Income Tax	
€33,800 @ 20%	€6,760
<i>Less credits:</i>	
Married	€3,660
Employee	€1,830
Home Carer	€900
Total Tax Due	€370
PRSI (Class A)	€1,088
Health Levy (2%)	€676
Net Income	€31,666

### **Fiscal Policy.**

61. **Deputy Michael Creed** asked the Minister for Finance his views on a request from coach

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operators and Fáilte Ireland (details supplied) regarding the cost and competitive disadvantage which their sector faces consequent on the removal of excise duty reliefs; his further views on an alternative policy initiative to support this sector; and if he will make a statement on the matter. [44511/08]

**Minister for Finance (Deputy Brian Lenihan):** Representations have been made by the coach industry on this matter, and I know that an industry group commissioned a consultancy report in support of its case. The issues raised by the expiry of the fuel excise rebate scheme affect all bus companies (private and public) that provide public transport and school bus services, as well as coach tourism.

As the Deputy will be aware from my recent answers to other questions on this matter, including my answer of 16 October 2008 (Ref. 35208/08), relevant Departments, in conjunction with my Department, examined and considered options for dealing with the impact of the ending of the scheme. However, in the end, it was not found feasible to introduce an alternative non-tax scheme on a cost-neutral basis and within EU rules. In any event, in the current budgetary circumstances, the Government has to prioritise its expenditure.

#### **Departmental Expenditure.**

62. **Deputy Seán Sherlock** asked the Minister for Finance the amount of expenses incurred to date under section 4 of the Credit Institutions (Financial Support) Act, 2008; and if he will make a statement on the matter. [44512/08]

**Minister for Finance (Deputy Brian Lenihan):** As regards the cost incurred by my Department to date, all internal work associated with the Scheme is being carried out by the reallocation of existing staff so that any associated costs are being met at present from within the Department's allocated administrative budget. In addition, legal advice has been obtained from both the Attorney General's Office, within their existing allocation, and from a private sector law firm. Costs of the latter are not yet to hand. Furthermore, the Deputy will be aware that a particular company has been retained for an initial fee of €2 million to exclusively assist the Government by providing general, strategic and specific technical advice on the Irish banking sector over the two year period of the contract.

This fee, and other costs, should be considered in the context, not only of the potentially serious situation being dealt with, but also of covered institutions paying fees of €1 billion over the period of the guarantee. The thinking behind the Charging Model is set out in some detail in the Annexe to the Scheme.

Paragraph 16 of the Credit Institutions (Financial Support) Scheme 2008 comprehensively sets out the charge that is to be paid by each covered institution that benefits from the Guarantee, including any administrative costs incurred by the State in the process of the Guarantee. This is amplified in the Guarantee Acceptance Deed executed by each covered institution, which provides that each covered institution shall reimburse certain legal and other costs incurred in the process of the Guarantee. While the detailed costs are not determined at this stage, these will be recouped from the covered institutions in due course.

#### **State Airports.**

63. **Deputy Terence Flanagan** asked the Minister for Finance if he will expand further on his statement of 26 November 2008 in relation to the way he will improve standards in the value



for money assessment process; if he will approve an independent cost benefit analysis of Dublin Airport's proposed parallel runway; and if he will make a statement on the matter. [44519/08]

**Minister for Finance (Deputy Brian Lenihan):** The Government recently agreed to undertake a new round of Value for Money and Policy Reviews covering the three year period 2009-2011. Building on our experience from the 2006-2008 round of reviews and also taking account of the OECD's recommendations, we are making a number of improvements to the process. The major changes are as follows:

- In the 2009-2011 round of reviews there will be a particular focus on four big spending sectors — Health, Education, Social Welfare and Justice, which between them account for almost 75% of total gross expenditure in 2008. Each of these four areas will conduct one review per year in the new round, while all other line Departments, plus the Office of Public Works and the Office of the Revenue Commissioners will conduct two each over the three year period.
- Topics for review will be linked to the high-level objectives in the Annual Output Statement of the Department concerned and will be targeted at significant areas of expenditure where there is greatest potential to add value and influence policy developments. Review topics will be selected annually to give Government more flexibility to target reviews each year at areas where it is believed they can add most value.
- The independence of the reviews will be enhanced by having reviews carried out by specialist staff in Departments rather than line Divisions; by having the Evaluation Unit in my Department directly involved in carrying out reviews in conjunction with the Departments themselves in each of the four big spending sectors; by having the Steering Committee for each review headed by an independent Chairperson selected from a panel of recently retired senior Officials and also by having my Department represented on each Steering Committee
- I have also asked the Value for Money and Policy Review Central Steering Committee to report to me annually on the impact of reviews carried out in the previous year and on the implications of those reviews for the Estimates process.
- Finally, completed reviews are to continue to be made available to the relevant Select Oireachtas Committee and laid before the Houses of the Oireachtas.

Regarding the part of the Deputy's question relating to approval of an independent cost benefit analysis of Dublin Airport's proposed parallel runway, the Dublin Airport Authority falls within the responsibility of my colleague the Minister for Transport and I suggest that the Deputy raise the matter directly with him.

### **Economic Competitiveness.**

64. **Deputy Fergus O'Dowd** asked the Minister for Finance the action he will take, in view of the significant price and VAT difference in Border areas and the consequent loss of business and employment in Border counties as a result, to address this situation; and if he will make a statement on the matter. [44526/08]

**Minister for Finance (Deputy Brian Lenihan):** As part of a fiscal stimulus package, the UK Government reduced their standard VAT rate from 17.5% to 15% on a temporary basis with

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effect from 1 December 2008 to 31 December 2009. There are no plans to make a similar reduction in the standard VAT rate in Ireland or to reduce the rate to the UK level of 15%.

It must be recognised that our starting point is different from the UK's. We already have a low taxation economy, especially in the area of direct taxation, both income and corporation taxes, which has a direct impact on all employment in the State. This lower starting position for direct taxation makes it more difficult to reduce taxes further.

Already we are borrowing over 10% of all day to day spending on public services (before capital spending). This is unsustainable and we faced difficult choices in bringing forward corrective measures. In the recent Budget, the Government introduced a general package of revenue-raising measures to fund key public services in this regard, one measure of which was increasing the standard VAT rate by 0.5%.

Each 1 percentage point reduction in our standard VAT rate would cost around €450 million in a full year. For Ireland to reduce the standard VAT rate by 2.5 percentage points would cost around €1,125 million in a full year. For Ireland to reduce the standard VAT rate to the UK level of 15%, which would mean a reduction in the standard VAT rate of 6.5 percentage points, would cost almost €3 billion in a full year. This is equivalent to around two and a half times the amount of revenues to be raised in a full year through the new income levy.

Some of the goods and services that will be affected by the increase in the standard rate are alcohol, cigarettes, cars, petrol, electrical equipment, furniture, telecommunications, cosmetics, confectionery, soft drinks and adult clothing and footwear. The effect of the 0.5% increase in the standard rate is that goods and services that apply at this rate will increase by around 0.41%. In other words, it means an increase of 8 cent on an item costing €20, or 41 cent on an item costing €100.

It should be noted that around half the value of good and services purchased in the State are not subject to the standard VAT rate and therefore are unaffected by the recent Budget changes in Ireland and the UK. For example, all Government services, local authorities, hospitals and schools etc., are exempt from VAT. The majority of foodstuffs, oral medicines, books and children's clothes and shoes are at the zero rate of VAT. Furthermore, the 13.5% reduced rate of VAT applies to housing, electricity, gas, domestic fuels, restaurant services, and labour intensive services such as hairdressing and shoe repair.

Although the reduction in the UK standard VAT rate will have an impact on the price differential on some goods between the North and the South, I would point out that the UK have increased excise on alcohol, cigarettes, petrol and diesel to offset the 2.5% reduction in VAT on those items. Consequently there will be no reduction in the price of those products in Northern Ireland as a result of the reduction in the UK VAT rate to 15%.

As a small open economy, many of our standard rated goods are imported, and cutting the VAT rate could benefit the economies from which we import more than our own. In other words, while, it might help the consumer, it would not be the most effective way of helping our own economy.

There are other means of stimulating the economy, outside of the VAT system. The Government is providing a long term fiscal stimulus through capital investment of approximately 5% of GNP, which is twice the average in the EU. This fiscal stimulus will not only support jobs in the short term but will also add to our long term productive capacity.

Irish taxation policy has given us a significant competitive advantage over the past 15 years. We have ensured that we have had the lowest levels of direct taxation on income, therefore we have had marginally higher indirect taxation. That model of taxation has worked well for our economy and will be even more important now in leading us back to the path of economic growth. According to the latest OECD data relating to 2007, Ireland has the lowest tax wedge in the EU for single, married one-income and married two-income couples on average earnings. A low tax wedge makes it easier for employers to employ staff. After the Budget changes, we are still one of the lowest taxed economies in the EU.

### **Departmental Procurement.**

65. **Deputy Michael Ring** asked the Minister for Finance the way the artists were selected in relation to purchases recently made by the Office of Public Works (details supplied); and if he will make a statement on the matter. [44547/08]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The 178th annual exhibition of the Royal Hibernian Academy (RHA) was selected and assembled by Members of the RHA. The Members of the RHA viewed over 3,000 submitted works of art, and chose 535 of what they considered to be the very best. From this exhibition, nineteen works of art were chosen by representatives from Garda headquarters in the Phoenix Park with the expert advice and assistance of the Art Management Office of the OPW. Two art works were also selected from the exhibition for Leixlip Garda Station by the OPW Project Architect.

The RHA has been in existence since 1823 and has a remit for excellence in the visual arts covering the island of Ireland. Members and Associate Members of the RHA may only be appointed if they can demonstrate professional status and a proven track record in their art, whether it be painting, sculpture, original print-making, lens based or multidisciplinary art.

The art works purchased by the OPW were funded under the Government's per cent for art scheme. They include paintings, limited edition original prints and photographs.

The per cent for art scheme has been Government policy since 1997. The publication of Public Art: Per Cent for Art Scheme, General National Guidelines — 2004, encourages every public body delivering capital construction projects to implement the scheme. Limits apply to funding available under the per cent for art scheme, with the maximum art budget for projects in excess of €12.7 million, being €64,000. Over the past decade, the OPW has been committed to implementing this policy and adheres to the policies set out in the National Guidelines. The OPW Art Management Office has produced an Art Management Handbook that informs the OPW staff involved in management of capital projects about the procedures to be followed in relation to art projects.

### **National Lottery Funding.**

66. **Deputy Ruairí Quinn** asked the Minister for Finance the grants made which used national lottery funds in the years 2006, 2007 and 2008; the sum involved in each grant; and if he will make a statement on the matter. [44610/08]

**Minister for Finance (Deputy Brian Lenihan):** Details of Government expenditure part-funded by the proceeds of the National Lottery in the years in question are contained in Appendix 1 of the Revised Estimates for the Public Services for those years.

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As regards my own Department, an amount of €8.618m under the Charitable Lotteries Scheme was spent in 2006 and 2007. The following table shows the amounts awarded to the Charities under the Scheme.

Charity	2006	2007
	€	€
REHAB Lotteries	5,748,664.10	5,504,073.16
Gael Linn	479,224.00	541,587.06
Irish Cancer Society	418,411.48	413,738.27
Polio Fellowship	418,411.48	413,738.27
Irish Society for the Prevention of Cruelty to Children	391,823.88	316,656.75
Asthma Society of Ireland	367,530.85	557,013.55
Irish Lung Foundation Limited	225,301.87	205,152.00
The Hanly Centre	124,999.44	168,343.93
Irish M.E. Trust	100,138.84	98,105.07
Drogheda Community Services Trust	96,003.66	100,742.84
West of Ireland Alzheimer Foundation	94,458.06	104,943.51
Longford Cathedral Circle	60,652.17	62,209.77
Associated Charities Trust	41,942.28	42,214.67
Irish Wheelchair Association	18,697.16	7,615.56
Mulranny Day Centre Housing Co Ltd	18,528.59	17,004.60
Cappoquin Community Development Co Ltd	13,212.12	16,049.06
Lyreacrompane Community Development Ltd	0	27,938.48
Slieve-Ardagh Rural Development	0	20,873.44
Total	8,618,000.00	8,618,000.00

Allocations under the 2008 Scheme have not yet been allocated.

### Public Service Staff.

67. **Deputy Bernard J. Durkan** asked the Minister for Finance the procedure to be followed for those wishing to return to civil or public service following retirement on ill health or other grounds when the issues have been resolved; and if he will make a statement on the matter. [44638/08]

**Minister for Finance (Deputy Brian Lenihan):** “A civil servant may only be granted ill-health retirement when the Chief Medical Officer is of the opinion that the officer is incapable on medical grounds of regular and effective service and that the situation is likely to be permanent (Circular 22/2007 refers). In these circumstances, a return to work in the civil service would not be envisaged. Specific provisions apply in the case of persons who tender resignation to follow a religious vocation (Circular 23/1970 refers).

It is, of course, open to any person to compete in a open competition run by the Public Appointments Service for appointment to the civil service. Before appointment a person may be required to show that their health is sufficient to give regular and effective service.

Any procedures for readmission after retirement to other areas of the public service would be a matter for the responsible Minister or applicable code.”

**Medical Cards.**

68. **Deputy Jack Wall** asked the Minister for Health and Children her views in relation to a submission (details supplied); the action she will take to address the issues raised in regard to medical card entitlements; and if she will make a statement on the matter. [44539/08]

76. **Deputy Jack Wall** asked the Minister for Health and Children her views in relation to a submission (details supplied); the action she will take to overcome the problems stated; and if she will make a statement on the matter. [44540/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 68 and 76 together.

Section 1 of the Health (Miscellaneous Provisions) Act 2001 provided a statutory entitlement to persons aged 70 and over to a medical card, regardless of income, with effect from 1st July 2001. In relation to Part 8 of the details supplied by the Deputy, I wish to clarify that persons aged 80 and over did not have a statutory entitlement to a medical card prior to 1st July 2001.

The Government's proposal, to be effected in legislation, is that automatic entitlement to a medical card for persons aged 70 and over will end on 31st December 2008, and with effect from 1st January, 2009, the income thresholds for entitlement to a medical card for those aged 70 and over will be €700 (gross) per week (€36,500 per year) for a single person and €1,400 (gross) per week (€73,000 per year) for a couple. Persons whose income is above the specified thresholds will have until 2nd March 2009 to advise the Health Service Executive that their income is above those limits. After that date, their medical card will no longer be valid.

As part of the means test, any savings and similar investments up to €36,000 (single) / €72,000 (couple) will be disregarded and only interest from savings above these figures will be considered as income for means testing purposes. The Health Levy will not be payable by people aged 70 and over. In cases where one member of a couple is aged 70 or over and the other is under 70, both will qualify for a medical card if their joint income does not exceed €1,400 per week.

People whose gross income is above the stated thresholds may, depending on their personal circumstances, still qualify for a medical card or a GP visit card under the standard means-testing arrangements.

The objective of the General Medical Services (GMS) Scheme is to ensure that the medical card benefit is available to those who are unable without undue hardship, to meet the cost of health services for themselves and their dependants. The Government decision to remove automatic entitlement to a medical card from persons aged 70 or over and to increase the relevant income thresholds is aimed at ensuring that public health funding is used to help those most in need and is sustainable for future years as the proportion of older people in our population increases substantially.

**Services for People with Disabilities.**

69. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if he has proposals to meet in full the speech and language requests at all primary schools here; and if she will make a statement on the matter. [44559/08]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The Department of Education and Science is responsible for the statutory provision of education

[Deputy John Moloney.]

in Ireland. There is no requirement under the Disability Act, 2005 to provide speech and language therapy services in primary schools.

Under Part 2 of the Disability Act 2005, children under five years have been entitled to an assessment of their disability needs since 1 June 2007. In preparation for the roll out of the Disability Act to older age groups and pending the implementation of the Education for Persons with Special Education Needs Act, 2004 increased funding has been provided in recent years to the Health Service Executive to increase therapy supports to school going children.

In 2008 additional funding of €9.8M was provided to the HSE for the creation of 140 multi disciplinary posts, including speech and language therapists, to enhance the provision of services for people with disabilities. In Budget 2009, an additional €20m was allocated for health and education services for children with special educational needs. €10 million of this allocation will be provided to the Health Service Executive (HSE), and €10million to the Department of Education and Science. It is intended that this additional funding will enable the services provided to children with special educational needs to be enhanced and strengthened. The additional €10m allocated to the HSE will provide for 125 additional therapy posts in the disability and mental health services, targeted at children of school-going age. This will provide an additional 90 posts in the disability services area, to include speech and language therapists, occupational therapists, physiotherapists and psychologists for children's disability services. There will be 35 additional posts for the child and adolescent mental health services, including clinical psychologists, occupational therapists and speech and language therapists for new and existing multidisciplinary teams.

### **Hospital Services.**

70. **Deputy Dinny McGinley** asked the Minister for Health and Children the position regarding the provision of a colposcopy service in Letterkenny General Hospital, County Donegal; if it is available to both public and private patients; and if she will make a statement on the matter. [44389/08]

**Minister for Health and Children (Deputy Mary Harney):** The specific questions raised by the Deputy relate to the management and delivery of health and personal social services, which are the responsibility of the HSE under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in this regard.

### **Criminal Prosecutions.**

71. **Deputy Michael Ring** asked the Minister for Health and Children the number of prosecutions that have taken place on a county basis in relation to breaches (details supplied). [44494/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** The figures the Deputy has requested are in the tables. The figures for 2004/2005 follows the old Health Board structures. The figure in relation to 2008 relates to those prosecutions I am aware of to date.



## Prosecutions taken from 2006-2008 under Section 47 of the Public Health (Tobacco) Act 2002 &amp; 2004

Community Care Area	2006	2007	2008**
	No. of cases		
Cork South Lee,		1	1
Cork North Lee,		4	0
West Cork,	1		0
North Cork	2		0
Kerry			2
Carlow/Kilkenny,		3	0
Tipperary South		2	0
Waterford	1		2
Wexford	5	2	1
HSE — South	9	12	6
Clondalkin	0	2	3
Kildare	0	1	1
South City East	2	1	0
South City West	1	2	0
Tallaght	1		0
Wicklow	0		0
Dun Laoghaire/Rathdown	0		0
Laois/Offaly	3	1	0
Longford/Westmeath	1	1	1
HSE — Dublin Mid-Leinster	8	8	5
Clare			0
Limerick	4	2	1
Tipperary North	3	1	0
Donegal	1	6	3
Sligo/Leitrim/West Cavan	2	1	0
Galway	1	2	0
Mayo	5	7	2
Roscommon			0
HSE — West	16	19	6
Cavan/Monaghan	1	4	3
Louth			0
Meath			0
Northern Area	1		2
HSE — Dublin North East	2	4	5
Nationally	35	43	22

\*\*Note: Prosecutions taken in 2008 to 1 Dec 2008.

[Deputy Máire Hctor.]

Prosecutions taken from 2004-2005 under Section 47 of the Public Health (Tobacco) Act 2002 &amp; 2004

Year		2004	2005
Mid Western Area	Clare		2
	Limerick		4
	Tipperary North		1
	Total for HSE Area		7
Midland Region	Laois/Offaly	1	3
	Longford Westmeath		2
	Total for HSE Area		5
North Eastern Area	Cavan Monaghan	2	2
	Total for HSE Area		2
North Western Area	Donegal		2
	Sligo/Leitrim	1	1
	Total for HSE Area		3
Northern Area	Northern Area		6
	Total for HSE Area		6
South Eastern Area	Carlow/Kilkenny		1
	Tipperary South		1
	Waterford	1	3
	Wexford		2
	Total for HSE Area		7
South Western Area	Dublin South City East		1
	Total for HSE Area		1
Southern Area	West Cork		1
	Cork City North Lee	1	
	Total for HSE Area		1
Western Area	Mayo	1	5
	Roscommon		1
	Galway	6	
	Total for HSE Area		6
Nationally		13	38

**Services for People with Disabilities.**

72. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regarding the commitment in the programme for Government to ensure that a child under five waiting more than three months for occupational or speech and language therapy will be allowed to access these services automatically through the National Treatment Purchase Fund. [44500/08]

**Minister for Health and Children (Deputy Mary Harney):** As it is presently organised, the National Treatment Purchase Fund currently arranges hospital-based treatment. Therefore the type of services to which the Deputy refers do not fall within the remit of the Fund at present. The matter will be kept under review.

### **Hospital Services.**

73. **Deputy Seán Sherlock** asked the Minister for Health and Children the progress made on the appointment of an executive management board at Mallow General Hospital, County Cork; and if she will make a statement on the matter. [44514/08]

74. **Deputy Seán Sherlock** asked the Minister for Health and Children the operating budget allocated for Mallow General Hospital from the Cork University Hospital group of hospitals for 2007 and 2008; the projected budget for 2009; and if she will make a statement on the matter. [44516/08]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 73 and 74 together.

Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matters investigated and to have a reply issued directly to the Deputy.

75. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if there was a review of radiology in hospitals in the north east prior to 2007; the terms of reference of such a review; the outcome of the review; the person who carried out the review; and if she will make a statement on the matter. [44524/08]

**Minister for Health and Children (Deputy Mary Harney):** The specific questions raised by the Deputy relate to the management and delivery of health and personal social services, which are the responsibility of the HSE under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to respond directly to the Deputy in this regard.

*Question No. 76 answered with Question No. 68.*

### **Hospital Staff.**

77. **Deputy Frank Feighan** asked the Minister for Health and Children when she will appoint a second consultant neurologist in Sligo General Hospital in view of the needs in the north west. [44550/08]

**Minister for Health and Children (Deputy Mary Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

### **Vaccination Programme.**

78. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 257 of 7 October 2008, if she has received the final report of the Vaccine Damage Compensation Group; the recommendations of the group; the action that will be taken to implement its recommendations; and if she will make a statement on the matter. [44612/08]

**Minister for Health and Children (Deputy Mary Harney):** I understand that the Vaccine Damage Steering Group is at an advanced stage of finalising its consideration of this matter and I expect to receive its report and recommendations very shortly.

### **Health Services.**

79. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when local term residency care is expected to be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [44640/08]

**Minister of State at the Department of Health and Children (Deputy Máire Hootor):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. The Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

80. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical care will be restored in the case of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [44641/08]

**Minister for Health and Children (Deputy Mary Harney):** As the Health Service Executive has the operational and funding responsibility for the medical card benefit, it is the appropriate body to consider the particular case raised by the Deputy. My Department has therefore requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

### **State Airports.**

81. **Deputy Michael Ring** asked the Minister for Transport if a scheme (details supplied) helps subvent recipients costs of operations, which include marketing; and his views on whether this encourages recipients to be profit making. [44392/08]

**Minister for Transport (Deputy Noel Dempsey):** The Core Airport Management Operational Expenditure Subvention Scheme was drawn up in response to EU guidelines in relation to the provision of public funding for airports, including small airports. It represents a different approach from the former Marketing, Safety and Security grant scheme which it replaced.

Under the scheme, financial support can only be made available on an annual basis towards expenditure incurred in providing core airport services (air traffic control, security/safety, emergency services, etc) on foot of a Public Service Obligation (PSO) contract between the Minister and each airport. Airports must show that they are endeavouring to contain their costs. They must also maximise aeronautical revenues and funds generated by non-core activities (e.g. shops, catering, car parks).

It is my policy to encourage the regional airports to run their businesses on a commercial basis, without relying on Exchequer subvention. This is in line with the view underlying the

mandatory EU guidelines mentioned above that, as a general rule, airports should be self-financing and that public money should be made available to them only in particular circumstances and subject to certain conditions.

### **Taxi Regulations.**

82. **Deputy Pat Breen** asked the Minister for Transport if his attention has been drawn to the ongoing problems being experienced in the taxi business as a result of the increased number of taxi licences granted in recent years; and if he will make a statement on the matter. [44395/08]

**Minister for Transport (Deputy Noel Dempsey):** Under the Taxi Regulation Act 2003, the Commission for Taxi Regulation is now the independent public body responsible for the development and maintenance of the regulatory framework for the control and operation, including licensing, of taxis, hackneys, limousines and their drivers. However, the Commission for Taxi Regulation does not have any remit or statutory power under the Taxi Regulation Act 2003 in relation to the control of the number of licences issued.

While there are no quantitative restrictions on entry to the taxi market, there are, however, restrictions of a qualitative nature which are determined by the Commission. In that context, the Commission has appointed consultants to undertake an extensive review of the small public service vehicle sector. The review is expected to be completed in the near future.

83. **Deputy Pat Breen** asked the Minister for Transport if he has plans to amend the Taxi Regulation Act 2003 to allow for the ongoing problems being experienced in the taxi business due to the increased number of taxi licences and the economic situation here; and if he will make a statement on the matter. [44396/08]

**Minister for Transport (Deputy Noel Dempsey):** Under the Taxi Regulation Act 2003, the Commission for Taxi Regulation is the independent public body responsible for the development and maintenance of the regulatory framework for the control and operation, including licensing, of taxis, hackneys, limousines and their drivers. However, the Commission for Taxi Regulation does not have any remit or statutory power under the Taxi Regulation Act 2003 in relation to the control of the number of licences issued.

While I have no proposals to introduce quantitative restrictions on entry to the taxi market, there are, however, restrictions of a qualitative nature which are determined by the Commission. In that context, the Commission has appointed consultants to undertake an extensive review of the small public service vehicle sector. The review is expected to be completed in the near future.

### **Rail Safety.**

84. **Deputy Fergus O'Dowd** asked the Minister for Transport if he will ban the use of cell phones by train operators; and if he will make a statement on the matter. [44523/08]

**Minister for Transport (Deputy Noel Dempsey):** I am informed by Iarnród Éireann that it is Company policy that personal mobile phones must be turned off in the driving cab of any train. Company mobile phones must only be switched on and used if essential to the safe delivery of the work in hand and part of a safe system of work. A mobile telephone must not be used in a driving cab while the train is running.

In relation to the operation of Luas, I am informed by the Railway Procurement Agency that Veolia's policy is that mobile phones must never be used by a driver while driving. A

[Deputy Noel Dempsey.]

driver may only use a mobile phone when the tram is stationary, when the driver is out of the cab or if it is operationally essential if all other communication systems have failed.

These policies form part of the Iarnród Éireann and the Veolia Safety Cases respectively. I understand from the Railway Safety Commission that these Safety Cases have been approved and are subject to ongoing monitoring by the Railway Safety Commission.

### **Bus Services.**

85. **Deputy Fergus O'Dowd** asked the Minister for Transport if his Department has received complaints regarding the cessation by a company (details supplied) of an hourly bus service on the Cork to Galway route; if there are competition issues involved; and if he will make a statement on the matter. [44601/08]

**Minister for Transport (Deputy Noel Dempsey):** The company in question advised my Department of their intention to suspend bus passenger services from 3rd November 2008 on the Cork to Galway route citing, among other reasons, allegations relating to the operation of a competitor on the route. These allegations are being examined within my Department and following a meeting with an official from my Department, the Company requested the reintroduction of the service it had withdrawn, based on an amended routing and a reduction in the level of operations. My Department processed this request and the amended annual passenger licence issued on 01 December 2008. It is a matter for the Company to recommence the service on the route within a reasonable period. However they have indicated that they hoped to have the service reinstated before Christmas. In the meantime my Department continues to examine the allegations made.

### **Departmental Expenditure.**

86. **Deputy Fergus O'Dowd** asked the Minister for Transport the major capital projects which are being considered for deferral; and if he will make a statement on the matter. [44615/08]

**Minister for Transport (Deputy Noel Dempsey):** A very extensive construction programme is currently underway and a number of additional projects were approved recently to go to construction, including the N18 Gort to Crusheen, the Citywest Luas extension and Phase 1 of the Navan rail line.

My priorities for investment in national roads are the completion of the major interurban network by 2010 and the progressive development of the Atlantic Road Corridor. I understand from the NRA that it is currently in the process of drawing up its programme of works for 2009 based on its funding allocation for the year.

On the public transport side, the provision of increased capacity will be a key consideration in determining investment priorities. Given their potential to greatly increase capacity on the network, Metro North and the DART Underground are key projects.

The adjustment in capital funding in 2009 will not have a significant effect on the roll out of the Transport 21 public transport programme and will not result in the postponement of the start of construction of any public transport project.

The planning of all other identified major transport capital projects is continuing and these will be released for construction as soon as they are through statutory procedures and as the available financial resources permit, consistent with the priorities I have outlined



### **Decentralisation Programme.**

87. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of posts at each grade to be created at the decentralised Property Registration Authority offices in Roscommon Town; the number currently filled; the number of applications by civil servants at each grade for decentralisation to Roscommon Town; the timetable envisaged for completion of this decentralisation project; and if he will make a statement on the matter. [44417/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Under my Department's decentralisation programme, two hundred and thirty posts from the Property Registration Authority (PRA) are scheduled to move to Roscommon. Eighty -five staff have already moved to temporary office accommodation in the town. The vast majority of the posts are in the general service grades and there are currently almost one hundred and fifty first preference applicants under the Central Applications Facility.

As regards the permanent offices for the PRA, I understand that the preferred tenderer has been selected by the Office of Public Works. On satisfactory completion of the planning process and other requirements, a contract will be placed and work will commence on site at the earliest possible date.

### **Residency Permits.**

88. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position of a residency claim for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [44496/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have sought a report on the matter from the Irish Naturalisation and Immigration Service (INIS). When I have received this report, I will then write to the Deputy directly.

### **Visa Applications.**

89. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform if an application for a holiday visa by a person (details supplied) will be expedited; and if he will make a statement on the matter. [44513/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am pleased to inform the Deputy that the visa application referred to has been approved.

### **Residency Permits.**

90. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for long-stay residency by a person (details supplied) in County Kildare; and if he will make a statement on the matter. [44541/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Immigration Division of my Department that no application for residency or permission to remain in the State has been received from the person referred to by the Deputy. It is open to the person concerned to write to the General Immigration Division of my Department where her application for residency or permission to remain will be considered.

91. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress to date in the matter of residency in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [44570/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that the position remains as stated in my Reply to Parliamentary Question No. 206 of 2 October, 2008. The case of the person concerned is being examined in accordance with Section 3 of the Immigration Act, 1999, and he will be informed of any decisions made in due course.

92. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 24. [44571/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Permission to remain in the State with stamp 4 status was granted to the person concerned by the Garda National Immigration Bureau. This permission expired on 21 September 2008. The person concerned should apply in writing to my Department at INIS, PO Box 10003, Dublin 2 for further permission to remain in the State. Any application in this regard will be considered by the relevant officials when received and the person will be contacted directly and notified of any decisions made.

93. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [44572/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 4 June 2008. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 23 September 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned has submitted an application for Subsidiary Protection in the State in accordance with these Regulations, however, I understand that this application cannot be considered until it is submitted in the correct format. The person concerned is being informed of this requirement.

Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

#### **Travel Documentation.**

94. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when and the basis on which it was decided to refer a person (details supplied) in County Cork to the Embassy of Burundi, London in view of the fact that documentation required such as temporary Irish travel documents are readily available here; and if he will make a statement on the matter. [44573/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that a letter issued to the person in question

informing him that as a Burundian national he was advised to contact the Embassy of the Republic of Burundi, 26 Armitage Road, London, NW11 8RD, England with a view to obtaining his own National Passport.

The person in question has not been granted refugee status in the State in accordance with the Refugee Act 1996 and therefore is not entitled to apply for a 1951 UN Convention Travel Document. The person concerned was also advised that, should he need to travel to the United Kingdom to obtain his national passport, an application for a Travel Document of limited validity may be considered if he produces confirmed travel arrangements to the United Kingdom and an appointment letter from the Embassy of the Republic of Burundi London. The person in question has not responded to this information.

### **Asylum Applications.**

95. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will allow family reunification in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [44574/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned arrived in the State on 21 August, 2001 and claimed asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

The person concerned was informed by letter dated 28 March, 2003 that the Minister proposed to make a Deportation Order in respect of him and afforded him three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999, as amended, namely to leave the State voluntarily, to consent to the making of a Deportation Order or to submit, within 15 working days, written representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State i.e. why he should not be deported.

His case was examined under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996, as amended, on the Prohibition of Refoulement. Consideration was given to representations received on his behalf from the Refugee Legal Service, for permission to remain temporarily in the State. On 25 January, 2005, the then Minister refused temporary leave to remain in the State and instead signed a Deportation Order in respect of the person concerned. A notice of this order dated 22 February 2005 was served by registered post requiring the person concerned to present himself to the Garda National Immigration Bureau on Thursday, 3 March 2005. He failed to present and was classified as evading his deportation on 27 May 2005. On 31 March 2006, he came to the notice of the Gardaí and was arrested. He was detained in Cloverhill Prison pending the enforcement of his Deportation Order. He was subsequently removed from the State on 4 April 2006. The effect of the Deportation Order following enforcement is that the person concerned must remain thereafter out of the State.

Family Reunification is granted to family members of recognised refugees under Section 18 of the Refugee Act 1996, as amended, where the Minister is satisfied that the subject of the application is a member of the family of the refugee. The successful subject of a Family Reunification Application is granted permission to enter and reside in the State and the person is granted the rights in line with the refugee. I can confirm that there is no application for Family Reunification in my Department in respect of the person concerned.

### **Residency Permits.**

96. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the

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current or expected residency status in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [44575/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned, accompanied by her infant son, applied for asylum on 16 May 2005. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 4 August 2006, that the Minister proposed to make Deportation Orders in respect of her and her child. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why she and her child should be allowed to remain temporarily in the State.

Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

97. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [44576/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 12 October 2005. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 5 July 2006, 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 she should be allowed to remain temporarily in the State.

Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

98. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in Dublin 8. [44577/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 24 November 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 9 June 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation

Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State.

Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

99. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [44578/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned arrived in the State on 2 December 2005 and claimed asylum. Her daughter was born in the State on 22 January 2006 and thereafter included with her mother's asylum application as a dependant. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

The persons concerned were informed by letter dated 19 October 2007 that the Minister proposed to make Deportation Orders in respect of them and afforded them three options in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999 (as amended) namely to leave the State voluntarily, to consent to the making of Deportation Orders or to submit, within 15 working days, written representations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State i.e. why they should not be deported. In addition, i.e. since 10 October 2006, a person who is refused refugee status and who has been served with a notice of intention to deport is afforded a fourth option, viz. to apply for Subsidiary Protection pursuant to the European Communities (Eligibility for Protection) Regulations, 2006 — Statutory Instrument No. 518 of 2006.

On 9 January 2008, a valid application for Subsidiary Protection in respect of the person concerned was received in my Department. On 13 March 2008 confirmation was sought as to whether it was intended to include her daughter in her application for Subsidiary Protection. Confirmation to this effect was received from her legal representatives by letter dated 26 March 2008. Following consideration of the information submitted, it was found that the person concerned and her daughter were not eligible for Subsidiary Protection under the Regulations. She was informed of this decision by letter dated 8 April 2008.

Subsequently this family's case was examined under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996, as amended on the Prohibition of Refoulement. Consideration was given to all representations submitted on their behalf for permission to remain temporarily in the State. On 30 October 2008 I refused temporary leave to remain in the State and instead signed Deportation Orders in respect of the person concerned and her daughter. A notice of these Orders dated 6 November 2008 was served by registered post requiring the person concerned and her daughter to present themselves to the Garda National Immigration Bureau (GNIB), on Thursday 27 November, 2008, in order to make travel arrangements for their removal from the State. They presented as required and were given a further presentation date. They are due to present again on Thursday 4 December 2008. The effect of the Deportation Orders is that the person concerned and her daughter must leave the State and remain thereafter out of the State.

I am satisfied that the applications made on behalf of the person concerned and her daughter for asylum, temporary leave to remain in the State and for Subsidiary Protection, together with



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all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport them is justified. The enforcement of the Deportation Orders is an operational matter for the GNIB.

100. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status in the case of a person (details supplied) in County Louth. [44579/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 928 of Wednesday 24 September 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

101. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the residency status in the case of a person (details supplied) in County Louth. [44580/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person referred to by the Deputy applied for Asylum on 27 February 2006. The claim was assessed by the Refugee Applications Commissioner who concluded that the person concerned did not meet the criteria for recognition as a refugee. The Commissioner's recommendation was communicated to him by letter dated 03 May 2006. This communication advised the person of his entitlement to appeal the Commissioner's recommendation to the Refugee Appeals Tribunal, which he duly did.

The Refugee Appeals Tribunal considered the person's appeal, following which the Tribunal affirmed the Commissioner's earlier recommendation to reject his claim. The outcome of the appeal was made known to the applicant by letter dated 19 November 2008.

In accordance with normal procedures, the applicant's file has been forwarded to my Department's Ministerial Decisions Unit for final processing of the Asylum claim. A letter will issue to him from my Department advising him formally that his asylum claim had been rejected and affording him three options as follows:

1. Return home voluntarily;
2. Consent to the making of a deportation order, or
3. Make written representations to me within 15 working days for temporary leave to remain in the State and/or make an application for subsidiary protection under the European Communities (Eligibility for Protection) Regulations 2006 (SI No. 518 of 2006).

#### **Probation and Welfare Service.**

102. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the position regarding a house (details supplied) in County Roscommon; and when he envisages this much needed facility will be re-instated. [44600/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to advise the Deputy that the Board of Management of the Project advised the Director of the Probation Service by letter dated 7th October that it was the unanimous view of the Board that the facility should be closed. In that letter the Board indicated that it shared the concerns outlined in the independent review of the Project, one of four Adult Probation Residential Facilities, which formed part of the review report. That report can be viewed on my Department's website.



In the intervening period the Probation Service has worked with the Board of Management to effect an orderly closure of the project in its present form. I am advised by the Director of the Probation Service that this work is progressing to plan.

As I have already indicated I want to find the best option available to meet the addiction needs of the client group of the Probation Service. To that end my Department, in cooperation with the Probation Service, are working to achieve a viable alternative that will meet the individual needs of the client group of the Probation Service, thus adding value to the work of the Service in the community in that area. I expect that this exploratory work will be completed early in the new year and that will inform decisions on the future of the House.

### **Residency Permits.**

103. **Deputy Niall Collins** asked the Minister for Justice, Equality and Law Reform the status of an application by a person (details supplied) in County Limerick; when a decision will be made on same; and if he will make a statement on the matter. [44613/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am advised by officials in the Long Term Residency Section of my Department that a decision was made in the case of the person referred to by the Deputy on the 17 November 2008 and the person concerned was notified by post on that date.

### **Garda Vehicles.**

104. **Deputy Paul Kehoe** asked the Minister for Justice, Equality and Law Reform when this Deputy will receive a full response to Parliamentary Question Nos. 313 to 338 of 18 November 2008; and if he will make a statement on the matter. [44616/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As indicated in my reply to Parliamentary Question Nos. 313 to 338 of 18 November 2008, the detailed information, in so far as it is reasonably available, has been requested from the Garda authorities. I expect to be in a position to respond to the Deputy in the coming days when the information is to hand.

### **Immigration Law.**

105. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 329 of 25 November 2008 and letter of 29 September 2008, the nature of the alleged breach of immigration laws of which the applicant is accused in view of the fact that they are not aware of such breach and that the regime of GNIB renewal appears to be punishment for something they are not aware of and did not do; when such allegations are expected to be concluded in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [44621/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Irish Naturalisation & Immigration Service that the Garda National Immigration Bureau's investigation is nearing completion and a report is expected in the coming weeks.

Accordingly, it would be inappropriate for me to comment on any aspect of the investigation in advance of the GNIB's final determination in this case. However, I strongly reject the suggestion that any requirements placed on a person for sound operational reasons is in some way a form of punishment. As stated previously, if this requirement is a cause of difficulties for the person concerned, he may apply in writing to have his case re-considered.

### Visa Applications.

106. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to an application for family reunification in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [44622/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my answers to his previous Parliamentary Questions.

I am informed by the Immigration Division of my Department that a response has not been received to date to correspondence which issued to the person in question on 24 November 2008. The person in question should reply to this letter in order to facilitate further processing of his application.

107. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review the application to refuse family reunification in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [44623/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that the person in question has not submitted any further evidence or requested a review of the decision issued by my Department on the 19th November 2008.

### Residency Permits.

108. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to an application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [44624/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 24 June 2003. As part of the process of having his asylum claims investigated, the person concerned was invited to attend for interview at the Office of the Refugee Applications Commissioner on 9 August 2004. The person concerned did not attend for interview on this date, nor did he furnish an explanation for his failure to attend. Consequently he was informed, by letter dated 31 August 2004, that the Refugee Applications Commissioner had recommended to the Minister for Justice, Equality and Law Reform that he should not be declared to be a refugee, in accordance with the provisions of Section 13(2) of the Refugee Act 1996 (as amended). The person concerned was also informed that there was no appeal against such a recommendation.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 15 September 2004, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were submitted by the person concerned.

The person concerned has also submitted an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006) and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

### **Visa Applications.**

109. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to an application for family reunification in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [44625/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to advise the Deputy that the permission granted to the person concerned under the IBC/05 Scheme was renewed until 24 January 2010 and the person was informed of this decision by letter dated 4 April 2007. The position regarding re-unification remains as stated in my Reply to Parliamentary Question No 160 on 19 June 2008.

### **Residency Permits.**

110. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to an application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [44626/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned arrived in the State on 14 August 2002 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 11 October 2005, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations were received from the person concerned at that time.

The person concerned also submitted an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006) and following consideration of this application, it was determined that the person concerned was not eligible for Subsidiary Protection in the State. The person concerned was notified of this decision by letter dated 16 January 2008.

The case file of the person concerned, including all representations submitted, will now be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this consideration has been completed, the case file of the person concerned is passed to me for decision.

111. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to an application for residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [44627/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to Parliamentary Question No. 851 of Tuesday, 17 June 2008, and the written Reply to that Question.

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The person concerned applied for asylum on 5 September 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 30 June 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State.

Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

112. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to an application for residency in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [44628/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 9 November 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 29 January 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

113. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 172 of 13 November 2008 if it is possible to facilitate the applicant other than by referring their daughter to the Embassy of the Cameroon in the UK; and if he will make a statement on the matter. [44629/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question number 172 of 13 November 2008. The position remains unchanged.

As the person in question's daughter is a Cameroonian national it is advised that she contact the Embassy of Cameroon, 84 Holland Park, London W11 3SB, England with a view to obtaining her own National passport or Travel Document.

#### **Travel Documentation.**

114. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if the necessary travel documentation will issue to a person (details supplied) in County Meath; and if he will make a statement on the matter. [44630/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Immigration Operations Section of my Department has informed me that there is no record of a current travel document application on behalf of the person in question. As the person in question is a Cameroonian national it is advised that he contact the Embassy of Cameroon, 84 Holland Park, London W11 3SB, England with a view to obtaining his own National Passport.

#### **Residency Permits.**

115. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [44631/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As outlined in my response to Parliamentary Question No 211 of 25th September 2008, I have been informed by the Immigration Division of my Department that contact was made with the person referred to in the Deputy's Question on 11 July 2008 and 24th September 2008, seeking documentation in order to process their application. To date the Immigration Division has not received this documentation.

#### **Travel Documentation.**

116. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to provision of travel documents in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [44632/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that a letter issued to the person in question on 25 November 2008 informing him that as a Liberian National he was advised to contact the Embassy of Liberia, 23 Fitzroy Square, Marylebone, London W1T 6EW, England with a view to obtaining his own National passport.

The person in question was refused refugee status in the State in accordance with the Refugee Act 1996 and therefore is not entitled to apply for a 1951 UN Convention Travel Document. The person concerned was also advised that, should he need to travel to the United Kingdom to obtain his national passport, an application for a Travel Document of limited validity may be considered if he produces confirmed travel arrangements to the United Kingdom and an appointment letter from the Liberian Embassy, London. The person in question has not responded to this information.

#### **Residency Permits.**

117. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to a residency application in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [44633/08]



**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that the person concerned was granted temporary permission to remain in the State in September 2000, under the arrangements then in place for non-EEA parents of Irish citizen children. This permission has been renewed until 18 December 2008. The person concerned should attend the Garda National Immigration Bureau for further renewal of this permission.

### **Asylum Applications.**

118. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to a residency application in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [44634/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

119. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to an asylum application in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [44635/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

### **Residency Permits.**

120. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to a residency application in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [44636/08]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to Parliamentary Questions No. 124 of 20th November 2008, No. 300 of 29th October 2008 and No. 133 of 23rd October 2008 and the written Replies to those questions. The position remains unchanged.

121. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to a residency application in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [44637/08]



**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned submitted an application under the IBC/05 renewal scheme in 2007. However as the person concerned was not registered in the original scheme, it was not possible to process a renewal application.

The records of my Department indicate that no further application for permission to remain in the State has been received from the person in question. Any further correspondence should be sent to INIS, PO Box 10003, Dublin 2. Any application received will be considered by the relevant officials in my Department and the person concerned will be contacted directly and notified of any decisions made.

### **International Agreements.**

122. **Deputy Denis Naughten** asked the Minister for Foreign Affairs when the reciprocal agreement that will allow Irish citizens to work and travel to the US for up to 12 months will become operational; and if he will make a statement on the matter. [44388/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As the Deputy will be aware, the United States Deputy Secretary of State, John Negroponte, and I signed a Memorandum of Understanding establishing a new Working Holiday Programme between our two countries in Washington on 24 September.

Since the signing of the Memorandum of Understanding, my Department, in consultation with the Department of Justice, Equality and Law Reform and the Department of Enterprise, Trade & Employment, has moved quickly to finalise arrangements for US citizens interested in working and travelling in Ireland. A comprehensive step by step guide and application form for US applicants has been prepared and distributed to our Missions in the United States. We are ready to begin accepting applications from US citizens, and will do so as soon as arrangements for Irish citizens are finalised by the US State Department.

At a meeting in Dublin on 17 November, I emphasised to Deputy Secretary of State Negroponte the need to ensure that the Programme is fully operational at the earliest possible date. The State Department has assured the Government that it is actively working to finalise its arrangements and our Ambassador in Washington remains in close contact with them.

### **Passport Applications.**

123. **Deputy Joe Costello** asked the Minister for Foreign Affairs if he is satisfied that no fraud was involved in the case of a person (details supplied) in Dublin 5; if his Department have carried out an investigation into the strange anomaly; and if he will make a statement on the matter. [44405/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The circumstances regarding the application of the person in question were outlined in my reply to question number 122 on 27 November 2008. The Passport Office has again reviewed the applications of both persons involved and has confirmed that the applications were in order. On the basis of that investigation, I am satisfied that no fraud was involved in either case.

### **Waste Management.**

124. **Deputy Joe Costello** asked the Minister for Foreign Affairs if his attention has been drawn to a Romani encampment at a toxic dump of mine tailings in northern Kosovo; if Irish diplomats or the Irish peacekeeping contingent in Kosovo will assist in dealing with the threat of lead poisoning from the dump; and if he will make a statement on the matter. [44406/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Irish Government is acutely aware of the plight of the Roma in Kosovo, particularly those who were displaced during the conflict, and has supported a broad range of projects targeted at helping this minority group. For the period 2005-2009, Irish Aid has allocated €850,000 towards development work with the Roma community in Kosovo, and a further €200,000 has been provided for the World Bank's Roma Education Fund, which has benefited the Roma community in eleven countries in Central and Eastern Europe, including Kosovo.

My Department is concerned about the current position of members of the Roma community who are residing in camps in Northern Mitrovica in Kosovo, particularly reports that residents of these camps are exposed to high levels of lead contamination.

This issue was the subject of a Seanad adjournment debate on 11th November which was answered by my colleague, Minister of State Peter Power, where he outlined the efforts by my Department to raise the issue, including with the UN Interim Administration in Kosovo (UNMIK) authorities, the International Civilian Office in Kosovo, and at EU level.

More recently, at a meeting in Kosovo on 1 December between Kosovar Prime Minister Hashim Thaci, Finance Minister Ahmet Shala, and a senior official from the EU Commission's Directorate General on Enlargement, the issue of the closing of camps and re-locating the occupants was discussed. The Kosovar Government guaranteed that it would make every effort to find a new location for the residents of the camps and would establish arrangements for co-financing this project with other stakeholders.

The matter was raised again by the EU Commission on 2 December at a meeting in Pristina on a Stability Agreement with Kosovo. The Commission promised the support of all EU institutions (EULEX and EUSR) to ensure that this urgent humanitarian crisis is addressed. Ireland fully supports all efforts to re-locate the residents of the camps and will keep in touch with the responsible authorities on this issue, including through our Embassy in Budapest which is now accredited to Kosovo.

### **Departmental Schemes.**

125. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs if he will confirm details of the scheme he has announced in respect of the appointment of the Football Association of Ireland's new welfare officer for young Irish players in Britain; the way he plans to monitor this scheme; the arrangements he is making to contact the players concerned; and if he will make a statement on the matter. [44619/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** On Thursday, 27 November, together with Chief Executive of the Football Association of Ireland, Mr. John Delaney, I announced the appointment of Terry Conroy as the new FAI welfare officer for Britain. This initiative is a direct response to concerns that the welfare needs of young Irish players who travel to Britain to take up positions at professional clubs be addressed. The vast majority of these young people are ultimately released by their clubs and some experience considerable hardships, including gambling and alcohol difficulties.

The new welfare officer will liaise with clubs in Britain on behalf of players and their families, particularly in cases where difficulties arise in relation to alcohol, substance abuse or gambling. He will work directly with the players to ensure that they are aware of local educational and other vocational training opportunities and will also be available to assist retired Irish footballers who may have fallen on hard times.

The Department has allocated a €50,000 grant towards the programme this year, with matching funding provided by the Football Association of Ireland, under whose aegis the welfare

officer is employed. The welfare officer will have responsibility for contacting the players concerned. He will report directly to the FAI, which will in turn report to the Department on the programme's progress. A comprehensive progress report will also be submitted to the Department within twelve months.

### **Foreign Conflicts.**

126. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs the position regarding his contacts with the Indian authorities in respect of the recent events in Mumbai, India; and if he will make a statement on the matter. [44620/08]

**Minister for Foreign Affairs (Deputy Micheál Martin):** Throughout the recent crisis in Mumbai, our Embassy in New Delhi and our Honorary Consulate in Mumbai maintained close operational contact with the Indian authorities. On my instructions, a diplomatic officer from the Embassy travelled immediately to Mumbai to set up a crisis centre for Irish citizens at our Honorary Consulate there. Throughout the days of the crisis this diplomatic officer, together with our Honorary Consul and other staff at the Consulate, kept in contact with the Mumbai Police Command Centre, as well as with other EU and international emergency operations. The Embassy in New Delhi kept in contact initially with the Europe West Division of the Indian Ministry of External Affairs and subsequently with the Control Room established at the Ministry of External Affairs to coordinate liaison with foreign missions in relation to the emergency response.

My Department provided consular assistance to over 30 individuals who contacted them or whom they were able to contact. Thankfully, there were no Irish casualties but some Irish citizens had been in hotels attacked by the militants. All of these managed to escape without injury, though some were deeply distressed by the experience. Assistance provided to them included replacement of travel documents that had to be abandoned when the attacks took place, travel arrangements home or out of Mumbai and general advice about the situation and safety issues.

Information was provided by the Consulate and Embassy to the Department's Consular Section in Dublin and the Crisis Centre set up to assist with briefing families at home. The Department's website carried reports and updates on the situation and contact details throughout the crisis.

In terms of my own contacts with the Indian authorities, I spoke with the Indian Ambassador in Dublin on 27 November, the day after the attacks in Mumbai began, to convey my sincere condolences on behalf of the Irish people at the tragic events which were taking place. I expressed the hope to the Ambassador that the Indian authorities would be able to resolve the current situation without further loss of life and that those who carried out or plotted these attacks would be brought to justice. Relations between India and Ireland have always been close and I wanted to assure him of our sympathy and prayers. As we in Ireland know all too well, terrorist atrocities such as those which took place in Mumbai serve no purpose other than to kill and injure innocent victims, Indian and foreign alike, and to sow panic and suspicion.

### **Departmental Funding.**

127. **Deputy Tom Sheahan** asked the Minister for Arts, Sport and Tourism if he will allocate €20,000 to a group (details supplied). [44535/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I refer the Deputy to my reply to PQ 124 on 27th of November 2008. The group referred to by the Deputy received support from the Department in 2006, 2007 and 2008 for the event it organises. The Department has

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now received an application from the group on behalf of the organisers and has indicated support of up to €10,000 for the 2009 event.

### **Sports Capital Programme.**

128. **Deputy Denis Naughten** asked the Minister for Arts, Sport and Tourism when he will advertise for the sports capital programme 2009; the budget available; and if he will make a statement on the matter. [44552/08]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Minister for Arts, Sport and Tourism (Martin Cullen T.D.): The Deputy will be aware that allocations under the 2008 Sports Capital Programme were announced in July last. No decision has yet been made about the timing of further rounds of the Programme. In the 2009 Estimates, €56m has been provided in my Department's vote to cover payments to be made from the C-1 sub-head, out of which grants are paid for the provision of sports and recreation facilities.

### **Social Welfare Benefits.**

129. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason rent allowance has been withdrawn in the case of a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [44639/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Rent supplement is administered on behalf of the Department by the Health Service Executive (HSE), as part of the supplementary welfare allowance scheme.

The purpose of the rent supplement scheme is to provide short-term income 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. Rent supplement is not payable in respect of a person who is not lawfully in the State.

The Executive has advised that the person concerned has been refused rent supplement as she is regarded as not being lawfully in the State. The Executive has further advised that the person concerned has appealed against the decision to refuse rent supplement to the HSE Appeals Office. She will be contacted directly when a decision has been made on her appeal.

130. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason a rent subsidy has been stopped for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [44495/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme (SWA) which is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE), is designed to provide immediate and flexible assistance for those in need who do not qualify for payment under other State scheme. A number of categories are specifically excluded from receiving SWA i.e. people in full-time work, people in full-time education and people involved in trade disputes.

Apart from the excluded categories, anyone in the State who satisfies a habitual residency condition and a means test or who is awaiting the outcome of a claim or an appeal for a primary social welfare or HSE payment may qualify for basic supplementary welfare allowance. In addition, a person can also apply for payments such as rent supplement where s/he is in receipt of a social welfare or basic supplementary welfare allowance payment.

The Executive has advised that the person concerned was in receipt of basic supplementary welfare allowance and rent supplement while awaiting a decision on an application for job-seeker's allowance. His claim for jobseeker's allowance is now closed on the basis that documentation requested by the Department has not been provided. Payment of supplementary welfare allowance and rent supplement has been suspended pending investigation by the community welfare officer of his continued entitlement to these payments. The Executive has advised that he should contact the community welfare services directly in order to discuss his entitlement to supplementary welfare allowance and rent supplement.

131. **Deputy Paul Connaughton** asked the Minister for Social and Family Affairs the changes due to be made in so far as eligibility for the old age contributory pension is concerned; and if she will make a statement on the matter. [44508/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Green Paper on Pensions sets out and discusses a range of issues that have been raised from time to time in relation to state pensions and their coverage.

Following the completion of the Green Paper consultation process, a framework for future policy on all aspects of pensions is being developed. The qualifying conditions for state pensions are an important element in this process but it is not possible at this stage to say what reforms will form part of the final policy framework.

#### **National Carers Strategy.**

132. **Deputy Billy Timmins** asked the Minister for Social and Family Affairs when a strategy for carers will be published; and if she will make a statement on the matter. [44538/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The development of a National Carers' Strategy is a key Government commitment in both the national partnership agreement Towards 2016 and the Programme for Government.

A working group, chaired by the Department of An Taoiseach, is working on developing the strategy. My Department provides the secretariat to the working group which also includes representatives of the Departments of Finance, Health and Children and Enterprise, Trade and Employment as well as FÁS and the Health Service Executive. Developing the strategy involves consultation with other government departments and bodies not represented on the working group.

The Department has met with a wide range of organisations including the Equality Authority, Combat Poverty Agency, Citizen's Information Board, the National Council on Ageing and Older People, the Office of the Revenue Commissioners, the Department of Environment, Heritage and Local Government and the National Disability Authority to discuss this issue.

A request for submissions from the public was published in regional newspapers in early March. The closing date for submissions was Friday 18 April 2008. There was a good response from individuals and organisations and the submissions received are being examined.

Towards 2016 commits the Department to hosting an annual consultation meeting of carer representative groups and relevant departments and agencies. Such a meeting was held on 23 January 2008. Representatives of 12 groups and 9 government departments and bodies attended. The theme was the National Carers' Strategy and groups were given an opportunity to comment on the draft terms of reference and to raise other issues considered relevant in the context of the strategy. I was very pleased to launch the report "Listening to Carers, Report on a Nationwide Carer Consultation" produced by the Carers Association in partnership with



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Caring for Carers Ireland and Care Alliance on 30th of June this year. The issues raised in this report are currently being considered as part of the development of the strategy.

The commitment to the development of a National Carers Strategy also includes a commitment to appropriate consultation with the social partners. An update in relation to the strategy was provided to the social partners plenary session in February. The first of two consultation meetings with the social partners was held on 8 May 2008. Key issues raised were recognition for carers and their work, access to suitable health services, income support, training, gender issues and balancing employment and care. The inter-departmental group is currently working on bringing the carers strategy to completion.

### **Pension Provisions.**

133. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of defined benefit and defined contribution company pension schemes in operation; and if she will make a statement on the matter. [44603/08]

134. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of persons registered in defined benefit and defined contribution schemes; and if she will make a statement on the matter. [44604/08]

135. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if her attention has been drawn to the fact that a number of pension schemes are expected to collapse within the next six to 12 months; if she will provide details of these schemes; if the Government will be in a position to respond in the event of a pension scheme collapse; and if she will make a statement on the matter. [44605/08]

136. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the estimated total private sector pension deficit as at year end 2008; and if she will make a statement on the matter. [44606/08]

137. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she has plans to alter the private sector pension regulatory environment to make the minimum funding standard more flexible for struggling pension funds; and if she will make a statement on the matter. [44607/08]

138. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she plans to require occupational defined benefit pension funds to get insurance; and if she will make a statement on the matter. [44608/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Question Nos. 133 to 138, inclusive, together.

The overall number of active defined benefit schemes registered with the Pensions Board at the end of 2007 was 1,319. The number of active defined contribution schemes was 98,483. The active membership of these schemes at that time was 530,933 and 269,465 respectively.

The Pensions Act provides for a minimum Funding Standard which defined benefit pension schemes must meet on an ongoing basis. Generally speaking, the Standard requires that schemes maintain sufficient assets to enable them to discharge accrued liabilities in the event of a scheme winding up. Where schemes do not satisfy the Funding Standard the sponsors/trustees must submit a funding proposal to the Pensions Board to restore full funding



within three years. The Pensions Board can allow a scheme up to ten years to meet the standard in certain circumstances.

In 2007, 81% of defined benefit schemes reporting to the Pensions Board passed the Funding Standard. Most of those schemes failing the test had a funding proposal in place. It is expected that the number of schemes failing the funding standard will increase significantly in the coming year.

Estimates suggest that defined benefit pension schemes have sustained some €20 billion of investment losses this year. While it is expected that the number of schemes failing the Standard will increase sharply as a result of current market conditions, the extent of the problem will not be fully apparent until schemes carry out end of year actuarial assessments and report the results to the Pensions Board as required under the Pensions Act. In recognition of the current market difficulties and the difficult decisions that pension schemes will face, the Government has put in place a number of short-term measures to ease the pressure on schemes. It has been agreed with the Pensions Board that an additional six months will be allowed for trustees to prepare funding proposals. This will mean that schemes will have 18 months to review the situation with sponsoring employers and to formulate proposals for recovery. These actions are being taken to alleviate the current situation.

Members of Defined Contribution schemes have also been exposed to investment losses. In such schemes the risk is borne in full by the member. Many of these schemes are relatively immature and for many people there will be adequate time to recoup some or all of the losses which have occurred.

There are particular concerns for those who may be at, or close to, retirement. Good practice would suggest a conservative approach to investments in the last number of years before retirement but anecdotal evidence suggests this may not have been applied in some cases. Members of defined contribution schemes are required to purchase an annuity at the point of retirement. In the current environment, these scheme members could realise a significant loss in the value of their pension fund. In the circumstances, the Department of Finance is currently working out the details on how such scheme members could avail of a period of up to two years to purchase an annuity. There is, of course, the risk that those availing of the deferment option could sustain further losses and this will be clearly outlined in guidance notes.

The Government is working with the Pensions Board, representative organisations and the social partners to find ways to ease the pressure on schemes by striking a balance between the long-term nature of pension savings and the need to ensure short-term security of accrued benefits. As outlined, it has already taken some short-term measures in this area. The long-term response to the situation is being considered in the context of the Green Paper on Pensions and any changes proposed will be announced in the context of the overall framework for pensions which the Government has indicated it will announce in the near future.

### **Social Welfare Benefits.**

**139. Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason mortgage supplement has been withdrawn in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [44643/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes mortgage interest supplement, is administered on behalf of the Department by the community welfare division of the Health Service Executive. A mortgage interest supplement provides short-term income support to eligible people who are unable

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to meet their mortgage interest repayments in respect of a house which is their sole place of residence.

Mortgage interest supplement is normally calculated to ensure that a person, after the payment of mortgage interest, has an income equal to the rate of SWA appropriate to their family circumstances less a minimum contribution, currently €13, which recipients are required to pay from their own resources. Many recipients pay more than €13 because recipients are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic SWA rate towards their accommodation costs.

The Executive has advised that the person concerned is not entitled to mortgage interest supplement as her combined income from employment, one-parent family payment and family income supplement is sufficient to meet the total mortgage interest on the loan. If the person concerned is not satisfied with the decision of the community welfare officer it is open to her to appeal against the decision to the Executive's designated Appeals Office.

### **Social Welfare Appeals.**

140. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the reason an appeal has not been accepted against the decision to refuse unemployment benefit in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [44645/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned was in receipt of Jobseeker's Allowance from January 2008 to 28 October 2008. Payment ceased when he failed to sign the Live Register on the appointed day (23 October 2008) and thereby failed to prove he was unemployed from that date.

He made a repeat claim on 10 November 2008 and the claim was disallowed on the grounds that he had failed to submit any evidence of his efforts in seeking employment.

Notification of the decision and his right to appeal issued to him on 12 November 2008 and there is no record of an appeal made at this time. An appeal form will be made available to him at the Blessington Signing Office on Thursday (4 December 2008) between the hours of 10 a.m. and 11.45 a.m. On this appeal form it will be open to him to state the grounds of his appeal.

### **Water and Sewerage Schemes.**

141. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 944 of 8 July 2008, the reason for the delay in approving contract documents; and if he will make a statement on the matter. [44386/08]

142. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 562 of 4 March 2008, the position regarding the project; and if he will make a statement on the matter. [44387/08]

151. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question Nos. 1413 and 1448 of 24 September 2008, the position regarding the projects; and if he will make a statement on the matter. [44611/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 141, 142 and 151 together.

Following receipt by my Department this week of essential additional information relating to the tender documents, I expect to be in a position shortly to convey a decision to Roscommon County Council.

### Care of the Elderly.

143. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government his plans to provide funding to local authorities to assist with funding for the provision of grants to the elderly in relation to mobility, housing adaption and housing aid applications and as such to assist the building industry overcome the present employment problems within the industry by creating employment opportunities in each local authority area; and if he will make a statement on the matter. [44484/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Housing Adaptation Grants for Older People and People with a Disability are funded by 80% recoupment available from my Department, together with 20% contribution from the resources of the local authority. In May 2008 my Department notified local authorities of a combined capital allocation of €71.4 million for the operation of the schemes in private houses in 2008. On foot of significantly increased levels of activity at local level, supplementary Exchequer allocations totalling €8.6 million were made in September and October 2008.

It is a matter for each local authority to decide on the specific level of funding to be directed towards each of the schemes, from within the combined allocation notified to them, and to manage the operation of the schemes in their areas from within this allocation. Notification of individual allocations to local authorities for the Housing Adaptation Grant Schemes for Older People and People with a Disability in 2009 will be made following the publication of the Revised Estimates for Public Services 2009. My Department is in the process of liaising with all local authorities regarding their funding requirements under the schemes in 2009. In line with my objective of prioritising the needs of the most vulnerable households, the total financial provision secured for housing in 2009 will allow for the level of funding allocated towards housing supports for older people and people with a disability next year to be increased by 8% over the initial estimate for 2008. This provision will enable local authorities to continue to effectively respond to the housing needs of these target groups through the payment of increased numbers of grants.

While the primary objective of the suite of grants schemes is to facilitate the continued independent occupancy of their own homes by older people and people with a disability, their operation also supports a certain level of activity in the construction sector.

### Housing Grants.

144. **Deputy Seán Sherlock** asked the Minister for the Environment, Heritage and Local Government if he will make funding available to carry out radon remedial works for a person (details supplied) in County Cork; and if he will make a statement on the matter. [44499/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Housing Aid for Older People scheme is available to assist older people to have necessary repairs or improvements carried out to their homes. Where a suite of works is being grant aided under this scheme, local authorities may also, as part of the package of works, assist with the provision of radon remediation works, where applicable. The administration of the Housing Aid for Older People Scheme, including the processing of individual applications, is a matter for the local authority concerned.

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My Department made a combined capital allocation of €1,962,090 to North Cork County Council for the operation of the Housing Adaptation Grant Schemes for Older People and People with a Disability in private houses in 2008. On foot of increased demand at local level, further Exchequer funding of €300,000 was issued to North Cork County Council in October 2008. It is a matter for local authorities to decide on the specific level of funding to be directed towards the Housing Aid for Older People Scheme, from within the combined allocation notified to them by my Department, and to manage the operation of the scheme in their areas from within this allocation.

Notification of individual allocations to local authorities for the Housing Adaptation Grant Schemes for Older People and People with a Disability in 2009 will be made following the publication of the Revised Estimates for Public Services 2009. My Department is in the process of liaising with all local authorities regarding their funding requirements under the schemes in 2009.

### **Flood Relief.**

145. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government his plans to compensate farmers such as a person (details supplied) in County Galway through a Dúchas scheme for the continuous flooding of their land; and if he will make a statement on the matter. [44507/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Tarmon South is a candidate Special Area of Conservation and is therefore protected under the Habitats Directive, which was transposed into Irish law through the E.C. (Natural Habitats) Regulations, 1997.

I understand that the Office of Public Works commissioned an investigation into flooding in the Gort-Ardrahan Area of South Galway in 1998. As part of this investigation, a detailed ecological assessment was carried out into the likely impacts of drainage works on the SAC. It was established that the natural frequency and duration regime of the water levels in the Tarmon area was critical to sustain the ecology of the turlough system.

The Natural Habitats Regulations provide for compensation to landowners for actual losses that accrue due to designation of their land. In this case, no actual loss has been suffered and I have no plans to provide for compensation in such circumstances.

### **Water Pollution.**

146. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the steps being taken to ensure that a carcinogen (details supplied) does not enter the public water supply. [44531/08]

147. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the preliminary findings of the most recent study by a company (details supplied) which commenced during summer 2008 at the former steel plant site on Haulbowline Island, County Cork; when the final report from this study will be completed; if he will publish the report; and when he plans to bring a report on the matter to Government. [44532/08]

149. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the amount of a chemical which has been found to date at a site (details supplied) in County Cork; the way he has addressed this matter to ensure there is no risk to public health or the environment. [44543/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 146, 147 and 149 together.

An environmental assessment of the current status of the Haulbowline site by consultants, White Young Green, and a peer review of it have been completed. My Department is currently examining the reports and the recommendations contained in them. Once this is completed I will make the reports publicly available. I will also then advise Government on the outcome and actions that may be necessary. I have no direct function in relation to the operation and management of drinking water supplies. Local authorities are responsible for ensuring that drinking water quality complies with mandatory standards, and public water supplies are monitored and supervised by the Environmental Protection Agency (EPA) which has extensive powers of enforcement. Failure to comply with a direction by the EPA in relation to compliance with drinking water standards is subject to heavy penalties, including imprisonment.

The issue of waste materials from Haulbowline entering a public water supply does not arise. There are no groundwater abstractions on Haulbowline Island and water is supplied to the island via a mains supply. The limestone bedrock aquifer beneath the site is not in direct hydraulic connection with the overlying groundwater on the site, is influenced by seawater intrusion and is not of a potable standard.

#### **Rental Accommodation.**

148. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if, with reference to Parliamentary Question No. 140 of 27 November 2008 and his reply that any rental properties being let for the first time after 1 February 2009 will have to comply with all the requirements of the new regulations, he will explain the way compliance will be established; and if he will make a statement on the matter. [44542/08]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Responsibility for enforcing the regulations with regard to minimum standards for rental accommodation rests with the relevant local authority. My Department provides significant resources, from part of the proceeds of tenancy registration fees collected by the Private Residential Tenancies Board, to assist local authorities in discharging their functions under the Housing Acts in relation to rented accommodation. Over €3m was provided in 2007 and a further €4m has been earmarked for this purpose for 2008.

It is a matter for each individual local authority to decide the specific details of its enforcement strategy, inspection arrangements and methods for establishing compliance. However, in discharging their responsibilities in relation to the rental sector, authorities have been asked to have regard to the Good Practice Guidelines for Local Authorities on Standards in the Private Rented Sector: Strategic Planning, Effective Enforcement published by the Centre for Housing Research in November 2007, which makes a range of recommendations on relevant issues. A comprehensive Guidance Document will also be published in advance of the 1 February 2009 commencement date in order to assist local authorities in the practical implementation of the new regulations.

*Question No. 149 answered with Question No. 146.*

#### **Water Pollution.**

150. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government his plans for eliminating the pollution of Lough Corrib which is the main source of water supply for Galway City and a large part of County Galway; and if he will make a statement on the matter. [44548/08]



**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department's Water Services Investment Programme 2007 — 2009 includes more than 50 major water and sewerage schemes with a value of more than €464 million for County Galway. There are a further eight schemes worth in excess of €114 million included for Galway city.

A significant share of the sewerage schemes in the Programme are in the Corrib catchment. They include Headford, which is substantially completed, Dunmore, which is expected to finish Spring 2009, and Tuam (Phase 2), Oughterard, Claregalway, Milltown and Corofin which are being progressed as quickly as possible. Galway County Council is also providing a new scheme at Clonbur under the devolved rural water programme which is part funded by my Department. These schemes will play a major role in preserving and improving water quality in the river and lake. Sewerage schemes already in place within the Corrib catchment with the aid of funding from my Department include Tuam (Phase 1), Moycullen, Cong, Ballyhaunis, Ballinrobe and Claremorris.

With regard to water quality in Lough Corrib, EPA monitoring for the period 2004 to 2006 shows that the upper section was classified as being in a mesotrophic category, indicative of a low level of pollution, and the lower section was classified as being oligotrophic, suggesting a very low level of pollution. Both these classifications were consistent with satisfactory water quality conditions and were based on the level of total phosphorous and chlorophyll measured on at least 12 occasions in each of these years.

Since December 2006, a new monitoring programme has been in place to meet Water Framework Directive requirements. Based on data collected in 2007, and 2008 under this programme, the interim water quality classification of Lough Corrib will be 'moderate'. This is due, *inter alia*, to the presence of roach in the lake and the effect on other fish populations. It does not reflect any change in water quality conditions from earlier EPA water quality reports.

There is ongoing liaison between my Department, other State agencies and local authorities on the co-ordination of policies and actions to protect and secure water quality in all areas. The European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2006 and 2007, were developed in close consultation with the Department of Agriculture, Fisheries and Food and Teagasc and are supported by an enhanced package of financial supports for farmers and cross-compliance systems operated by the Department of Agriculture, Fisheries and Food. The Regulations provide a statutory basis for a range of measures to protect waters, such as Lough Corrib, from pollution by nitrates and phosphates from agricultural sources.

*Question No. 151 answered with Question No. 141.*

### **Waste Management.**

152. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government his views on whether all the requirements of the Aarhus Convention and the Public Participation Directive are applicable to the development of an incinerator at Ringaskiddy, County Cork; and if he will make a statement on the matter. [44614/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the Convention is closely aligned with work at EU level and in that context, the European Union has adopted two Directives as part of the ratification process for the Convention. These deal with public access to environmental information (2003/4/EC) and public participation in certain environmental decision-making procedures (2003/35/EC). The



European Communities (Access to Information on the Environment) Regulations 2007 came into effect on 1 May 2007. These Regulations transpose EU Directive 2003/4/EC on Public access to environmental information.

Transposition of EU Directive 2003/35/EC on Public Participation in certain environmental decision making procedures requires the amendment of a number of consent systems relevant to two existing Directives — the Environmental Impact Assessment (EIA) Directive and the Integrated Pollution Prevention and Control (IPPC) Directive. The process to transpose the Public Participation Directive is already well advanced, with legislation completed to amend the majority of the relevant consent systems. The planning consent system has been amended and is now fully compliant with the Public Participation Directive.

The Planning and Development (Strategic Infrastructure Act) 2006 introduced a number of key measures which are designed to ensure that projects which go through the new strategic consent process are subject to even greater public scrutiny than projects which go through the normal planning process, both at pre-application and application stage.

The existing planning system is an inclusive one that provides for extensive public participation at various stages and ensures that all concerns can be fully taken into account.

#### **Departmental Expenditure.**

153. **Deputy Jim O’Keeffe** asked the Minister for the Environment, Heritage and Local Government the cost to the taxpayer of the court decisions in the High Court and Supreme Court, arising out of the refusal by him to grant a licence to a person (details supplied) under Section 3(5) of the National Monuments (Amendment) Act 1987; and if he will make a statement on the matter. [44648/08]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department has been advised that the solicitor acting on behalf of the person in question has served a Bill of Costs on the Office of the Chief State Solicitor in relation to both the High and Supreme Court costs orders which were made in favour of that person. It is understood that the matter is currently being processed by the Office of the Chief State Solicitor.

#### **Health and Safety Issues.**

154. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources if, in relation to health problems highlighted by national miners covering health problems arising from industry working conditions in mines in Arigna and Kilkenny and Tipperary colliers, he will establish a redress board to handle their concerns. [44617/08]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power):** I have no statutory authority to establish a redress board to provide for compensation to people suffering health problems as a consequence of working in mines and have no resources from which to fund such a scheme. The question of assistance to former miners, or any other type of employees, who suffer health problems as a consequence of working conditions in the past is, primarily, a matter between them and their employers and, in so far as the State is concerned, of disability or occupational injuries benefit entitlement under the social welfare code. That is a matter for the Minister for Social and Family Affairs.

#### **Grant Payments.**

155. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food the

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position regarding an application for the REP scheme for the years 2006 and 2008 for a person (details supplied) in County Donegal. [44393/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named finished his contract in REPS 2 on 30 September 2007 and received all payments due under that contract, and has since applied for REPS 4.

REPS 4 is a measure under the current Rural Development Programme 2007-13 and is subject to different EU Regulations from the preceding versions of REPS. Under REPS 4, all payments are to be made in just two instalments. The first payment, of 75%, can be made only when all administrative checks on all 2008 applications for REPS 4 and the Single Payment Scheme are completed. This is why it has not yet been possible to release payments even to farmers who applied for REPS 4 some time before the closing date of 15 May.

The process of checking and approving applications is subject to a detailed set of procedures designed to meet national and EU audit requirements, and in line with these requirements the various stages of the process are assigned to different grades of staff. An effect of recent industrial action in my Department's local offices was that the process was temporarily interrupted. I am pleased to say that, with the assistance of the Labour Relations Commission, the industrial action was brought to an end and work resumed last week. The administrative checks are now at an advanced stage and I hope that payments of the 75% instalment can start to be released fairly soon. The second instalment of 25% cannot be paid before the last REPS on-farm inspection has taken place.

While I am anxious that the REPS 4 payments should go out as soon as possible, there are of course still over 48,000 farmers in REPS 3, and just under 16,000 of those have anniversary dates on 1 November and 1 December this year. Staff in my Department's local offices are currently engaged in processing the annual payment applications for these farmers as well as the REPS 4 cases. Where possible, payment will issue before Christmas on valid REPS 3 applications (1Cs) returned before 5 December, 2008. At this time of the year the workload of local office staff is therefore exceptionally heavy, and while every effort is being made to release all payments promptly it is not possible to avoid delays entirely. I have asked senior management in my Department to give me regular updates on the situation.

*Question No. 156 withdrawn.*

157. **Deputy Edward O'Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment of the sugar beet entitlements will issue to a person (details supplied) in County Cork. [44413/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Those farmers who held a sugar beet quota during one or more of the years 2001, 2002, 2004 were entitled to have the Single Payment Entitlements topped up. However, as neither of the persons named held such a quota, they were not automatically entitled to have their Single Payment adjusted. The father of the persons named did hold such a quota and he chose to request that his payments be divided equally between the persons named, as provided for under the rules governing the Single Payment Scheme. The process of assigning the sugar beet entitlements proved complex, as both persons named were already participants in the Single Payment Scheme. However, the complex recalculations of the entitlements position of both beneficiaries has now been completed and the payments due to the persons named will issue shortly.

158. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the number of REP scheme four applicants paid to date in each county; the total value of payments; the number of applications outstanding; the average processing time; and if he will make a statement on the matter. [44415/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The number of REPS 4 payments made on a county-by-county basis is as follows:

County	Number paid
Cavan	11
Clare	10
Cork	13
Donegal	28
Galway	10
Kerry	19
Kilkenny	7
Leitrim	9
Limerick	6
Longford	5
Mayo	5
Monaghan	2
Offaly	3
Roscommon	8
Sligo	8
Tipperary	10
Waterford	8
Wexford	1
Total	163

These payments all relate to applications received in 2007. The total paid to these 163 applicants was €1,122,802.22.

The total number of REPS 4 applications currently recorded on my Department's computer system is approximately 12,700, including those received in 2007. In accordance with the EU Regulations governing the new Rural Development Programme, no payments under REPS 4 have yet been released this year other than those in the Table above. Under these Regulations, all payments are to be made in just two instalments. The first payment, of 75%, can be made only when all administrative checks on all 2008 applications for REPS 4 and the Single Payment Scheme are completed. This is why it has not yet been possible to release payments even to farmers who applied for REPS 4 some time before the closing date of 15 May.

The process of checking and approving applications is subject to a detailed set of procedures designed to meet national and EU audit requirements, and in line with these requirements the various stages of the process are assigned to different grades of staff. An effect of recent industrial action in my Department's local offices was that the process was temporarily interrupted. I am pleased to say that, with the assistance of the Labour Relations Commission, the industrial action was brought to an end and work resumed last week. The administrative checks are now at an advanced stage and I hope that payments of the 75% instalment can start to be released fairly soon. The second instalment of 25% cannot be paid before the last REPS on-farm inspection has taken place.

[Deputy Brendan Smith.]

While I am anxious that the REPS 4 payments should go out as soon as possible, there are of course still over 48,000 farmers in REPS 3, and just under 16,000 of those have anniversary dates on 1 November and 1 December this year. Staff in my Department's local offices are currently engaged in processing the annual payment applications for these farmers as well as the REPS 4 cases. Where possible, payment will issue before Christmas on valid REPS 3 applications (1Cs) returned before 5 December 2008. At this time of the year the workload of local office staff is therefore exceptionally heavy, and while every effort is being made to release all payments promptly it is not possible to avoid delays entirely. I have asked senior management in my Department to give me regular updates on the situation.

### **Sheep Sector.**

159. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the steps he will take to support the sheep sector; and if he will make a statement on the matter. [44416/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The sheep sector is a significant beneficiary of the main schemes operated by my Department. Sheep farmers receive an annual estimated €126m. under the Single Farm Payment and an annual estimated €60m. under the Disadvantaged Areas Scheme. In the case of REPs, some €84m. is paid annually to them.

The sector is also benefiting from measures that have been put in place following the Sheep Strategy Report. These include Breed Improvement, Quality Assurance and additional promotional measures from Bord Bia on home and export markets. Bord Bia will spend over €1 million this year on sheepmeat promotion.

Additional support to the sheep sector will be considered in the light of the outcome of the recent CAP Health Check. That outcome provides that an additional amount of some €24 million annually will be available to Irish farmers from 2010 onwards. That amount may be used to target specific sectors in need of assistance and represents money that would otherwise not be available to farmers due to the complex rules surrounding the Single Farm Payment. Support may commence in 2009 by utilising funds from the National Reserve, which are expected to be in the region of €6 million to €7 million, and these will be supplemented from 2010 with the unspent Single Farm Payment funds.

As I indicated following the completion of the Health Check, I will consult relevant stakeholders as to how these additional funds can best be spent. To that end I will meet with them on 11th December to consider their views and possible options.

### **Grant Payments.**

160. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if he will ensure that all outstanding payments under REP scheme four and the farm waste schemes in County Roscommon will be awarded before Christmas 2008; and if he will make a statement on the matter. [44418/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** REPS 4 is a measure under the current Rural Development Programme 2007-13 and is subject to different EU Regulations from the preceding versions of REPS. Under REPS 4, all payments are to be made in just two instalments. The first payment, of 75%, can be made only when all administrative checks on all 2008 applications for REPS 4 and the Single Payment Scheme are completed.

This is why it has not yet been possible to release payments even to farmers who applied for REPS 4 some time before the closing date of 15 May.

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While I am anxious that the REPS 4 payments should go out as soon as possible, there are of course still over 48,000 farmers in REPS 3, and just under 16,000 of those have anniversary dates on 1 November and 1 December this year. Staff in my Department's local offices are currently engaged in processing the annual payment applications for these farmers as well as the REPS 4 cases. Where possible, payment will issue before Christmas on valid REPS 3 applications (1Cs) returned before 5 December, 2008. At this time of the year the workload of local staff is therefore exceptionally heavy, and while every effort is being made to release all payments promptly it is not possible to avoid delays entirely. I have asked senior management in my Department to give me regular updates on the situation.

In the case of the Farm Waste Management Scheme, claims continue to be processed for payment in County Roscommon. To date in 2008, my Department has made 567 payments totalling €16.48 million to applicants in County Roscommon under the Scheme. This compares to 265 payments totalling €6.27 million during the calendar year 2007. As the Deputy will be aware, the closing date for completion of work under this Scheme is 31 December 2008; payments will therefore continue to be made in 2009 under this Scheme.

161. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Mayo will be paid under the native woodland scheme. [44587/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I understand that an application for payment from the person in question was received on 24 October. This is being processed at present and, provided the work is up to the required standard, payment will be made in the normal way.

#### **Bovine Diseases.**

162. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food the annual herd number since 1997; the annual number of cattle tested for tuberculosis; and the number of reactors there were. [44590/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested by the Deputy is set out in the following table.

Year	No. of Herds in Country	Cattle population under test	Number of animals tests	Number of Reactors
1997	145,209	7,725,634	9,910,074	28,647
1998	142,302	7,946,989	10,677,291	44,498
1999	138,263	7,569,735	10,749,580	44,903
2000	133,542	7,032,407	10,304,162	39,847
2001	130,525	7,097,430	9,402,196	33,702

[Deputy Brendan Smith.]

Year	No. of Herds in Country	Cattle population under test	Number of animals tests	Number of Reactors
2002	127,711	7,025,096	9,400,065	28,930
2003	125,517	6,936,820	9,168,722	27,978
2004	124,414	6,992,264	8,825,720	22,967
2005	123,322	6,407,456	9,060,044	25,884
2006	122,392	6,260,133	9,000,519	24,173
2007	120,652	6,084,037	9,143,719	27,711

### **Bovine Disease Controls.**

163. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food the number per annum, since 1997, of all reactors that were false positives. [44591/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department's Bovine TB eradication programme is based primarily on the diagnosis of disease using the Single Intradermal Comparative Tuberculin test (SICTT), which is generally referred to as the TB skin test and which is an EU approved test. I should explain that no test is 100% accurate and the 'sensitivity' and 'specificity' of the skin test is a function not just of the test itself but also of the environment in which it is used.

The sensitivity and specificity of the skin test has been assessed under Irish conditions as 91-98% sensitivity and 99.8-99.9% specificity and is considered to be a highly accurate test. More recent research indicates that the specificity of the test as performed in Ireland is at least 99.95%. At the specificity level indicated, for each 1,000 tests performed in the course of the eradication programme, between 0.5 and 1 non-infected animal is expected to be deemed a reactor. There is no method currently available to isolate such individual animals from the routine TB infected reactors detected under the programme. This test limitation is recognised under the EU Directive 64/432/EEC, which allows a rapid de-restriction of herds which are deemed to be not infected following epidemiological and laboratory investigation. My Department operates a 'Singleton Protocol' policy to accommodate such cases. The outcome for herds under this policy has been evaluated for 2005 and 2006 and a paper has been prepared for peer-reviewed publication. Some 5.5% of the 6,386 herds restricted under the eradication programme for 2006 were derestricted early under this protocol.

164. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food the rules which govern the disposal of reactors; and if penalties for non-compliance have been imposed during the past ten years. [44592/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A key objective of the TB eradication scheme is the prompt removal of reactor animals direct to a designated factory for slaughter. My Department currently arranges and pays for a national reactor collection service to remove reactor animals from holdings. In general, reactors are removed within one week of acceptance by the herd owner of the valuation attributed to the animals through the independent valuation process and generally within 3 weeks from the date of test.

In order to promote compliance with the policy objective of my Department, the rules governing the payment of compensation to herdowners for reactors provide for a reduction in valuation or compensation payments where farmers are responsible for delays in the valuation



process and/or the removal of reactors/depopulated animals. These reductions to valuation payments are as follows:

- 5% where delay is 3 – 5 days
- 10% where delay is 6 – 10 days
- 25% where delay is 11 – 15 days
- 50% where delay is 16 – 21 days
- 100% for any longer period.

In addition, if a herd owner has not moved a reactor off the holding within fourteen days of a formal notice having been served, my Department may take control of the reactor and dispose of it as appropriate.

In general, herd owners cooperate very well in facilitating prompt valuations and speedy removal of reactors in the interests of disease control. However, there have been some instances over the years where herdowners failed to cooperate in this process and penalties have been applied to compensation payments where appropriate. Since records on the number of cases involved are not currently maintained centrally, the information on the precise number involved is not readily available.

#### **Veterinary Inspection Services.**

165. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food if there are or have been, since 1997, problems with the funding and remuneration of vets who conduct tuberculosis tests; and if there have been refusals by vets to conduct tests. [44593/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Since 1996, it has been the responsibility of herdowners to make the necessary arrangements with their private veterinary practitioners to have the annual TB and Brucellosis herd tests carried out and, in general, unless reactors are disclosed the herdowner pays the testing veterinary practitioner for carrying out these tests. This system has worked well since its inception and I am not aware that veterinary practitioners experience any major difficulty in collecting their fees from herdowners. In any event, any such problems are primarily a private contractual matter between the veterinary practitioner and the herdowner. Where such difficulty results in a refusal by a veterinary practitioner to carry out a test, it open to the DVO to arrange for the test to be carried out by a different practitioner and, where the test is carried out by a veterinary practitioner from the DVO, to charge the herdowner for the cost of the test.

With regard to testing paid for by my Department, there has been no difficulty in securing funding since 1997 for the payment of veterinary practitioners carrying out TB testing and Brucellosis sampling and, as far as I am aware, no veterinary practitioner has refused to carry out testing because of the level of payment available.

#### **Bovine Disease Controls.**

166. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food the details of controls since 1997 for cattle pre-movement tests; and the tests required before sale or movement between herds. [44594/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I understand that the Question relates to bovine TB.

In accordance with the requirements of EU Directive 64/432/EEC, all eligible bovines that are exported to other member states are subject to a 30-day pre-movement TB test.

For trade within Ireland, the current legal requirement is that an eligible animals may not leave a holding, including for slaughter, unless they have been tested within the previous 12 months and the holding is not under restriction, in which case movement will be in accordance with a permit issued by an officer of my Department.

I should point out that the TB eradication programme places strong emphasis on pre-movement testing as a key husbandry practice to assist herd health protection. Keepers are encouraged to acquire recently tested animals as part of their overall herd health strategy decided with their veterinary practitioners. To facilitate farmers to select such recently tested animals, it is now a legal requirement that the date of the most recent tuberculin test must be displayed on an electronic screen when an animal is presented for sale at marts.

167. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food if he will provide a listing of prosecutions and penalties imposed on herd owners for their failure to carry out testing schedules. [44595/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information sought by the Deputy is not maintained centrally and it would place excessive demands on scarce staff resources in the Department to compile this data.

#### **Cattle Identification Scheme.**

168. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food if cattle are microchipped rather than tagged; if there is a list of known tag switching; and if so, if he will provide a list of prosecutions made by his Department for this action. [44596/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In accordance with Regulation (EC) No 1760/2000 establishing a system for the identification and registration of bovines and national legislation, it is obligatory to tag cattle. In addition each keeper of bovine animals is required to register a calf on the national Cattle Movement Monitoring System (CMMS) database within 27 days of birth. While there is no requirement for the micro-chipping or electronic identification of cattle, my Department is aware of a small number of farmers who, in addition to compulsory tagging, use electronic means of identification in the form of a rumen bolus for management purposes.

My Department adopts a very strict policy in relation to Ireland's cattle traceability system and conducts a range of checks to ensure compliance with tagging and registration of cattle for disease control and market reasons. To that end a number of animals (approximately 25) have been excluded from the food chain and destroyed due to tag tampering/tag switching during the last six months. There are a number of prosecutions pending in relation to further cases of suspected tag tampering. Officials from my Department have also seized a number of devices which have been modified for tag tampering purposes.

Details of successful prosecutions are listed in the following table:

Prosecutions taken by the Department for the past 5 years

Name & Address	Offences	Year
Geoffrey Kennedy, Orchard Lower, Timahoe, Co Laois	Pleaded guilty to 11 charges of possession of an ear tag which could be confused with an ear tag attached to or required to be attached to an animal contrary to Article 15(2)(a) of the Bovine Tuberculosis (Attestation of the State and General Provisions) Order, 1999	2004
Ivan Moffitt, Thornhill, Blacklion, Co Cavan	Pleaded guilty to two charges of possession of an animal with a tampered tag contrary to 19(7) of the Brucellosis in Cattle (General Provisions) Order 1991 (SI 114 of 1991 as inserted by Article 7 of the Brucellosis in Cattle (General Provisions) (Amendment) Order, 2001 (SI 229 of 2001).	2005
Thomas Rice, Cormey, Kingscourt, Co Cavan	Pleaded guilty to 2 charges of tampering tags contrary to the 19(7) of the Brucellosis in Cattle (General Provisions) Order 1991 (SI 114 of 1991 as inserted by Article 7 of the Brucellosis in Cattle (General Provisions) (Amendment) Order, 2001 (SI 229 of 2001).	2007
Maurice Herron, Derry, Latton, Castleblayney, Co Monaghan	Pleaded guilty to 2 charges of possession of an animal with a tampered tag contrary to the 19(7) of the Brucellosis in Cattle (General Provisions) Order 1991 (SI 114 of 1991 as inserted by Article 7 of the Brucellosis in Cattle (General Provisions) (Amendment) Order, 2001 (SI 229 of 2001).	2007

### Bovine Disease Controls.

169. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food the cost of bovine tuberculosis eradication per annum since 1997 under the general headings of administration, supplies and equipment and services, veterinary bills, reactor compensations and badger culling. [44597/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information sought by the Deputy in relation to the programme cost of the TB eradication scheme, excluding administration costs and travel and subsistence costs, is set out in the following table:

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Supplies/Services	2.33	2.99	2.94	2.80	2.66	3.60	5.20	5.07	6.60	6.49	6.92
Veterinary fees	6.03	8.06	11.17	10.22	8.17	9.41	8.60	7.39	8.67	8.59	9.33
Compensation	19.15	22.08	31.57	27.29	20.70	23.78	22.04	17.63	18.02	16.61	19.06
Badger Strategy	0.44	0.47	0.62	1.03	0.80	1.79	1.63	1.28	2.10	2.63	3.33
Other (Research/IT)	0.78	0.70	1.08	1.54	1.28	1.75	1.60	1.98	2.21	1.81	2.45
Total	28.73	34.30	47.38	42.88	33.61	40.33	39.07	33.35	37.60	36.13	41.09

With regard to the costs of administration of the programme, the information sought by the Deputy is not readily available for the period 1997-2007. However, the Value for Money and Policy review of the TB eradication scheme, which has just been published, calculated the costs of administration (including travel and subsistence) to be €33.8 million in 2006.

170. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food if he will provide a comparative list of the number of reactor cattle in the Republic and in Northern Ireland since 1997; and if will provide these numbers as a quantity and percentage of total herds. [44598/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The level of disease in a region is best measured on the basis of the number of reactors, the herd incidence and the numbers of reactors per thousand animals tested (APT). The table sets out this information in relation to Ireland and Northern Ireland for the period 1997 to 2007.

Year	No. of Reactors		Herd Incidence		APT	
	Ireland	N. Ireland	Ireland	N. Ireland	Ireland	N. Ireland
1997	28,647	5,063	5.60	4.27	2.90	2.31
1998	44,498	7186	7.10	5.47	4.20	3.10
1999	44,903	8,604	7.70	6.39	4.20	3.70
2000	39,847	9,498	8.20	6.84	3.90	4.14
2001	33,702	8,493	7.00	6.82	3.60	4.60
2002	28,930	15,028	6.38	9.92	3.10	6.19
2003	27,978	16,062	6.37	9.56	3.10	6.10
2004	22,967	15,086	5.50	9.17	2.60	4.86
2005	25,884	10,479	5.54	7.22	2.86	3.65
2006	24,173	9,383	5.37	6.23	2.69	3.49
2007	27,711	7,299	6.02	5.35	3.03	3.08

I should point out that it is difficult to directly compare the incidence of TB here with that in Northern Ireland because of differences between the respective jurisdictions in the manner in which statistics are compiled. For example, in Northern Ireland, disease episodes first detected by means of post-mortem inspection are not included in TB statistics unless the follow-up herd test discloses further cases in the herd of origin. Cases detected by post-mortem inspection are, by contrast, included in the reporting of disease here, irrespective of the outcome of the subsequent herd test. Since over one third of all TB outbreaks here are first detected by means of post-mortem surveillance and, on average, some 80% of these fail to disclose further reactors during the course of that episode, it is evident that the herd incidence of bovine TB here would be much lower than the above figures suggest if they were compiled on the same basis as those in Northern Ireland.

171. **Deputy Mary Alexandra White** asked the Minister for Agriculture, Fisheries and Food if a forum was established as recommended by his Department in the document Outlines of a New Approach to Tuberculosis and Brucellosis Eradication Programmes from 1996; and if so, the details of the subsequent reports of findings from this forum. [44599/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Forum, which was established in 1996, was a consultative body consisting of the major stakeholders in the animal health area and did not produce any report. The main function of the Forum was to achieve a consensus on the policy framework for the Department's approach to animal diseases and all of the major policy changes which were introduced into the TB and Brucellosis eradication schemes from 1996 onwards were the subject of discussion in the Forum prior to their implementation. Other issues which were discussed regularly in the Forum included the ERAD

compensation regime, cattle identification and control of cattle movements. I am pleased to be able to say that the various changes that were introduced to the Brucellosis eradication programme from 1996 onwards and which have resulted in the virtual eradication of that disease in the country had the full support of the Forum.

The Forum has not met in recent years.

### **Grant Payments.**

172. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will make a statement regarding a person (details supplied) in County Tipperary. [44609/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 15th May 2008.

This application was selected for a cross compliance and satellite eligibility inspection. The cross compliance inspection was carried out on 10th October 2008 and the results have been processed. However the satellite inspection raised a number of issues relating to the parcels claimed by the person named. As a result this file was forwarded for a ground eligibility inspection to clarify the issues. This ground eligibility inspection was carried out on 21st November 2008. At this inspection it was found that the person named was not complying with the Nitrates Directive and the provisions of Good Agricultural and Environmental Conditions in parts of his holdings.

The case is currently being examined and the person named will be officially notified of findings. If the person named is not satisfied with the results of the inspection, he may seek a review by contacting his Local Office. He also has the right to appeal the outcome of any such review to the Agriculture Appeals Office.

173. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food the position in the case of a person (details supplied) in County Leitrim relating to the grant under the farm waste management scheme. [44618/08]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department has no record of having received a complete application under the Farm Waste Management Scheme from the person concerned.

### **Trade Qualifications.**

174. **Deputy Martin Ferris** asked the Minister for Education and Science if he will confirm that FÁS recognises the trade qualification received by Irish people in the US who wish to work here; if mutual recognition of Irish qualifications has been secured by FÁS for Irish trades people who wish to work in the US; and if he will make a statement on the matter. [44546/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** There is no national agreement in place between FÁS Apprenticeship Services and US based authorities to recognise trade awards. Education and training provision differs across the federal status, and there is not a uniform system.

The National Qualifications Authority of Ireland is the Irish centre for the recognition of international qualifications, and has established Qualifications Recognition — Ireland ([www.qualificationsrecognition.ie](http://www.qualificationsrecognition.ie)) to provide advice on the comparability of qualifications for

[Deputy Batt O’Keeffe.]

persons seeking access to employment, to further education and training or seeking the pursuit of a regulated profession. The centre acts as a first point of contact and refers queries to the appropriate awards body or competent authority for the regulated professions. The centre is networked with national contact points for academic recognition and information on vocational education and training throughout the EU. The NQAI can also offer information on Irish awards, where requested.

Where applications for recognition of trade qualifications are received from the US, they are referred by the NQAI to the Further Education and Training Awards Council for advice. However, in some instances a comparison with the learning outcomes required in an Irish award is not possible, e.g in cases where the applicants have been granted in the US a license to practice, rather than being holders of a specific qualification which is formally documented and formally accredited.

### **School Transport.**

175. **Deputy John Deasy** asked the Minister for Education and Science the steps he has taken to alleviate the financial hardship imposed on school transport operators following the withdrawal of the fuel rebate scheme; and if he will make a statement on the matter. [44390/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** As I announced in the budget, the allocation for school transport in 2009 allows for a compensatory allowance to be paid to private operators on contract to Bus Éireann, under the school transport scheme.

Bus Éireann is currently writing to all contractors seeking documentation relating to previous fuel rebate claims submitted to the Revenue Commissioners, with a deadline date of 19th December. The process of determining the level of any compensatory allowance to be paid will be progressed on the basis of the documentation received from contractors.

### **Third Level Institutions.**

176. **Deputy Ruairí Quinn** asked the Minister for Education and Science if he will remove the cap on student numbers at the National College of Ireland; his views on whether to do so would be likely to increase the number of students from disadvantaged backgrounds attending third level; and if he will make a statement on the matter. [44397/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy may be aware that the cap on student numbers relates to funding under my Departments Free Fees Initiative for up to 925 students in the National College of Ireland. The college cannot expand on this limit without the approval of my Department and the Department of Finance. The NCI are free to increase the number of student places that they offer outside the free fees scheme.

Specific requests have been received from NCI to lift this cap on numbers of free fee places so as to increase places in IT and business and financial related courses. My Department has examined the College’s request for an increase in places on IT related courses, however the view is that there is no need for additional IT related courses at this time due to general demand being less than places available. The request for an increase in places on business and financial related courses will be considered further having regard to the implementation of the recommendations of the Report by Expert Group on Future Skills Needs on the Skills



Requirements of the Financial Services sector. Discussions are ongoing with regard to the implementation of this report.

Significant growth in the availability of places across the higher education system generally has facilitated improved participation rates across the board over recent years, including in particular among the lower socio-economic groups. As the Deputy will appreciate, the overall availability of places in the system generally is a more significant determinant of opportunity for wider participation than any particular increase in places on a specific course or courses.

### **Pupil-Teacher Ratio.**

177. **Deputy Liz McManus** asked the Minister for Education and Science if in view of the effects the budget 2009 announcements will have on a school (details supplied) in County Wicklow, he will reconsider the changes that will impact on this school; and if he will make a statement on the matter. [44398/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am aware of the concerns raised by the school referred to by the Deputy. However we are dealing with an economic situation of unprecedented difficulty. The Government has a collective duty to respond to this and to take very difficult decisions in the national interest.

In doing this we have attempted to afford some shelter to the education sector but given the scale of public expenditure on education it is simply not possible to avoid tough decisions. I fully accept that these decisions are not of themselves desirable and that they can only be justified by the imperative of securing the future economic stability of the country. I have called for cooperation from all the education partners in meeting the challenges facing us both as an education community and as a country.

The various impacts at school level were included in the Budget day announcements. Even with the budget measures in place there will still be a significantly increased borrowing requirement in 2009.

My Department will be advising individual schools in the normal way in relation to their staffing and grant allocations. The preparatory work for this has commenced with the processing of enrolment data that has been received from schools. The staffing allocation processes including notification to schools will commence early in the New Year. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. In addition to the mainstream classroom teachers my Department also allocates teaching resources to schools for special needs and language support. The final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme.

I have no difficulty in setting out for this House or for the public generally the overall changes on aggregate teacher numbers or on grant levels in schools for the 2009/10 school year. I will do this when the allocation processes have been completed. Furthermore the staffing schedule will be published and it is a transparent and clear way of ensuring that schools are treated consistently and fairly and know where they stand.

At this time the priority for my Department within the resources available to it is to carry out those processes in a timely manner. Diverting resources in order to create staffing or funding profiles for the individual school requested by the Deputy, information which at this time could only be speculative, could not be justified and would in fact impede the process.

[Deputy Batt O’Keeffe.]

I am confident that as the global economy improves it will be possible to build again on the significant achievements of recent years and do so in a manner consistent with overall prudent management of the Irish economy.

### **Site Acquisitions.**

178. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if he will reverse the decision to postpone the acquisition of a three-acre site for a school (details supplied) in Dublin; and grant this school permanent recognition for the valuable work it does. [44409/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department requested the Office of Public Works to identify a suitable site for the school in question in September 2007. No decision has been made to postpone the acquisition of such a site. The Deputy will appreciate that the acquisition of a site has to be considered in the context of the capital budget available to my Department for school buildings generally. In light of current competing demands on the capital budget of my Department it is not possible to give an indicative time-frame for the acquisition of the school site at this time.

### **Schools Building Projects.**

179. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the exact stage of the campaign by a school (details supplied) in Dublin 7 for a permanent building; and the amount of time they are expected to be waiting. [44410/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I wish to advise that meetings have recently taken place between the Department and Dublin City Council regarding the potential availability of a site and the Department has written to the City Council suggesting a lease arrangement be put in place. A response is awaited from the Council in relation to same.

The further progression of the acquisition of the site will be considered in the context of the capital budget available to the Department for school buildings generally. In light of the many competing demands on the capital budget, it is not possible to give an indicative timeframe for the acquisition of the school site at this time.

### **Residential Institutions Redress Scheme.**

180. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Waterford was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount the amount it was sold for; if he will clarify its status and use, if it is in State ownership; and if he will make a statement on the matter. [44419/08]

181. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Wexford was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44420/08]

182. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Monaghan was transferred to the ownership of the State in accord-

ance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44421/08]

183. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Meath was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44422/08]

184. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kerry was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44423/08]

185. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Limerick was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44424/08]

186. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied); was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44425/08]

187. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Wicklow was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership. [44426/08]

188. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Wicklow was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44427/08]

189. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44428/08]

190. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Limerick was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has

[Deputy Ruairí Quinn.]

since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44429/08]

191. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Limerick was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44430/08]

192. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44431/08]

193. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Waterford was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44432/08]

194. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Waterford was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44433/08]

195. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kilkenny was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44434/08]

196. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kerry was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44435/08]

197. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kerry was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44436/08]

198. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kerry was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since

been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44437/08]

199. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kerry was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44438/08]

200. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44439/08]

201. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44440/08]

202. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44441/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 180 to 202, inclusive, together.

Under the terms of the Indemnity Agreement reached with the Religious Congregations on 5th June 2002, the Congregations agreed to make a contribution of €128 million towards the cost of the Redress Scheme. This sum was broken down as follows:

- Property Transfers €76.86m;
- Cash Contribution €41.14m;
- Provision of Counselling Services €10m.

In actual terms, whilst the overall figure of €128 million has not altered, the form in which it has or is to be transferred to the State has altered somewhat in terms of the property and cash contributions. This is because the Indemnity Agreement allows for cash to be substituted for property. The composition of the €128 million has changed to the following:

- Property Transfers €66m;
- Cash Contribution €052m;
- Provision of Counselling Services €10m.



[Deputy Batt O’Keeffe.]

I can confirm that the full cash contribution of €52m has been received, including that which was accepted in lieu of properties. My Department has also received confirmation that the contributing congregations have provided counselling services to the value of €10m.

As a result of the Indemnity Agreement, my Department agreed in principle with CORI that a total of 64 properties would be accepted, subject to good and marketable title and agreed valuations. Valuations of the individual properties were fully agreed and fixed at 2002 values.

I wish to advise the Deputy that all of the legal formalities have been completed in the case of 21 of the properties transferring under the terms of the Indemnity Agreement. Details of these properties are attached.

In the case of the remaining properties, until such time as the matter is fully resolved, the valuations and other information pertaining to the individual properties is of a commercially sensitive nature and the release of such information may have a detrimental effect on the State’s ability to secure Title to any outstanding properties. I am therefore not currently in a position to release valuations of these properties until such time as the whole property issue is fully completed.

Given the complex and time consuming nature of property transfers, it is difficult to state with any degree of certainty when the entire portfolio of property will be fully and finally transferred to the State. It is regrettable that the process for the final transfer of some of these properties is not yet completed. However, I am anxious to point out that whilst the legal formalities have not been finalised in all cases, in the vast majority of the properties, good and marketable title has been fully established or the properties have been physically transferred to and are in possession of the State or 3rd Parties.

In a small number of cases, consideration may have to be given to accepting an alternative property or cash where good and marketable title cannot be established. This has recently occurred in the case of one of the 64 properties where my Department accepted cash in lieu of a property where good and marketable title could not be established. Properties to the value of €26.79m have been fully transferred and a further €7.475m worth of properties have been handed over where the legal arrangements are almost finalised. This leaves a balance of properties valued at €31.735 where the legal transfer remains to be completed. In the case of all of these latter properties, with the exception of two, the properties are in use or are available for use by the transferee.

The properties were accepted in principle by my Department following receipt of confirmation from relevant Government Departments and State Agencies that it would be to their advantage to accept title to the particular property. The current or future use of these properties is a matter for each of the transferees. In relation to properties accepted in principle by my Department, these will be used to develop school provision.

I should also point out that, under the terms of the Indemnity Agreement, property transferring to voluntary organisations are subject to a restriction on transfer or alienation for a period of 21 years without the prior consent in writing of the Minister for Finance.

Every effort will continue to be made by officials of my Department through the State’s legal representatives along with the legal representatives of the congregations and by direct contact with the interested parties to ensure that all outstanding issues are finalised.



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Doon	640,000.00
St Coleman's Rushbrook	571,380.00
Playing Field Carna	175,000.00
Secondary School & Site, Ennistymon	980,000.00
Mohill Community School Site	520,000.00
Terenure Secondary School	4,500,000.00
Site at Merriion	8,900,000.00
Two Properties at Tuam	3,020,000.00
Nursery Buildings Goldenbridge	570,000.00
24 Westcourt Tralee	184,110.00
Site at Glenamaddy	600,000.00
11 Acre Site at Virginia Road, Kells	825,000.00
Deenagh House, Kilarney	215,265.00
St Anne's Secondary School	2,600,000.00
28 The Woodlands	270,000.00
Vacant Buildings and Land at Rathdrum	349,200.00
Gate Lodge, Goldenbridge	220,000.00
1 Garravogue Road, Raheen, Co Limerick	228,550.00
23 Woodlea, Tralee, Co Kerry	152,370.00
Cloughmacsimon*	101,600.00
Goldenbridge Group Homes	1,269,700.00
	26,892,175.00

\*Cash received in lieu of property.

### Site Acquisitions.

203. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44442/08]

204. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44443/08]

205. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44444/08]

206. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since

[Deputy Ruairí Quinn.]

been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44445/08]

207. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44446/08]

208. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44447/08]

209. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44448/08]

210. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44449/08]

211. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44450/08]

212. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44451/08]

213. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44452/08]

214. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Cork was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44453/08]

215. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Sligo was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44454/08]

216. **Deputy Ruairí Quinn** asked the Minister for Education and Science when properties (details supplied) in County Galway were transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if they have since been sold; if so, the amount they were sold for; if he will clarify their status and use if they are in State ownership; and if he will make a statement on the matter. [44455/08]

217. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kerry was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44456/08]

218. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Galway was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44457/08]

219. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Limerick was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44458/08]

220. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Westmeath was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44459/08]

221. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Clare was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44460/08]

222. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Leitrim was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44461/08]

223. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Laois was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44462/08]

224. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in Dublin 6W was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44463/08]

225. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Galway was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44464/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 203 to 225, inclusive, together.

Under the terms of the Indemnity Agreement reached with the Religious Congregations on 5th June 2002, the Congregations agreed to make a contribution of €128 million towards the cost of the Redress Scheme. This sum was broken down as follows:

- Property Transfers €76.86m;
- Cash Contribution €41.14m;
- Provision of Counselling Services €10m.

In actual terms, whilst the overall figure of €128 million has not altered, the form in which it has or is to be transferred to the State has altered somewhat in terms of the property and cash contributions. This is because the Indemnity Agreement allows for cash to be substituted for property. The composition of the €128 million has changed to the following:

- Property Transfers €66m;
- Cash Contribution €52m;
- Provision of Counselling Services €10m.

I can confirm that the full cash contribution of €52m has been received, including that which was accepted in lieu of properties. My Department has also received confirmation that the contributing congregations have provided counselling services to the value of €10m.

As a result of the Indemnity Agreement, my Department agreed in principle with CORI that a total of 64 properties would be accepted, subject to good and marketable title and agreed valuations. Valuations of the individual properties were fully agreed and fixed at 2002 values.

I wish to advise the Deputy that all of the legal formalities have been completed in the case of 21 of the properties transferring under the terms of the Indemnity Agreement. Details of these properties are contained in a table.

In the case of the remaining properties, until such time as the matter is fully resolved, the valuations and other information pertaining to the individual properties is of a commercially sensitive nature and the release of such information may have a detrimental effect on the State’s ability to secure Title to any outstanding properties. I am therefore not currently in a position to release valuations of these properties until such time as the whole property issue is fully completed.

Given the complex and time consuming nature of property transfers, it is difficult to state with any degree of certainty when the entire portfolio of property will be fully and finally transferred to the State. It is regrettable that the process for the final transfer of some of these

properties is not yet completed. However, I am anxious to point out that whilst the legal formalities have not been finalised in all cases, in the vast majority of the properties, good and marketable title has been fully established or the properties have been physically transferred to and are in possession of the State or 3rd Parties.

In a small number of cases, consideration may have to be given to accepting an alternative property or cash where good and marketable title cannot be established. This has recently occurred in the case of one of the 64 properties where my Department accepted cash in lieu of a property where good and marketable title could not be established. Properties to the value of €26.79m have been fully transferred and a further €7.475m worth of properties have been handed over where the legal arrangements are almost finalised. This leaves a balance of properties valued at €31.735 where the legal transfer remains to be completed. In the case of all of these latter properties, with the exception of two, the properties are in use or are available for use by the transferee.

The properties were accepted in principle by my Department following receipt of confirmation from relevant Government Departments and State Agencies that it would be to their advantage to accept title to the particular property. The current or future use of these properties is a matter for each of the transferees. In relation to properties accepted in principle by my Department, these will be used to develop school provision.

I should also point out that, under the terms of the Indemnity Agreement, property transferring to voluntary organisations are subject to a restriction on transfer or alienation for a period of 21 years without the prior consent in writing of the Minister for Finance.

Every effort will continue to be made by officials of my Department through the State's legal representatives along with the legal representatives of the congregations and by direct contact with the interested parties to ensure that all outstanding issues are finalised.

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Site at Glenamaddy	600,000.00
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St Anne's Secondary School	2,600,000.00
28 The Woodlands	270,000.00
Vacant Buildings and Land at Rathdrum	€349,200.00
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23 Woodlea, Tralee, Co Kerry	152,370.00
Cloughmacsimon*	101,600.00
Goldenbridge Group Homes	1,269,700.00
	26,892,175.00

\*Cash received in lieu of property.



**Residential Institutions Redress Scheme.**

226. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Longford was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44465/08]

227. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Mayo was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44466/08]

228. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in Dublin 6 was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44467/08]

229. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in Dublin 8 was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44468/08]

230. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Dublin was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44469/08]

231. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Kildare was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44470/08]

232. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in Dublin 22 was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44471/08]

233. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44472/08]

234. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Limerick was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has



since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44473/08]

235. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Limerick was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44474/08]

236. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Mayo was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44475/08]

237. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in Dublin 9 was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44476/08]

238. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in Dublin 9 was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44477/08]

239. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Waterford was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44478/08]

240. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in Dublin 6 was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44479/08]

241. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Dublin was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44480/08]

242. **Deputy Ruairí Quinn** asked the Minister for Education and Science when a property (details supplied) in County Mayo was transferred to the ownership of the State in accordance with the indemnity agreement reached with the religious congregations in 2002; if it has since been sold; if so, the amount it was sold for; if he will clarify its status and use if it is in State ownership; and if he will make a statement on the matter. [44481/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 226 to 242, inclusive, together.

Under the terms of the Indemnity Agreement reached with the Religious Congregations on 5th June 2002, the Congregations agreed to make a contribution of €128 million towards the cost of the Redress Scheme. This sum was broken down as follows: Property Transfers €76.86m Cash Contribution €41.14m Provision of Counselling Services €10m In actual terms, whilst the overall figure of €128 million has not altered, the form in which it has or is to be transferred to the State has altered somewhat in terms of the property and cash contributions. This is because the Indemnity Agreement allows for cash to be substituted for property. The composition of the €128million has changed to the following:

- Property Transfers €66m;
- Cash Contribution €52m;
- Provision of Counselling Services €10m.

I can confirm that the full cash contribution of €52m has been received, including that which was accepted in lieu of properties. My Department has also received confirmation that the contributing congregations have provided counselling services to the value of €10m.

As a result of the Indemnity Agreement, my Department agreed in principle with CORI that a total of 64 properties would be accepted, subject to good and marketable title and agreed valuations. Valuations of the individual properties were fully agreed and fixed at 2002 values.

I wish to advise the Deputy that all of the legal formalities have been completed in the case of 21 of the properties transferring under the terms of the Indemnity Agreement. Details of these properties are attached.

In the case of the remaining properties, until such time as the matter is fully resolved, the valuations and other information pertaining to the individual properties is of a commercially sensitive nature and the release of such information may have a detrimental effect on the State’s ability to secure Title to any outstanding properties. I am therefore not currently in a position to release valuations of these properties until such time as the whole property issue is fully completed.

Given the complex and time consuming nature of property transfers, it is difficult to state with any degree of certainty when the entire portfolio of property will be fully and finally transferred to the State. It is regrettable that the process for the final transfer of some of these properties is not yet completed. However, I am anxious to point out that whilst the legal formalities have not been finalised in all cases, in the vast majority of the properties, good and marketable title has been fully established or the properties have been physically transferred to and are in possession of the State or 3rd Parties.

In a small number of cases, consideration may have to be given to accepting an alternative property or cash where good and marketable title cannot be established. This has recently occurred in the case of one of the 64 properties where my Department accepted cash in lieu of a property where good and marketable title could not be established. Properties to the value of €26.79m have been fully transferred and a further €7.475m worth of properties have been handed over where the legal arrangements are almost finalised. This leaves a balance of properties valued at €31.735 where the legal transfer remains to be completed. In the case of all of these latter properties, with the exception of two, the properties are in use or are available for use by the transferee.

The properties were accepted in principle by my Department following receipt of confirmation from relevant Government Departments and State Agencies that it would be to their advantage to accept title to the particular property. The current or future use of these properties is a matter for each of the transferees. In relation to properties accepted in principle by my Department, these will be used to develop school provision.

I should also point out that, under the terms of the Indemnity Agreement, property transferring to voluntary organisations are subject to a restriction on transfer or alienation for a period of 21 years without the prior consent in writing of the Minister for Finance.

Every effort will continue to be made by officials of my Department through the State's legal representatives along with the legal representatives of the congregations and by direct contact with the interested parties to ensure that all outstanding issues are finalised.

	€
Doon	640,000.00
St Coleman's Rushbrook	571,380.00
Playing Field Carna	175,000.00
Secondary School & Site, Ennistymon	980,000.00
Mohill Community School Site	520,000.00
Terenure Secondary School	4,500,000.00
Site at Merrion	8,900,000.00
Two Properties at Tuam	3,020,000.00
Nursery Buildings Goldenbridge	570,000.00
24 Westcourt Tralee	184,110.00
Site at Glenamaddy	600,000.00
11 Acre Site at Virginia Road, Kells	825,000.00
Deenagh House, Killarney	215,265.00
St Anne's Secondary School	2,600,000.00
28 The Woodlands	270,000.00
Vacant Buildings and Land at Rathdrum	349,200.00
Gate Lodge, Goldenbridge	220,000.00
1 Garravogue Road, Raheen, Co Limerick	228,550.00
23 Woodlea, Tralee, Co Kerry	152,370.00
Cloughmacsimon*	101,600.00
Goldenbridge Group Homes	1,269,700.00
	26,892,175.00

\*Cash received in lieu of property.

### Schools Building Projects.

243. **Deputy Olwyn Enright** asked the Minister for Education and Science when a school (details supplied) in County Offaly which has applied for the replacement of its old building and prefabricated buildings on site, will be listed for construction; and if he will make a statement on the matter. [44488/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The school to which the Deputy refers has applied to my Department for large scale capital funding for a new building. The project is at an advanced stage of architectural planning.

[Deputy Batt O’Keeffe.]

The progression of all major building projects, including this project, from initial design through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

### **Schools Refurbishment.**

244. **Deputy Noel J. Coonan** asked the Minister for Education and Science the number of large school projects his Department has delivered in 2008 as a result of channelling the summer works scheme 2008 funding towards larger projects; the locations of the projects; the stages they are at; and if he will make a statement on the matter. [44489/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Since the Summer Works Scheme was introduced, over 3,000 projects, costing in excess of €300 million, have been completed. With so many smaller projects having been completed over the past few years, the particular emphasis in 2008 has been on providing sufficient school places in developing areas, while also delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country. Accordingly my Department has focused on delivering as many large projects as possible in 2008 and funding was not made available for a Summer Works Scheme this year.

The following table highlights the large number of major projects which have been brought to completion this year with 43 new primary schools and 3 new post-primary schools completed under the programme in 2008. In addition, 29 major primary school extension and refurbishment projects and the 15 major post-primary extension and refurbishment projects were completed in 2008.

Taken together, these major projects reflect the concentration by my Department this year on providing sufficient school places in developing areas, while also delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country and represent an unprecedented level of achievement.

I recognise the benefits of the Summer Works Scheme in addressing the needs of schools and I have previously informed the house of my intention to have a Summer Works Scheme in 2009. The details of the operation of the scheme in 2009 and the level of funding to be made available under the scheme in 2009 are currently being considered and will be completed as soon as possible. The Professional and Technical Reports provided by schools for 2008 can be used again for future projects so that schools will not be at the loss of expenditure on them.

New Primary Schools completed 2008

County	Roll No.	School	Year
Carlow	20295K	Carlow Town Educate Together	2008
Cavan	19983B	St Clare’s NS Ballyjamesduff	2008
Cork	19433M	Holy Family SS, Charleville	2008
Cork	20204E	Kilworth NS, Cork	2008
Donegal	17036P	SN Naomh Colmchille Killmacrennan	2008
Dublin	15315J	St George’s N.S., Balbriggan	2008
Dublin	16786H	St. Brigid’s Convent NS, The Coombe	2008
Dublin	19946S	Rutland St NS Dublin 1	2008
Dublin	20176C	Rush and Lusk Educate Together	2008
Dublin	20186F	Castaheany Educate Together Ns, Ongar, Dublin 15	2008

County	Roll No.	School	Year
Dublin	20201V	Tyrellstown Educate Together	2008
Dublin	20241K	Scoil Choilm, Diswellstown, Porterstown	2008
Dublin	20247W	Scoil Ghriane Community N.S., Phibblestown	2008
Dublin	20252P	Gaelscoil Balbriggan	2008
Dublin	20282B	Bracken Educate Together, Balbriggan	2008
Dublin	20302E	Swords Applewood	2008
Dublin	20303G	Clonborris, Lucan	2008
Dublin	20304I	Belmayne, St Francis N.S.	2008
Dublin	20307O	Skerries — Kelly's Bay	2008
Dublin	20308Q	Belmayne	2008
Dublin	17055T	Saggart	2008
Dublin	20060G	Monkstown Educate Together NS	2008
Kildare	16705E	Athy	2008
Kildare	20257C	Scoil Naomh Padraig, Celbridge	2008
Kildare	20292E	Maynooth Educate Together	2008
Laois	15556I	Portarlinton Convent NS	2008
Laois	20081O	Portlaoise	2008
Louth	20294I	North Drogheda Environs, Drogheda	2008
Mayo	15866A	Carrakennedy NS, Westport	2008
Meath	18044T	SN Naomh Padraig, Stamullen	2008
Monaghan	20120V	Scoil Chroi Ro Naofa Clones	2008
Offaly	20189L	Tullamore Educate Together	2008
Sligo	19688W	Dromore West Central NS	2008
Tipperary	19968F	Gaelscoil Durlas Eile	2008
Westmeath	16914N	Baile Coireil NS, Corals town	2008
Westmeath	19848S	St Etchen's, Kennegad	2008
Westmeath	19948W	SN gCeithre Maistrí, Discart Mhuire, Bothar na Dithreibhe	2008
Westmeath	20188J	Mullingar Educate Together	2008
Wexford	20165U	Gaelscoil Mhiosolog, Gorey	2008
Wexford	20214H	Gorey Educate Together	2008
Wicklow	06176U	Blessington 1 NS	2008
Wicklow	20300A	Educate Together Greystones	2008
Wicklow	20301C	Gaelscoil Greystones	2008

## Major Primary Extensions/Refurbishments completed 2008

County	Roll No.	School	Year
Carlow	14837L	SN Peadar agus Pol Ballon Carlow	2008
Cavan	11541V	Dromaili SN Cavan	2008
Cork	18279A	Carrigaline 3 NS Carragline	2008
Donegal	19553W	Dungloe Central	2008
Dublin	19015R	St. Joseph's Girls National School, Finglas, Dublin 11	2008
Dublin	19945Q	Rathfarnham Educate Together Loreto Avenue	2008
Dublin	20091R	St Peters NS Phibsboro	2008
Galway	17198S	SN Muire Gan Smal	2008
Galway	17485C	Briarhill NS	2008

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County	Roll No.	School	Year
Galway	17771W	Lisheenkyle NS	2008
Galway	20115F	Scoil Einne, Spiddeal	2008
Kerry	19548G	Nano Nagle NS Lixnaw	2008
Kildare	08099P	St Laurence’s NS, Sallins	2008
Kilkenny	15340I	Carrigeen NS	2008
Laois	16617H	Ballyadams NS	2008
Laois	20118L	Scoil Bhride Clonaslee	2008
Leitrim	20203C	Mohill NS	2008
Limerick	08926B	St Nicholas Church of Ireland School, Adare	2008
Louth	17124M	Ardee Monastery	2008
Mayo	19916J	St Peter’s NS	2008
Offaly	11203B	St Kieran’s NS, Clareen	2008
Tipperary	18207V	SN Baile an Atha	2008
Waterford	13635R	Ballyduff NS, Kilmeaden	2008
Waterford	18462O	Scoil Lorcaín	2008
Waterford	19539F	St. Pauls Junior School, Lisduggan	2008
Waterford	19853L	Gaelscoil Portláirge	2008
Wexford	14254K	SN Mhuire, Danescastle	2008
Wexford	16145P	Loreto Primary School Gorey	2008
Wexford	19739N	Scoil Mhuire Coolcotts	2008

## New Post-Primary Schools completed 2008

County	Roll No.	School	Year
Dublin	91305L	Ballinteer Community School	2008
Limerick	64220A	St Clements College, South Circular Road	2008
Limerick	71920T	St Nessan’s Community College	2008

## Major Post-Primary Extensions/Refurbishments Completed 2008

County	Roll No.	School	Year
Cork	62200H	Colaiste Muire Crosshaven	2008
Cork	62320R	St Mary’s Secondary School, Macroom	2008
Cork	62560O	Colaiste Chriost Ri, Capwell Road, Cork	2008
Donegal	71242B	Gairm Scoil Chú Uladh Leifear	2008
Donegal	81010J	St Columba’s Community School, Glenties	2008
Dublin	70342A	Ballyfermot College,	2008
Dublin	60511O	Beneavin De La Salle Finglas Dublin 11	2008
Limerick	76073G	Castletroy CC	2008
Mayo	64630T	Jesus and Mary Gortnor Abbey Crossmolina	2008
Mayo	72130S	St Patrick’s College Lacken Cross Killala	2008
Tipperary	65340P	Presentation SS, Clonmel	2008
Westmeath	63210P	Our Lady’s Bower SS, Retreat Rd, Athlone	2008
Wexford	71650Q	Kilmuckridge Vocational School	2008
Wicklow	61820J	Loreto S.S. Bray	2008
Wicklow	70800E	St Kevin’s Community College, Dunlavin	2008



245. **Deputy Noel J. Coonan** asked the Minister for Education and Science his plans to reinstate the summer works scheme for 2009; the level of funding that will be provided for the scheme; when schools should apply for the scheme; and if he will make a statement on the matter. [44490/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Since the Summer Works Scheme was introduced, over 3,000 projects, costing in excess of €300 million, have been completed. With so many smaller projects having been completed over the past few years, the particular emphasis in 2008 has been on providing sufficient school places in developing areas, while also delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country. Accordingly my Department has focused on delivering as many large projects as possible in 2008 and funding was not made available for a Summer Works Scheme this year.

However, I recognise the benefits of the scheme in addressing the needs of schools and I have previously informed the house of my intention to have a Summer Works Scheme in 2009. The details of the operation of the scheme in 2009 and the level of funding to be made available under the scheme in 2009 are currently being considered and will be completed as soon as possible. The Professional and Technical Reports provided by schools for 2008 can be used again for future projects so that schools will not be at the loss of expenditure on them.

#### **Higher Education Grants.**

246. **Deputy Michael Ring** asked the Minister for Education and Science if he will address the anomaly that has resulted in third level courses being categorised as the same, which means that students on level seven courses are being refused the maintenance grant as it is not seen to be a progression course; and if he will make a statement on the matter. [44492/08]

247. **Deputy Michael Ring** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo has been refused a third level maintenance grant for a level seven course. [44493/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 246 and 247 together.

The decision on eligibility for student maintenance grants is a matter for the relevant assessing authority, either the local authority or VEC, as appropriate. These bodies do not refer individual applications to my Department, except in exceptional circumstances.

If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of maintenance grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department.

Clause 9.4 of the TLT Scheme 2008 states that “A candidate who has completed a two year Middle Level Technician (MLT) course is not eligible for a grant in respect of a further two year or three year Higher Technical/Business Skills (HTBS) course, irrespective of whether or

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not a grant was previously paid, but s/he may be eligible for a grant in respect of the third “add-on” year of a related Higher Technical/Business Skills (HTBS) course”.

Should a candidate in the future enter a course at Level 8 or higher, he/she may apply to his/her Local Authority or Vocational Education Committee in order to have his/her eligibility for grant assistance assessed under the terms and conditions of the relevant grant scheme.

In addition, the Student Assistance Fund is designed to assist students who, having commenced a third-level course, experience financial hardship that may render them unable to continue their third-level studies. Applications for funding are made by the individual student to the Access Officer in the institution in which they are studying. The Fund is administered on a confidential, discretionary basis.

Section 473A of the Taxes Consolidation Act 1997 provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education, including certain approved undergraduate and postgraduate courses in non EU countries.

Further details and conditions in relation to this tax relief are available from an individual’s Local Tax Office.

### **Special Educational Needs.**

248. **Deputy Michael Creed** asked the Minister for Education and Science if his Department has received a request for the establishment of an autistic unit at a school (details supplied) in County Cork; and if he will make a statement on the matter. [44498/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS), for allocating resource teachers and special needs assistants to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

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).

### **Third Level Examinations.**

249. **Deputy Chris Andrews** asked the Minister for Education and Science the failure rate among first year students in third level colleges; the cost to the State for repeat exams; the failure rates for the past five years; and if he will make a statement on the matter. [44517/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Higher Education Authority (HEA) does not collect information on the numbers of first year students failing their year-end exams. While it is not possible therefore to provide an overall figure on failure rates, certain information is available on overall numbers progressing from first year to second year in the university sector by comparing the cohort sizes across successive academic years. In the 2006/07 academic year, there were 18,090 first year students on Level 8 courses in the seven universities. In 2007/08, there were 16,140 second year students on Level 8 courses in the seven universities.

Although this indicates a gross progression rate of 89%, it does not mean that the failure rate is 11%. For example, students may have transferred to other higher education courses, opting to sit first year again, but never actually sitting an exam before their transfer. Other students may have taken time out from their studies to work or travel. The real failure rate is therefore likely to be significantly below the 11% figure.

Information on progression rates is not readily available in respect of the Institutes of Technology and insufficient data are available to present figures for the previous five years for the university sector. As a result of new data collation arrangements, future years will provide sufficient data for this analysis.

In relation to costs, my Department allocates recurrent funding to the Higher Education Authority (HEA) for disbursement to the universities, institutes of technology and other institutions. It is a matter for each institution to determine how the block grant received from the HEA is allocated internally. Under the terms of my Department's Free Fees Initiative the Exchequer meets the tuition fees of eligible students who are pursuing full-time undergraduate courses of study. A student who repeats a year of study is not eligible for a repeat of free fees except in the exceptional circumstances such as certified serious illness. The third level institutions may autonomously determine the level of fees to be charged in any case where the Free Fees Initiative does not apply.

Third level Institutions also charge students a Student Services Charge which is levied to defray the costs of normal examinations, registration and student services. This charge does not cover the costs associated with the setting, administering and correcting of repeat examinations offered by institutions as a second chance option for students. In such cases the institutions determine the fee to be paid by students for repeat examinations.

### **Grant Payments.**

250. **Deputy Brian Hayes** asked the Minister for Education and Science the estimate of the number of schools which will lose funding as a result of the recent abolition of grants announced in budget 2009; and if he will make a statement on the matter. [44527/08]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect Education while protected to a much greater extent than most other areas of public expenditure could not be totally spared.

Prudent management of the Government finances is particularly important at this time of global economic uncertainty when tax revenue has fallen so significantly and when world economic conditions are so serious. Even with the Budget measures in place there will still be a significantly increased borrowing requirement in 2009.

While I appreciate that the abolition of certain grants will make it a challenging year ahead in terms of the day to day funding of schools, I have prioritised funding for primary schools. The Education Budget for 2009 has provided for improvements to capitation and ancillary grants for primary schools which will increase from €167 million in 2008 to almost €190 million in 2009.

This builds on the progress has been made in recent years that has seen the primary school capitation grant increased from €81.26 per pupil in 2000 to its current rate of €200. This represents an increase of 146% in the standard rate of capitation grant since 2000.

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The budget improvements involve an increase of more than €21 to bring the rate to €200 per pupil and the ancillary services grant for primary schools will also be improved by €3.50 to €155 per pupil.

My Department will be advising individual schools in the normal way in relation to their grant allocations. The preparatory work for this has commenced with the processing of enrolment data that has been received from schools.

At this time the priority for my Department, within the resources available to it, is to carry out those processes in a timely manner. Diverting resources in order to compile the position at individual school level, could not be justified at this stage of the process.

We are committed to investing in education but we have to invest at a level that is consistent with what we can afford and what is sustainable at the moment given economic circumstances. I am confident that as the global economy improves it will be possible to build again on the significant achievements of recent years and do so in a manner consistent with overall prudent management of the Irish economy.

### **Physical Education Facilities.**

251. **Deputy Brian Hayes** asked the Minister for Education and Science his dealings with a school (details supplied) in Dublin 24 in respect of the ongoing funding difficulties which occur; if he will confirm that his Department have been in discussions with South Dublin County Council regarding substantial improvements on the existing grants given to the school for the operation of this sports and leisure centre; if he will further confirm that South Dublin County Council will provide matching funding as a means of keeping the centre in operation; the conclusions of a meeting between his Department, the local authority and the school which was arranged for 11 November 2008; and if he will make a statement on the matter. [44528/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Officials from my Department met with officials from South Dublin County Council and representatives from the school referred to by the Deputy on 11 November 2008. The meeting sought to address the funding issues referred to by the Deputy and I can confirm that progress was made. Discussions on the funding of the sports complex are ongoing between the parties involved.

### **Further Education Sector.**

252. **Deputy Brian Hayes** asked the Minister for Education and Science if the Teaching Council has made a formal representation to his Department in respect of dealing with the issue regarding teachers employed in further education colleges; the person or body who regulates standards within the sector of education, in view of the fact that further education has never received the type of recognition that other sectors of the education system here have in place; if those who work within the further education sector are governed by the Teaching Council; if not, the reason for same; his plans for the formal recognition of this sector, and for its inclusion within the remit of the Teaching Council in view of the fact that in excess of 30,000 learners attend colleges in this sector on an annual basis; and if he will make a statement on the matter. [44529/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Teaching Council has submitted draft regulations for registration to my Department, and these deal with all the relevant

sectors including the one referred to by the Deputy. These regulations are currently under review by the relevant sections within my Department.

### **Pupil-Teacher Ratio.**

253. **Deputy Beverley Flynn** asked the Minister for Education and Science the savings that will be achieved by increasing the teacher-pupil ratio from 1:27 to 1:28; the proportion of the savings that relates to three teacher schools going to two teacher schools and two teacher schools going to one teacher schools; and the difference in cost saving that would be achieved if schools who would lose a entitlement to a teacher by one pupil were excluded. [44533/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department’s budget for next year has been prepared on the same fundamental basis as any other year by estimating the number of teachers that will be employed under the different categories given the policies in place, for example, mainstream classroom teachers, special needs and language support teachers and allowing for any change in overall demographics.

Specifically In relation to mainstream classroom teachers, the yield in savings that will result from the change in the staffing schedule from an average of 27 pupils per teacher to an average of 28 pupils per teacher will ultimately depend on the aggregate impact of the revised staffing schedule on the particular enrolment profile of all the primary schools countrywide as of 30 September last and the operation of the panel system of redeployment. The full year saving is estimated at €6 million for every 100 teaching posts saved. My Department’s estimating range for the yield from the staffing schedule adjustment is 350- 500 posts saving up to €30 million in a full year. The Deputy will appreciate that while the measure will only yield a portion of that saving in 2009 it is the full year yield that is most relevant given that the Government strategy is to manage the correction needed in the public finances over the coming years as distinct from the 2009 position alone.

The estimates for savings relate to the overall position, taken in the round, and are not broken down by school size. The proportion of the savings that relate to two and three classroom schools will become clearer when the allocation processes commences in the New Year.

An important consideration in relation to the staffing allocations for schools is that schools should be treated in an equitable manner. The staffing schedule should operate in a manner that treats schools in like circumstances equally. I have a responsibility to ensure that whatever the overall level of allocation the system for allocating teachers to schools is transparent and fair where everyone knows where they stand and each school knows that it is getting the same number of mainstream class teachers as the school up the road with similar enrolment.

I have already put it on record that I have no difficulty in setting out for this House or for the public generally what the final impact will be on the overall changes on aggregate teacher numbers in schools for the 2009/10 school year. I am not claiming in any way that there will be no impact on the staffing position in schools generally but this will vary from school to school and there will be schools where the number of teachers will remain the same.

I will set out the final position when the allocation processes have been completed. The allocation processes including notification to schools will commence early in the New Year. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. The final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a



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teacher in an existing school if a new post is not available within the agreed terms of the scheme.

For the moment the priority for my Department is to move ahead with the allocation processes and begin the interaction with individual schools early in the New Year.

### **Schools Building Projects.**

254. **Deputy Tom Sheahan** asked the Minister for Education and Science if there are plans to provide additional car parking and drop-off facilities at a school (details supplied) in County Kerry; and if he will make a statement on the matter. [44536/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has not received an application for car parking and drop-off facilities at this school.

Should an application be received for funding for such works, it will be assessed and the school authorities notified of the outcome without delay.

### **School Staffing.**

255. **Deputy Michael McGrath** asked the Minister for Education and Science if his Department has finalised the level of teaching resources to be allocated to a school (details supplied) in County Cork for the 2009/2010 school year. [44544/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect, Education, while protected to a much greater extent than most other areas of public expenditure, could not be totally spared. The various impacts at school level were included in the Budget day announcements. Even with the budget measures in place there will still be a significantly increased borrowing requirement in 2009.

My Department will be advising individual schools in the normal way in relation to their staffing allocations. The preparatory work for this has commenced with the processing of enrolment data that has been received from schools. The staffing allocation processes including notification to schools will commence early in the New Year. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. In addition to the mainstream classroom teachers my Department also allocates teaching resources to schools for special needs and language support. The final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme.

I have no difficulty in setting out for this House or for the public generally the overall changes on aggregate teacher numbers in schools for the 2009/10 school year. I will do this when the allocation processes have been completed. Furthermore the staffing schedule will be published and it is a transparent and clear way of ensuring that schools are treated consistently and fairly and know where they stand.

At this time the priority for my Department within the resources available to it is to carry out those processes in a timely manner. Diverting resources in order to create staffing profiles for the individual school requested by the Deputy, information which at this time could only be speculative, could not be justified and would in fact impede the process.



**Disadvantaged Status.**

256. **Deputy Fergus O'Dowd** asked the Minister for Education and Science his views on correspondence from a school (details supplied) in County Louth; and if he will make a statement on the matter. [44549/08]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** The school to which the Deputy refers is among the schools that were judged by an independent identification process in 2005 not to have a sufficient level of disadvantage among their pupils to warrant their inclusion in DEIS (Delivering Equality of Opportunities in Schools), the Action Plan for educational inclusion.

A review mechanism was put in place in 2006 to address the concerns of 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 review process operated under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The review was concluded and the results were notified to schools who applied for the review in August 2006. An application for review was received from the school to which the Deputy refers. Regrettably the school was unsuccessful in that process.

The next identification process is scheduled to be held at the end of the current DEIS programme which runs from 2006-2010. There will not be an opportunity before this to be included in the current DEIS programme of supports.

Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges. The Ancillary Services grant provides additional funding for primary schools towards the cost of secretarial and caretaking services.

The Education Budget for 2009 has provided for improvements to the overall level of day to day funding for primary schools which will see funding increase from €167 million in 2008 to almost €190 million in 2009.

The primary capitation grant has been improved by more than €21 to bring the rate to €200 per pupil and the ancillary services grant for primary schools will also be improved by €3.50 to €155 per pupil.

This builds on the progress has been made in recent years that has seen the primary school capitation grant increased from €81.26 per pupil in 2000 to its current rate of €200. This represents an increase of 146% in the standard rate of capitation grant since 2000.

A devolved Minor Works Grant is paid to all fully recognised primary schools annually. The Minor Works Grant provides school authorities with the funds to carry out ongoing repairs and maintenance work of a minor nature on school buildings. It allows the school to prioritise how the money is spent on their schools, again using their local knowledge. Individual primary schools receive a grant in the sum of €5,500 plus €18.50 per pupil. My Department intends to pay the next round of Minor Works grant early in 2009.

**Special Educational Needs.**

257. **Deputy Frank Feighan** asked the Minister for Education and Science his views on the provision of an autism specific class for a school (details supplied) in County Leitrim in view of the large number of second and third class special needs pupils in the school. [44551/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS), for allocating resource teachers and special needs assistants to schools to support children with special needs. The NCSE operates within my Department’s criteria in allocating such support. I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

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).

### **Schools Building Projects.**

258. **Deputy Brian O’Shea** asked the Minister for Education and Science his proposals to address the concerns of persons (details supplied) in County Waterford; and if he will make a statement on the matter. [44553/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect, education, while protected to a much greater extent than most other areas of public expenditure, could not be totally spared. The various impacts at school level were included in the Budget day announcements. Even with the budget measures in place there will still be a significantly increased borrowing requirement in 2009.

My Department has approved a new 24 classroom school and ancillary accommodation for the school to which the Deputy refers. This project is currently at Stage 2b of the architectural planning process (detailed design).

Progression of the project will be considered in the context of the Department’s Multi-annual Schools Building and Modernisation Programme. In light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of this project at this time.

My Department will be advising individual schools in the normal way in relation to their staffing allocations. The preparatory work for this has commenced with the processing of enrolment data that has been received from schools.

Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups.

In any discussion of class size and classes where the number of pupils exceed the average it is important to understand how the main staffing schedule sets out to treat schools in like circumstances in a fair and consistent manner. The current allocation is based on an average of 27 pupils per teacher and the fact that schools make individual choices in assigning teachers to class groups. With over 20,000 individual classes spread across all schools throughout the country there will always be differences in individual class sizes.

I have no difficulty in setting out for this House or for the public generally the overall changes on aggregate teacher numbers in schools for the 2009/10 school year. I will do this when the allocation processes have been completed. Furthermore the staffing schedule will be published and it is a transparent and clear way of ensuring that schools are treated consistently and fairly and know where they stand.

The allocation processes including notification to schools will commence early in the New Year. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. The final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme. For the moment the priority for my Department is to move ahead with the allocation processes and begin the interaction with individual schools early in the New Year.

### **Pupil-Teacher Ratio.**

259. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the number of primary school teachers that are expected to lose their jobs arising from the proposed budget 2009 cuts from January 2009; and if he will make a statement on the matter. [44555/08]

260. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if, in the course of calculations in the context of budget 2009 cuts proposed by his Department in 2009, consideration has been given to expected teacher job losses with consequent negative impact on the provision of an adequate standard and scale of education for children in all second level schools here; and if he will make a statement on the matter. [44556/08]

261. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will withdraw his proposed budget 2009 cuts relative to primary and second level schools; and if he will make a statement on the matter. [44557/08]

263. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will take action to prevent further deterioration in pupil-teacher ratios at all primary and second level schools here; and if he will make a statement on the matter. [44560/08]

264. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he has specified the extent and nature of services to be cut at primary and second level schools arising from budget 2009 cuts; and if he will make a statement on the matter. [44561/08]

265. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will introduce measures to ameliorate the impact on schools most seriously affected by budget 2009 cuts in the educational sector; and if he will make a statement on the matter. [44562/08]

266. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will take steps to address the worsening pupil-teacher ratios expected to arise following his proposals to reduce funding for primary and second level schools here; and if he will make a statement on the matter. [44563/08]

267. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when he expects to bring pupil-teacher ratios into line with commitments given by the Government parties prior to 2007 general election; and if he will make a statement on the matter. [44564/08]

268. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the steps he will take to bring pupil-teacher ratios in County Kildare, with particular reference to north Kildare, into line with the national average; and if he will make a statement on the matter. [44565/08]

269. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if his attention has been drawn to the fact that his announced and proposed budgetary cuts in the educational sector are expected to impact more seriously on schools in County Kildare than elsewhere throughout the country; if he will address this issue in the immediate future; and if he will make a statement on the matter. [44566/08]

270. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he will take steps to ease the effect of the education budget 2009 cuts on schools in County Kildare which are likely to be worst affected; and if he will make a statement on the matter. [44567/08]

271. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if he has proposals to address and improve the pupil-teacher ratio in primary schools in north Kildare which have a ratio in excess of the national average; and if he will make a statement on the matter. [44568/08]

272. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when he expects to fulfil the commitments made to parents and teachers in north Kildare prior to the last general election with particular reference to pupil teacher ratios in the classroom; and if he will make a statement on the matter. [44569/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 259 to 261, inclusive, and 263 to 272, inclusive, together.

I have consistently said that the 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect Education, while protected to a much greater extent than most other areas of public expenditure, could not be totally spared. The various impacts at school level were included in the Budget day announcements and in view of the ominous financial circumstances that we are facing I am not in a position to reverse any of the decisions taken.

I have made it clear in briefing material published on the 2009 Estimates for the Department of Education and Science that overall, the number of primary and post-primary teachers in schools in September 2009 is projected to be about 200 fewer in each sector compared to September, 2008.

Clearly a net reduction in the number of teachers, while relatively small in terms of the overall number of teachers that will continue to be employed in our schools, will of course impact to some degree on the pupil-teacher ratio in a situation where enrolments are rising. This applies to the ratio for the country as a whole in the primary and post-primary sectors and will apply at individual county level also. There may be some differences between counties depending on the distribution of the projected increase in enrolments.

I have already put it on record that I have no difficulty in setting out for this House or for the public generally what the final impact will be on the overall changes on aggregate teacher numbers in schools for the 2009/10 school year and this applies to final pupil-teacher ratios as well. I have been forthright with the Irish people in relation to these measures. I am not claiming in any way that there will be no impact on the staffing position in schools generally but this will vary from school to school and there will be schools where the number of teachers will remain the same.

I will set out the final position when the allocation processes have been completed. The allocation processes including notification to schools will commence early in the New Year. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. The final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme. The appellate process is particularly relevant at post-primary level where any specific curricular needs of the school concerned are considered. Also at post-primary there is no effective system wide redeployment scheme at present and this can mean that schools retain teachers, though over quota.

For the moment the priority for my Department is to move ahead with the allocation processes and begin the interaction with individual schools early in the new year and I do not propose to divert staff to engage in producing estimated or hypothetical outcomes for individual counties.

### **Special Educational Needs.**

**262. Deputy Bernard J. Durkan** asked the Minister for Education and Science his proposals to improve and extend facilities for children with autism in 2009 at all mainstream schools here; and if he will make a statement on the matter. [44558/08]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I previously advised the Deputy on the Government’s commitment to ensuring that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

The establishment of a network of autism-specific special classes in schools across the country to cater for children with autism has been a key educational priority in recent years. In excess of 330 classes have now been approved around the country at primary and post primary level, including many in special schools. The National Council for Special Education (NCSE) will continue to establish more classes as required.

Children in these classes benefit from having a reduced pupil-teacher ratio of 6:1; fully-qualified teachers who have access to training in a range of autism-specific interventions, including Applied Behavioural Analysis (ABA), the Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH) and the Picture Exchange Communication System (PECS) and there is a minimum of 2 special needs assistants in each class. These students have the option, where appropriate, of full/partial integration and interaction with other pupils. Funding is also provided for assistive technology and specialist equipment as required and special school transport arrangements may also be put in place. My Department has put in place a training programme for teachers in autism-specific interventions including TEACCH, PECS and ABA through the Special Education Support Service.

The Deputy will also be aware that the NCSE is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and special needs assistants to schools to support children with autism. The NCSE operates within my Department’s criteria in allocating such support.

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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).

*Questions Nos. 263 to 272, inclusive, answered with Question No. 259.*