



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 16 December 2008.

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DÁIL ÉIREANN

Dé Máirt, 16 Nollaig 2008.
Tuesday, 16 December 2008.

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Ceisteanna — Questions.

Public Service Reform.

1. **Deputy Eamon Gilmore** asked the Taoiseach the progress made in relation to the reforms proposed in the report of the OECD on reform of the public service, particularly in regard to his Department; and if he will make a statement on the matter. [29628/08]

2. **Deputy Eamon Gilmore** asked the Taoiseach if he has received the report of the task force appointed to implement the recommendations of the OECD report on reform of the public service; and if he will make a statement on the matter. [29629/08]

3. **Deputy Joan Burton** asked the Taoiseach his views on reports that a minority report recommending the axing of 8,000 public service jobs was quashed during the OECD process of drawing up its recent report on the Irish public service; the representations or submissions, whether formally or informally, made to the OECD seeking amendments to the report; and if he will make a statement on the matter. [31341/08]

4. **Deputy Richard Bruton** asked the Taoiseach if the group examining the OECD report of public service reform has reported to Government; if the report will be published; and if he will make a statement on the matter. [31471/08]

5. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the OECD report on the public service; and if he will make a statement on the matter. [32695/08]

6. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he has received a report from the group tasked with the implementation of recommendations of the OECD report on reform of the public service; and if he will make a statement on the matter. [43737/08]

7. **Deputy Enda Kenny** asked the Taoiseach the remit of the group appointed to make recommendations on the reform of the public service; and if he will make a statement on the matter. [44681/08]

8. **Deputy Enda Kenny** asked the Taoiseach the cost of the launch of the Government's response to the OECD report on the public service held on 27 November 2008; and if he will make a statement on the matter. [44683/08]

The Taoiseach: I propose to answer Questions Nos. 1 to 8, inclusive, together.

I launched the Government statement on transforming public services on Wednesday, 26 November. In tandem with this statement, the report of the task force on the public service, the report of the organisational review programme and the Civil Service customer satisfaction survey 2008 were also published. The cost of the launch, exclusive of VAT, was €1,828, which includes the cost of catering and logistical arrangements on the day.

The Government statement represents a comprehensive package for the transformation of the public service. It is an ambitious three-year plan which we are determined to implement. The package is designed to address the immediate priority of securing maximum value for public spending, made all the more urgent by recent Exchequer figures, and laying the foundation for a complete overhaul of how the public service is managed and does its business, to ensure that it is efficient and effective in meeting the needs of citizens.

Last May, I appointed the task force on the public service to develop an action plan for the public service drawing on the analysis and recommendations of the OECD review of the public service which was launched in April. The specific terms of reference of the task force were to prepare for consideration by the Government a comprehensive framework for renewal of the public service, which took into account the analysis and conclusions of the OECD review, as well as the lessons to be drawn from the strategic management initiative, the organisational review programme and the efficiency review process, and to recommend, in particular, how best to secure an overarching policy for an integrated public service that enables increased flexibility, mobility and staff development and supports the competencies and practices necessary for new networked ways of working within and across the broader public service; and the basis for determining the contribution which a senior public service could make to an integrated and cohesive public service.

The task force was also asked to outline a set of criteria to inform the way in which the business of Government is structured and organised, with a strategy to enable necessary changes to be planned and implemented successfully; the benefits of the greater use of shared services across all sectors of the public service; and an appropriate framework for the establishment, operation and governance of State agencies. In addition, it was asked to develop a strategy by which e-Government delivers coherent and citizen-focused services and more closely supports greater efficiency in administrative processes; and an implementation plan specifying the tasks and responsibilities necessary for the successful implementation of the renewal agenda, including the ways in which the principle of partnership with public servants and their representatives will be applied.

The report of the task force, which has been adopted in full by the Government, sets out a challenging agenda for change in the public service. It recommends an integrated package of initiatives to be implemented over a three-year framework focused on the following: first, achieving improved performance by organisations and individuals within the public service; second, creating flexibility in the deployment of people, assets and other resources; third, identifying the precise transformation agenda in each sector of the public service and engaging and mobilising the necessary actors; and fourth, achieving greater efficiency, effectiveness and economy.

The report sets out an extensive list of recommendations, including prioritising and making more explicit the goals and targets of Government Departments and offices, communicating

these targets to the public, developing output indicators so that the performance of individuals and organisations across the public service can be measured, greater involvement of the citizen in policy and service delivery issues, greater use of e-Government and shared services, managing the business of Government in new ways and developing leaders in the public service.

The work of the task force was extensive and included engaging with a number of key stakeholders concerned with the shape of the successful implementation of the renewal agenda. I want to put on the record of the House my appreciation for the work of the individual members of the task force. It was chaired by the Secretary General to the Government and my Department provided the secretariat.

My Department will continue to play a lead role in public service transformation as the actions outlined in the Government statement and the report of the task force are implemented. I will chair a new Cabinet committee on transforming public services and the programme office being established to support implementation will be based in my Department.

In response to Deputy Burton's question, I am aware that some media reports since the publication of the OECD report in April have contained a number of inaccuracies in regard to the process by which the OECD conducted its review. In this regard, I understand the OECD has already clarified the record and stated that throughout the review process it maintained its objectivity and independence.

The OECD is a sovereign organisation of member states and guards its independence. It was given a free hand in the conduct of this review and unlike the experience in other countries, Irish officials were not present at interviews and meetings undertaken by the OECD as part of the review. The Government did everything it could to encourage a bold approach by the OECD, including a major public consultation process whereby all 936 submissions were forwarded directly to the OECD.

The OECD study was a peer review process. We were reviewed by fellow OECD members and this involved extensive dialogue with and questioning of Irish officials by OECD staff and by a team of international experts drawn from the governments of five countries.

As a result of detailed analysis, the OECD report recommended that the capacity needs of the public service in terms of numbers and skills need to be re-examined. In this regard, the Minister for Finance has announced the establishment of a special group on public service numbers and expenditure programmes. The purpose of the special group, which has commenced its work, is to review the scope for reducing or refocusing the existing range of expenditure programmes, to critically examine the numbers of public servants employed across all areas of the public service, to assess the scope for transferring staff to priority areas and for reducing numbers overall, including identifying surplus staff.

Deputy Eamon Gilmore: Everyone is talking about public service reform, but as far as the Government is concerned we seem to be getting more reports than reform. First, there was the OECD report, then there was a task force to implement the OECD report and then a Cabinet committee was established. The Taoiseach tells us there is a programme office in his Department. The Minister for Finance set up a special group which is, I presume, the group known as an bord snip nua or bord slash or whatever the common term. Its purpose is to deal with matters in the public service. Will the Taoiseach give some examples of what specific reforms we will see in six months' time? Will he identify two or three things, clearly visible to the public, that will have changed in the public service by that time arising from all of these reports and various bodies?

The Taoiseach referred to the task force putting an emphasis on shared services and on e-Government. Will the Taoiseach explain what has happened with the website? There was

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supposed to be a common website for all the public services. It was recommended and approved in 2003 and eventually delivered in 2005, some 16 months late. It cost three times more than the allocated budget. I understand it has cost approximately €40 million to date and now it has been scrapped.

Deputy Pádraic McCormack: It is with the e-voting machines.

Deputy Eamon Gilmore: Given there is such an emphasis on e-Government and shared services, will the Taoiseach provide some explanation as to why it was so expensive in the first place? It is merely a website and €40 million is a great deal to pay for a website. Why was it so expensive in the first place and why has it now disappeared?

The Taoiseach: The questions relate to the public service transformation project in which we are now engaged. There are ongoing reforms in the public service. Many of the pay agreements are based on agreed changes in work practices, etc. It is not a question of having a public service that mirrors exactly what it was in 1922, 1962, 1982 or 1992. Several initiatives have taken place which have brought benefits. In fairness, let us put that on the record. They are designed to address the immediate priority of securing maximum value from public spending and this is made even more urgent by recent Exchequer returns.

In the next six months, one expects to see agreements on more flexible ways of operating and changes in work practices. As the Towards 2016 ten year framework agreement puts it, these agreements will focus on putting at the centre of our concern the citizen and the way in which we provide services to the greatest extent possible, given the available level of resources. At question is the level of resources that can be applied to these areas. If we are to do this, it will involve much change in the workplace. That process of engagement with the social partners is ongoing. In a range of areas within the private and semi-State sectors, unions and management are making provisions for new arrangements to maintain, to the greatest extent possible, job security and the maximum number of jobs in a difficult climate. This is taking place across the board and must happen in the State sector within the public service. Such an engagement will now begin with a great degree of urgency in the context of the 2009 financial year and the difficulties we face therein. There will be a great number of changes in this respect.

As for the recommendations themselves, the establishment of an integrated public service in which people will have freedom to move across and work within various aspects of that service, such as the local authority system, the public administration system, the Civil Service itself or the non-commercial semi-State sector, will involve a process of engagement with the public service unions on which the Government will embark. I refer to the redesign of the service, which must take place over the three-year timespan that has been outlined and, while I do not need to refer to them specifically in this reply, the various recommendations and timeframes within which progress is expected to be made across the various areas, as set out in the report. While I do not wish to take up the time of the House with them at present, there is a clear need to do those things.

As for e-Government, were a specific question to be tabled on a specific issue pertaining to this website, I could get the detail on it for the Deputy. However, I make the point that e-Government certainly must improve. One major item to arise from the surveys on public satisfaction is that people are unable to get common information to the extent they would wish and that there are delays. Moreover, the level of available knowledge when people contact the public service is not as they would wish in some respects. This has been set out in the customer survey and the need to improve in this regard is reflected in the implementation plan the Government now has put in place to change how the public service works, what it does and

what numbers are deployed. The plan will examine what are the outputs, whether people are in the right places — there are indications to the contrary at present — how to redeploy people and how to move people to priority areas.

This will involve engagement with public service unions, that is, with public servants and their representatives, and this report sets out how the Government intends to do so. In the first instance there is the immediate question, about which the group on public service numbers and expenditure programmes will play a part by advising the Government as to what it considers should happen in this regard. However, the Government will be obliged to make the decisions itself. Moreover, the wider social partnership process must not be forgotten in this respect. I refer to the need to engage, in an accelerated way, on how to change work practices in order that service levels in 2009 will be maintained for the amount of money that will be provided. The third and more medium-term issue concerns the redesign of the service itself in respect of the freeing up of deployment and redeployment issues etc., as well as the establishment of a senior public service. This also is set out in the report over a three-year period.

Deputy Eamon Gilmore: The Taoiseach has done a very good job of describing the process by which the Government addresses public service reform in respect of the various consultations, reports, studies and different groups that are set up to do this, that or the other on public service reform. However, the Taoiseach has not told Members what are or what are likely to be the outcomes. I asked the Taoiseach to identify a couple of specific areas he might share with the House in which in six months time, as a result of all these processes, the public will be able to see some tangible results. The Taoiseach is correct to state the public service is quite different from what it was in 1922, 1982 or 1992. Twenty years ago, were one to telephone a public office, one would get to talk to a person. At present, were one to do so, one would be presented with a menu asking one to press buttons A, B or whatever it is——

Deputy Enda Kenny: Number eight.

Deputy Eamon Gilmore: ——for several minutes before eventually being sent full circle.

The alternative is to look up the website. Incidentally, the Taoiseach has not answered this part of the question either. The idea was there would be a single website containing all public service information. It was to have been a one-stop shop, at which those who wished to get information about public services could access a particular website that would be able to navigate and get the information required. Moreover, if one needed to go from one Department to another or from one service to another, one could do that.

There was an attempt made to establish such a website at very considerable cost to the public — we are now told €40 million. However, it took so long and it cost so much, and it eventually duplicated some of the things that were there already, that the Comptroller and Auditor General issued a report on it last year and now it is closed down. If the Government cannot establish a website describing the way in which public services are integrated, what confidence do we have that it will be able to integrate the services themselves?

The public does not need to hear a litany of what the process involves, this task force and that task force or this study and that study, and new working groups and new action groups etc. The public needs to see tangible results, something to which one can point that a particular service either is improved or will be improved in six months' time as a result of all of these initiatives of which we hear so much.

The Taoiseach: I have explained to the Deputy that I am not talking about process. I am talking about changes that now have to be negotiated with public service unions in the same way as many of those unions, or their like in other areas of the economy, are engaging in

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change programmes as we speak in order to survive in the marketplace in which they operate. I expect that within the next six months — or before it — we will have to see agreements drawn up which will provide for far more flexibility in the delivery of our health services, how we are organised and how we get more for the amount of money that we are providing. All of that process will be accelerated and accorded in the next couple of months if we are to have outcomes which avoid unnecessary cuts in services because we were not prepared to make the changes in how we organise their delivery.

I believe that there is a strong willingness on all sides of that equation, both at management and union levels, to make the necessary changes and to bring in new flexibilities in how we organise services in a way which has not been possible to be negotiated for some time simply because everyone recognises that we are in a situation that requires that sort of response. Those are the sort of practical changes that one will see because people are willing and understand that if we are to avoid unnecessary dislocation of services at the front line, people will have to change how we deliver the system. We must achieve more efficiencies — that is the way it is. I believe everyone is up for that challenge. The social partnership provides us with the framework to achieve that.

Deputy Gilmore makes a criticism of when people go about trying to change the public service in some isolated or specific case. The purpose of this OECD review is to look at the entire service to outline how we can improve motivation and performance, how we get to deepen citizen engagement, how we get the potential for e-Government to work, how we provide the economies that will be available through shared services, how we develop people and develop leaders within the service who will be able to go and manage what is a multibillion euro operation, how we strengthen the governance of these organisations, including the agencies, and how we ensure that the public service works in an accountable, transparent and effective way that will increase public confidence in the country.

It sets out an implementation strategy. On the arguments that people were decrying the fact that we were not setting out a plan over a three year period covering all of these issues, ambitious timeframes are set out. I do not need to read each and every one of them, but each chapter sets out that they are not simply recommendations, but recommendations within certain timeframes. If one wants to change how the public service works, one must have a beginning, a middle and an end to it. One must start at a point that creates the means by which one gets the changes rather than everyone going about doing their own thing. The purpose of bringing that group of people together was to give us an implementation plan, based on what the OECD had to say, on what way we could improve the service and how we could go about it.

Quite apart from that redesign of the service, which is a reform issue that needs to be addressed, there are the specifics about which Deputy Gilmore spoke in terms of changes in the workplaces that must occur in the immediate period ahead on a range of public services in order to ensure the outputs we get are commensurate for the inputs we make.

We also know that a gap is emerging between the tax revenues we are raising as a country, which are at 2005 levels, and the 2009 level of services we have to provide. That is not sustainable in the medium to long term and we have to get down to the business of reducing that discrepancy over a credible timeframe so that we bring the public finances back into balance as quickly as possible. However, by working through the social partnership, this will be done in a way that avoids to the greatest extent possible an adverse effect on those who depend on these services. That is the shared responsibility not only of the Government, Ministers or Departments but of everyone who works in the service. The quality of leadership required to successfully achieve that aim will be of a high order. That is why we need the social partnership process to work. The purpose of the engagement that will begin in the coming weeks is to

ensure we get down to the business of providing the best possible level of service from the State's depleted revenues and depleting resources.

Deputy Enda Kenny: The Taoiseach draws his authority and strength from the Constitution and the people. His leadership does not come from agencies or reports commissioned by the Government. One of the hallmarks of what I regard as the failure of this Government and its predecessors has been the devaluation of the public service by the commissioning of report after report from outside consultants which in many cases could have been done within the public service and behind the recommendations of which the Government hides.

In respect of the new body, the special group on public service numbers and expenditure programmes, a ludicrous situation appears to have arisen. Last year the Government set out its programme for Government and the budget and capital allocations for various programmes which Ministers would implement in their respective Departments as part of the public service. Before the year was out, another board was established to take some of this money back from Ministers and Departments. Surely the Ministers appointed by the Taoiseach should see to it that the money allocated to them by the Government achieves value for the purpose for which it was intended. An *bord snip nua*, as the new body is known, is now required to do the work and make the recommendations when Ministers should know what is to happen in their Departments. Will the body's report be published and will we see its recommendations? Does the Taoiseach agree it is ludicrous that in the course of one year the Cabinet solemnly proposed votes in respect of moneys for programmes and expenditure to be spent under Ministers and then asked for recommendations on how they could be drawn back?

The Government's task force for the public service recently recommended a move to a common public service contract to facilitate the transfer of staff to priority areas. When is that likely to take effect and will it require legislation? It is an important recommendation in terms of the quality of the public service.

The Taoiseach: The purpose of undertaking a comprehensive review and transformation of the public service requires in the first instance an analysis which is hopefully objective. An organisation such as the OECD is more likely to be objective than an internal review, which if conducted by the Government would immediately be regarded by the likes of Deputy Kenny as inadequate. The OECD was commissioned to conduct the review and I set out in my earlier reply its extensive, comprehensive and independent nature. It pointed to some strengths in the service and to the good things we are doing as well as to areas where, as a result of the way they developed, we need to reconsider the organisational remit in order to determine how we can better organise the delivery of public services.

Upon receiving the extensive and comprehensive report, we asked a number of people from within the public service, as well as people in business with a competence or interest in the area, or who had management experience of change programmes in other sectors, to set out an implementation programme for the comprehensive change envisaged in the OECD report. We have now received the report and are in the process of implementing it. That is the right way to go.

If the process is to be done properly, an overview should be taken by others of the strengths and weaknesses of the system. The peer review process should be done by others rather than within the service, where people will have a certain view that there is not much wrong at all.

There are people within the service who want to get on with having modern performance benchmarks in place where underperformance can be dealt with and where the need for deployment and flexibility, training and the provision of leadership can be dealt with. This leadership

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takes in how to identify and motivate people who can lead in these areas to manage what is a very complex series of organisations delivering critical services for the citizens of the country. We should not be simplistic about it while suggesting it is not an area which can be reformed. It can and it will be reformed.

Another point was made on getting in an outside body. The allocations made during the course of 2008 for Ministers were adhered to in the main and we have been able to come in within those expenditure parameters. After the six-month Exchequer returns we saw the rate of deterioration in our tax revenues which led to a gap, and we made decisions on making economies in our spending to ensure we came within what we set out to achieve this year. In the second six months of the year we identified further full-year savings, and these have been confirmed. Those savings remain in place with full-year effect for 2009.

The deterioration in our public finance position and the tax revenues coming in on that side have come as part of the global recession, which affects us no differently than anyone else. The rate of the deterioration has been such that we have ended up in the position of being down between 13% and 15% in tax revenues on what could have been expected based on growth forecasts from everybody in this economy as of November last year. That has opened a gap of €8 billion that needs to be closed.

We have insisted we will try to do that while not totally undermining our capital investment programme, the means by which we can build up capacity in the country, as well as the road and other transport networks. It will also build up our education system with school buildings, colleges, universities and institutes of technology etc. There are other areas of social spending, for example, we will spend €1.6 billion on social housing next year. All those allocations remain in place because we must provide those services through capital investments.

We have a gap in our current day to day spend that will have to be closed over a period. We need social partnership on the basis that I believe it is a problem-solving process rather than a problem-avoiding process. We will decide over a credible timeframe how we will close the gap and at the same time, to the greatest possible extent, adhere to the 2016 partnership principles. They are about trying to improve this society over the period ahead, knowing that the envisaged growth in revenues that fed into the ambition of that programme will now have to be modified as those resources will not be available to any Government in the immediate years ahead.

One either decides to do this in a way that is inclusive, participatory and gets people around a certain set of problems on the basis of a common analysis and understanding of the choices for dealing with them or we end up in a position that puts at risk the benefits deriving from such an approach. I believe that collaborative approach is the right one. It is not about outsourcing the Government's responsibility regarding expenditure programmes or public service numbers, whether in respect of the particular advisory body the Deputy is talking about or others. Ultimately, the Government remains responsible for the political decisions it will have to take, but it will do so on the basis of the best advice and collaboration that we can muster in a limited timeframe, working with the people who have been part of this country's success in the past. When the pressure comes on in tough times it is all the more reason why one should work in that way, rather than simply regarding it as a process to be used when it comes to the dispersal of extra resources that came about because of the good times we had in the past. That is the approach that is being taken.

Common public service contracts constitute one of the recommendations to provide for easy flexibility across services, with local authority staff coming into the Civil Service. That cannot be provided by fiat, but will have to be negotiated with public service unions. People have to buy into this process of transformation for public service reform also. We intend to proceed

with it and will work with people in that regard, but we have a voluntary industrial relations culture which must be respected. We will have to sit down with people to get through that process. The benefit of the task force report we are discussing in these series of questions is that they have visibly set out for all stakeholders in the service how we will proceed in prioritising the work as identified in this report, which also reflects the OECD's priorities. That is the way to proceed but it will not be done by a Minister going off into a corner and devising a common contract saying "Here it is, I have it" and when it is published, saying "Am I not very efficient because I have done it within a week of the report's publication?" That is nonsense and it is no way to govern. One must sit down with those affected by the proposed reforms and get their agreement on the basis that it will improve the workplace and career prospects, and provide training for people in the service so they can achieve their potential. It should get away from crisis management and get on with the more strategic approach that respects the various stakeholders' positions in this reform programme process. It will probably best guarantee its success by doing so.

Deputy Enda Kenny: I agree with the Taoiseach, for once, in that it is not about governance where Ministers go off into a corner and make up their own minds. However, that is exactly what the former Minister for Finance, Deputy McCreevy, did when he announced his decentralisation programme. It involved 10,000 civil servants moving to 53 locations over three years, but he never told anyone — well, maybe two — before announcing it. The Taoiseach derives his authority from the people, not from any of these agencies or reports. The former Minister for Health and Children, Deputy Martin, commissioned 120 reports. Some of the most brilliant people I have ever met work in the public service and they have always played their part above and beyond the call of duty. The point is, however, that if they are asked or challenged to provide the answers to political or public service problems that the Government might face at any one time, they will invariably provide a list of options. In many cases, they will not require outside consultants to do reports in the first instance. The Taoiseach spoke of leadership in that regard but he draws his authority from the people, not from consultancy reports. I admit that such reports may be necessary in some cases if they are of a technical or specialist nature.

The Taoiseach spoke of economies in spending and I agree with that. The Taoiseach should ask the Minister for Health and Children, Deputy Harney, who is beside him, about that. An operation may cost approximately €5,000 for someone on a waiting list, but why is it that under the National Treatment Purchase Fund the same operation, carried out by the same consultant, can cost €15,000? We are seeking economies of scale but surely this is ludicrous. It could be in someone's interests to keep a long list of people for the National Treatment Purchase Fund. For example, the same operation could cost three times as much. This is not in the interests of the taxpayer or the general economy. Does the Taoiseach view this type of practical change, which he spoke of, in the interests of the economy and the people as something on which he would follow through?

Does the Government intend to consider linking the system of awarding annual pay increments in the public service with enhanced performance? In offices and elements of the public service, there are people who show great creativity and initiative, but they are swamped and stalled by the system. It might be in everyone's interests to consider the system of awarding annual pay increments and to link them more clearly with performance. This would give many public servants an opportunity to give of their best in the knowledge that they would be rewarded for their work.

In the context of public service reform, has the Government turned its thoughts to a voluntary redundancy scheme? The Minister for Health and Children, who is sitting beside the

[Deputy Enda Kenny.]

Taoiseach, referred to a voluntary scheme within the HSE. What is the Government's position on the overall public service?

The Taoiseach: Regarding the question of reports being commissioned by Departments, it cannot be suggested that, within our public service or within each Department, there is the total level of expertise necessary to give full and frank advice on every aspect of what is a very complex service delivery system. Even taking the number mentioned, that of 120 reports in the Department of Health and Children, some 98% of the problems, dossiers and files that are dealt with by the Department where decisions are taken are done without any reference to a report.

If one is trying to develop a public policy position or to change a policy in order for it to gain greater acceptance among various stakeholders in, for example, the pharmacy area, the Irish Medicines Board area or the question of how one can improve the delivery of disability services, one would often bring in various stakeholders and ask some independent person to work and collaborate with them, listen to the various points of view and come forward with a set of proposals arising from that process. These things are not necessarily expensive.

Taking the report in question as an example, there was a need to get someone from outside the country to do a peer review to determine how well the Irish public service was doing compared to other public services, the ways in which it was different, whether it was ahead of or behind others and whether any best practice models in other countries could be applied to the Irish public service. The OECD, which has done a lot of work in this area and in public administration and policy formulation generally, was the obvious group to take on the task. It took whatever time was necessary and did it in a very comprehensive fashion, as I have outlined in my reply.

If doing a report is a precursor to pulling a range of diverse opinions behind a means forward to deal with some of these issues, on a cost-benefit analysis it is very much the right thing to do. If it charts a way forward, as this task force now does by pushing the buttons in respect of all areas to determine how to bring about public service reform, it is a far more cost effective way of doing it than allowing each sector to go at its own pace and to do its own thing, some successfully and others not so much because there is no overall systemic response that would bring about a coherent outcome.

Sometimes, this idea that one can only have an effective Government if no one reports to it about some issue is a simplified and populist message. I am sure that it goes down well with certain elements, but it is not necessarily a very accurate assessment of how modern governance systems can work in a modern democracy.

Regarding the National Treatment Purchase Fund, I do not know the specific case to which Deputy Kenny referred or how accurate he was. However, as a mechanism for increasing throughput in the health service and identifying people who have been awaiting treatments, its contribution to improving waiting times has been a great success. When I served as Minister for Health and Children, waiting times were between two to five years whereas they are now between two to five months. Last year alone, waiting times were reduced in 60% of the categories to which such waiting times apply. Improvements continue to be made.

Deputy Enda Kenny: There is a seven year wait for dermatology services in the west.

The Taoiseach: In respect of specific areas, the Minister has, as she is entitled to do under the various Acts, indicated the priority action she wants to be taken in the context of the service plans the Health Service Executive has presented to her for the purpose of outlining

how services will be applied next year. That is part of the process. She has been able to make informed decisions based on the up-to-date statistical analysis provided in the annual report of the National Treatment Purchase Fund. This is another example of the system working rather than not doing so. The system is improving the situation for ordinary citizens in the context of obtaining access to important health services, such as operations and surgical procedures.

On enhanced performance and how to provide recognition or acknowledgement, financial or otherwise, to those managers or staff in the health service who are working well and meeting their targets, the task force is of the view that the transparent performance management system must be strengthened and developed. There is then the question of how to provide recognition such as that to which I refer in a way that will incentivise performance and allow people to pursue excellence to the greatest extent possible while also eliminating underperformance, which is a major problem. In such circumstances, one must negotiate and work with staff representatives on how best to proceed. I do not have a difficulty with this in principle, but we must also maintain the public service ethos, which is an important consideration.

Deputy Caoimhghín Ó Caoláin: The Taoiseach referred to sitting down with the people affected and recognises that this is a crucial aspect in the context of the social partners. However, the task force did not include representation from all the key sectors. There was representation from the private sector but consumers, trade unions and the NGOs were not represented. Given that it has published its action plan, does the Taoiseach envisage that the task force will remain in place? If it does remain in place and in the context of his comments on sitting down with the people affected, does he propose to include representation on it from the various sectors to which I refer?

In light of the fact that the deliberations of the task force took place against a backdrop of cuts and an ever-tightening economic reality, there is great concern that the implementation of the action plan will represent a further facilitation of cuts within the public service.

An Leas-Cheann Comhairle: We must proceed to questions to the Minister for Health and Children.

Deputy Caoimhghín Ó Caoláin: Does the Taoiseach accept that attempts are being made — even in this House — to scapegoat the public service with regard to the mismanagement of the economy in recent years? Does he agree that the overwhelming majority of people employed in the public service do not have responsibility for the mismanagement of or decline in the economy?

The Taoiseach: The economy was not mismanaged during the past ten years, particularly if by mismanagement the Deputy is referring to having the highest growth rate in the European economy. The latter would be an unusual description of mismanagement.

Deputy Pádraic McCormack: What happened to it then?

The Taoiseach: During the past 12 months the public finances deteriorated following the extremely rapid decrease in growth rates. As a result, the economy is now contracting. This raises serious challenges for us in the short to medium term. I intend using the social partnership process as a means of seeking to address that issue in a timeframe that is credible at home and abroad.

Due to my interest in defending public services, I believe one should be in favour of public service reform. It is in the interest of upholding public confidence in public services that we be involved in public service reform. Reforms are taking place in every sector of the economy not alone in respect of competition in the environment in which we now operate but in respect of

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the new environment in which we will have to operate. Decisions and deals are being done between management and unions in every sector of the economy in order to maintain jobs to the greatest extent possible even though, as we know, this is predicated on the possibility of increased joblessness as the recession deepens and lengthens. This is what we must face up to.

The public sector is, in my opinion, willing to respond in the same way in respect of the delivery of efficient and effective public services. If we want to avoid, to the greatest extent possible, any diminution in front line services we must be prepared to deliver those services in a different manner than up to now. The one sure way of ensuring a problem in this area is to insist on delivery of such services in the same manner as up to now. This wider reform process, which is about redesigning the public service in the longer term, is a related issue, one which is just as urgent in terms of it having to be done over a certain timeframe, which is three years according to the recommendations. The recommendations have been made and we must now sit down with the unions and ensure the plan is implemented.

In respect of the immediate challenge ahead, in terms of our problem in respect of public finances, this will happen in the weeks and months ahead through social partnership engagement, which will be intensive and will seek solutions to these problems over a credible timeframe and, which will have the objective of maintaining front line services as best we can within the resources available. This can best be achieved through the flexibilities and work practices necessary to bring about a more effective public service.

Priority Questions.

Computerisation Programme.

67. **Deputy James Reilly** asked the Minister for Health and Children the way she can justify spending €78 million on a computer system to replace the PPARs computer system; the way she will guarantee that spending on this system will be controlled; and if she will make a statement on the matter. [45858/08]

Minister for Health and Children (Deputy Mary Harney): There is no proposal to spend €78 million on a computer system to replace PPARs. The Deputy may, however, be referring to a draft business plan for financial and procurement systems received by my Department in September of this year. This included proposed capital costs of just under €78 million.

The draft business plan has since been discussed with the HSE and revised proposals involving lower investment levels are being developed by the HSE.

Deputy James Reilly: Notwithstanding the fine print around the €78 million, at a time when we cannot afford vaccines for children, will the Minister outline to the House how she proposes to ensure this does not end up being another fiasco like PPARs? It is extraordinary this issue is only now being dealt with given the Minister has held this portfolio for the past four years.

The HSE report was today leaked on the airwaves. I want to know why it was not laid before this House given it deals with issues that affect every man, woman and child. This is the proper place for that report to be released, not on the national airwaves. I remind the Minister of the failed launch, on three occasions at a cost of €2 million, of the HSE Portal website, which is now merely a myth.

Will the Minister comment on the remarks of her financial comptroller on the 1 o'clock news today that the HSE over-performed last year? How does she propose to sell this to the relatives

of Graham Dempsey from Cork, who has been left on a trolley for 30 hours and whose nappy is being changed in public view; to the family of Beverly Seville-Doyle who died in accident and emergency at the Mater Hospital; to the family of 77 year old Peg McEntee who was left for three days on a trolley; to the lady in Cork left on a trolley for 48 hours whose oxygen ran out; or to a patient of mine who as late as last month was left on a trolley for 48 hours?

It beggars belief that we can have statements to this effect. I wonder how the Minister intends to reassure the public given the 400-bed reduction last year, the proposed cut of 600 beds this year, the fact that 750 beds are being blocked by patients needing discharge but who have nowhere to go and the review of eight accident and emergency departments in Dublin with a view to reducing them to four. Today, there are 390 people lying on trolleys at hospitals around the country, which is a disgrace.

Deputy Pádraic McCormack: Let Cinderella at it.

Deputy Mary Harney: I laid the HSE service plan before the Oireachtas last week, as I am required to do by law. There is no question of the HSE plan being leaked. It was laid before the Oireachtas on 10 December 2008.

On technology, the famous PPARs initiated in 1995 by six health boards does not meet the requirements of a unified service. One of the difficulties with it was that it was not specked appropriately initially and the anticipated cost was not correct. Notwithstanding the experience with PPARs, we must not be frightened or run away from the need to invest in information communications technology within our health system.

The HSE spends €8 billion annually on pay and employs 70,000 people. Technology will be enormously beneficial in our ensuring we have in place an appropriate information and financial control mechanism. Any of the health systems which I have had an opportunity to view, and all of the Ministers with whom I have engaged, who have invested heavily in technology have reported huge efficiencies as a result.

Notwithstanding the inadequacies of PPARs, it did throw up the fact that there were more than 1,000 variations in work practices among those people covered by it. That is a fact.

Deputy James Reilly: At a cost of €180 million to the Exchequer.

An Leas-Cheann Comhairle: Please allow the Minister to continue. I will call the Deputy again if possible.

Deputy Mary Harney: As I stated, PPARs was initiated by a number of health boards in 1995 following the publication of the health strategy in 1994. It was felt by a number of health boards, including some hospitals, that we needed to invest in a payroll system. That payroll system, which later became known as PPARs, and which is currently operating in a large number of places, has brought to light many deficiencies, inadequacies and variations in work practices. Technology is important if we are to drive greater efficiency in the interest of patient care. I do not want the Deputy or anybody else to think we can operate a modern health service without investing considerably in technology.

The HSE is currently recruiting a director of ICT. Interviews in this regard are currently under way. This is important. There are new systems in place, involving the Departments of Health and Children and Finance, in respect of projects of this kind which require central approval.

Deputy James Reilly: The Minister said she laid the budget plan for the HSE before the House last Thursday yet, I have not seen it.

Deputy Mary Harney: The service plan.

Deputy James Reilly: Where is it?

Deputy Mary Harney: The Deputy can get a copy of it in the Library.

Deputy James Reilly: Should people not be advised of its availability?

Deputy Mary Harney: I am not aware of the procedure in that regard. However, I did what I am required to do. It is a matter for the HSE to publish its plan.

An Leas-Cheann Comhairle: All documents laid before the House are listed on the Order Paper published daily.

Deputy James Reilly: Perhaps the Minister will answer the following question. Some €180 million was spent on PPARs. We all accept there is need for modernisation of our information technology. The Minister continually speaks of value for money. How will she ensure we receive value for money this time and that we will not be faced with another fiasco, as happened on previous occasions? The Minister has held this portfolio for the past four years. It is hardly this morning she woke up and discovered this problem. If so, were she chief executive officer of any other organisation or corporate body, she would not be permitted to retain her position.

Deputy Mary Harney: I have confidence in the chief executive officer of the HSE and its board. The famous PPARs was specced and procured under the old model delivered by health boards. It was not an appropriate model. What was specced at the time was completely inadequate for the task at hand, which is the reality. We know that. Clearly, we must learn from that experience because at the end of the day that was taxpayers' money, whether spent by a unified organisation or by individual health boards. Considerable progress has been made by the Health Service Executive with the assistance of expertise in respect of its information communication technology requirements. They are currently in discussion with my Department and the Department of Finance in regard to investment in this area during 2009.

Hospital Services.

68. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her views on the number of people who spend long hours on trolleys in hospital accident and emergency departments; the action she will take to relieve the situation this winter; if she will introduce some measure to provide alternative care for the 700 plus people who are ready for discharge but who have nowhere to go; and if she will make a statement on the matter. [45563/08]

Deputy Mary Harney: The HSE has made considerable progress in improving the delivery of services in emergency departments. The vast majority of hospitals are now fully or substantially compliant with the 12-hour target for those requiring admission. The Health Service Executive introduced this target in October last year. Patient waits of longer than 24 hours, following a decision to admit, have been totally eliminated in 21 of the 34 hospitals concerned, while a further eight have infrequent waits of that duration. The HSE will continue to work closely with all hospitals to maintain their improvements and to address the remaining problems, which are largely confined to a small number of hospitals.

I have also asked the HSE to set a revised maximum waiting time target of no more than six hours from registration to admission or discharge in 2009 for all patients attending emergency departments and to introduce a measurement system in 2009 to record the total waiting time for all such patients. The HSE has committed to introducing those measures in its 2009 national service plan.

By the end of this year, 279 additional long-stay beds will have been made available to patients under the fast-track initiative. A further 503 new long-stay beds will be provided under the initiative next year. In addition, in early 2009, the HSE will provide 245 additional contract beds to alleviate delayed discharges pressure on the acute hospital system.

During 2009, the HSE will review the existing arrangements whereby 11 hospitals in Dublin and three in Cork operate emergency departments 24 hours a day, seven days a week. The review will consider whether it is necessary to maintain full emergency department services in each hospital beyond the peak hours of operation and whether that represents the best use of resources. The HSE will also continue the work which is under way in reviewing the configuration of hospital services, including emergency department services, in the north east, mid-west and southern regions. That will include a review of the operation of emergency department services in hospitals with low volumes of activity in order to ensure that such services are configured in a way that optimises clinical outcomes for patients.

Deputy Jan O'Sullivan: The Minister has laid the HSE's plan before the House and it is on the Order Paper today. I find it extraordinary that it is not properly and publicly announced by the HSE or the Minister and that it is sneaked in on the list without any information to the public. It seems to me that is much of the problem with the health service currently.

In the plan the Minister intends to cut more than €500 million from the HSE's spending budget. Can she give a guarantee to the public that front-line services will be maintained in that context? Accident and emergency services are due to close down at various times in Dublin, Cork and other parts of the country. Given that yesterday, 339 patients were on hospital trolleys and, as Deputy Reilly indicated, even more patients are on trolleys today, how will accident and emergency services be provided when the problem has reached that level already? People on trolleys are unable to access acute hospital beds while other people occupy beds who could be cared for in the community. If services are to be cut next year with fewer hours of accident and emergency services available, how will it be possible to maintain services at their current level let alone improve the situation?

Deputy Mary Harney: Deputy Jan O'Sullivan is familiar with the proposals tabled by the HSE to the various employee representatives. She was well briefed prior to the previous attendance of Professor Drumm at the Dáil committee. Essentially, the HSE has tabled a number of proposals requiring greater flexibility. We want to treat more patients next year on a day-case basis, in line with best practice not only in Ireland but internationally. Clearly, to do that we require changes in how people work. We need to reduce in particular the level of dependence on overtime by many staff in the health service and having people in hospital at weekends when they should be discharged.

The new consultant contract will be a key to the reform of how hospitals operate because for the first time consultants will work as part of teams with a clinical director, working days will be longer, structured cover will be in place at weekends and seven-day discharges will be introduced. All of those elements are important in order to ensure we optimise the use of the acute hospital system. However, I have made clear that there will be challenges next year.

Specifically in relation to A&E, we have three children's accident and emergency units open in this city 24/7. It is expensive to staff accident and emergency departments 24/7, but during the night I think it is something in the region of 20 visits is the average attendance, between the three units, between the hours of 8 p.m. and 8 a.m. It would be in all our interests if we can reorganise our services better during those night-time hours.

Many of the attendances at accident and emergency units are not strictly accident and emergency cases and could and should be dealt with at primary-care level. As Professor Drumm

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indicated at the committee, the hope is that more activity will be switched to the level of primary, community care rather than the focus being constantly on hospital attendance.

Deputy Jan O’Sullivan: With due respect to the Minister, we cannot live on hope. It is a fact that people present themselves at accident and emergency units. What exactly will change? When people present at accident and emergency units they require treatment or to be dealt with in some fashion. If accident and emergency service hours are being cut back in some hospitals, how will they cope with the numbers of people presenting? The numbers of people presenting next year will not be reduced next year because the Minister has decided she would like them to. What exactly will happen?

Deputy Mary Harney: It is a fact that in many hospitals in this city we have more staff than attendances on a daily basis at accident and emergency units. In some hospitals the ratio is 1:1. No health system in the world of which I am aware can sustain that ratio of staff level to patient care. In the context of next year——

Deputy Jan O’Sullivan: That is not the reality we are hearing about.

Deputy Mary Harney: Separate issues arise that relate to safety, who is on-call, and volumes of activity that are being dealt with the context of the mid-west and the north east. The reality is that patient safety issues arise in those places where there is a low level of throughput. I can supply the Deputy with the figures for each of the hospitals in Dublin on a daily basis. I can show her that in some cases we have more staff than patients. If we can reorganise accident and emergency opening hours, especially late at night and during the night, in consultation with staff representatives, which is the intention, in the first half of next year, we can deliver better patient care in a more cost-effective fashion and we can allow more of the elective activity to proceed that has to be cancelled due to the pressure on accident and emergency departments in those hospitals that might not be on-call during the night-time hours.

Children in Care.

69. **Deputy James Reilly** asked the Minister for Health and Children if her attention has been drawn to the fact that 400 children with disabilities in residential care are not protected by an inspectorate and that those children are three to seven times more likely to suffer abuse; the immediate action she will take to address same; and if she will make a statement on the matter. [45859/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): Children with disabilities who require residential care may be accommodated, depending on their needs, in generic residential centres, under the Child Care Act 1991 or in specialist residential services for children with disabilities.

A total of 400 children are accommodated in generic children’s residential centres, under the Child Care Act 1991. Those include some children with disabilities whose needs for residential care arise out of the responsibilities of the HSE under the Child Care Act rather than because of their disability. The centres are subject to statutory inspection. The Office of the Chief Inspector of Social Services in the Health Information and Quality Authority has responsibility for this function.

The statutory framework which underpins this work is laid out in the Child Care (Placement in Residential Care) Regulations 1995. In addition, national standards for children’s residential centres, set down in 2001, have been in operation and are based on the requirements of legislation, regulation and findings from research. The standards allow inspectors to form judgments

about the quality of services provided in those centres. Areas covered by standards include child protection and children's rights. Currently, 227 children are placed in specialist residential centres for children of which 200 children have an intellectual disability and 27 children have a physical and sensory disability.

All services for children with disabilities are covered by the national guidelines for the protection and welfare of children, *Children First*, published by the Department of Health and Children. Residential centres for children with disabilities are required to ensure that there are appropriate policies and procedures in place for the identification, reporting and management of any concerns in regard to abuse of children in those centres.

In November 2007, the HSE prepared a guidance document that sets out the standards expected from all residential service providers for children with disabilities who are not placed in such settings under the Child Care Act 1991.

Additional information not given on the floor of the House.

The guidance document was prepared by a working group, comprising HSE staff, including an inspector of residential services, service providers and the National Disability Authority. The guidance document is currently being operated on a non-statutory basis.

The HSE is currently finalising a framework for the protection of all vulnerable service users, including children. This framework will include a revised definition of abuse along with standards and guidelines to ensure protection of all vulnerable service users, including children with disabilities. The proposed framework will be completed in February 2009.

The Health Information and Quality Authority which was established in May 2007, has responsibility for the development and monitoring of standards. HIQA has recently undertaken a public consultation on draft national quality standards with regard to residential settings for people with disabilities and is now in the process of finalising the standards and plan to submit them to the HIQA board in early 2009. These standards are intended for adults. HIQA has also developed a set of standards for children which has been circulated, for comment, to its national advisory committee on standards. It is expected the children's standards will be finalised in the new year.

Deputy James Reilly: In deference to my Labour Party colleague, Deputy Jan O'Sullivan, I did not wish to encroach on her time but the Minister just made an extraordinary statement. She has told this House that between 8 p.m. and 8 a.m. there are only 20 attendances at the accident and emergency departments of the three children's hospitals in this city. I find that very difficult to believe. I would like to see an input into this from the people who are working in those accident and emergency departments. Before I address the question, however, I want to say that cutting down on accident and emergency departments seems the most cynical move yet to reduce the numbers on trolleys. There will not be room for the trolleys in the four accident and emergency departments that are left. It is outrageous.

An Leas-Cheann Comhairle: The Deputy may address a supplementary on the question that is tabled.

Deputy James Reilly: Turning to the Minister of State's response, the bottom line is that there are 400 children who remain in institutions that are not subject to any inspection. The Minister of State has been asked when this glaring deficit will be corrected because, statistically, these children are three to seven times more likely to suffer abuse, given the nature of their disabilities and their inability to report. I again ask the Minister of State when HIQA standards will be brought in and it is empowered to inspect and protect these children. We have a duty

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to them because they are the most vulnerable children in our society. The standards need to be introduced as soon as possible. If we can stay here all night and pass laws in relation to banks and guillotine health Bills to take the medical card off the over-70s, surely we can address this issue before Christmas and ensure the safety of these children.

Deputy John Moloney: I do not believe there is any need for the Deputy to raise the medical card issue again; the House knows his position on that matter. He should not rehearse all that again, since he changes his position so often. My position is very definite. I am making the very direct response to the effect that he should have known this because he attended the committee meeting recently at which HIQA representatives were present. They made it quite clear that while they are prepared to carry out the inspections, they are waiting on funding from this Department. The Department, in turn, is working with HIQA to ensure that the initiative will start some time towards the middle of next year.

Deputy James Reilly: It is *mañana* again.

Deputy John Moloney: No, it is not *mañana*, but it is a stance I have adopted and will maintain. I will not change my mind next Sunday, having said something else in the newspaper last Sunday.

Deputy James Reilly: The Minister of State's problem is——

(Interruptions.)

An Leas-Cheann Comhairle: We will not have a shouting match. Neither the Deputy nor the Minister of State will ignore the Chair. We will not have a screaming match in our national Parliament.

Deputy John Moloney: I apologise to the Leas-Cheann Comhairle. The Deputy finds it difficult to be reminded of things that happened six months ago. He prefers to concentrate on matters that might occur ten years hence.

Could I attempt, without interruption if at all possible, to avoid a balling match and just make the point that HIQA was quite properly set up by the Minister for Health and Children, recognising as she did the need for a quality authority, for which she has to be complimented? She made the position quite clear to HIQA regarding the standards that were to be brought in, first of all, for the elderly. Our priority now is to ensure that the people in such homes are properly supervised. That commitment is alive and well and will not be changed by an interview in some paper in six months' time.

Deputy James Reilly: I remind the Minister of State that we already have reports of abuse of children in these circumstances with the Brothers of Charity. We had those reports before the meeting of the health committee. This is his area of responsibility. I want him to show the same enthusiasm that he and his Government have for guillotining Bills to institute cuts and apply that enthusiasm and energy towards ensuring that these children are protected through law.

Deputy John Moloney: If we were dealing with people who have the patient in mind in every aspect of health and were not promoting certain disciplines, to get a greater slice of the health cake, we might be able to do things much quicker. I refer to Deputy Reilly's position.

Deputy James Reilly: I am talking about children who are being abused.

Deputy John Moloney: I did not ask for your usual ignorant interruptions, Deputy, if you do not mind.

Deputy Alan Shatter: We are talking about children who suffer——

Deputy John Moloney: Am I responding to Deputy Shatter? Did you ask a question on this issue?

Deputy Alan Shatter: ——and the Minister of State has a duty to protect them.

Deputy John Moloney: If Deputy Shatter will “excuse me, sir”, as you are often quoted as saying, could I please have the right to respond?

An Leas-Cheann Comhairle: I ask the Minister of State to speak through the Chair.

Deputy John Moloney: The Minister and I have a plan which it is intended to implement next year. These are not mere words about future intentions, but rather a statement of support for my senior Minister who set up this authority in the first place.

Private Health Insurance.

70. **Deputy James Reilly** asked the Minister for Health and Children her views on the financial impact the new private health insurance levy has had on health insurance premiums; if the recently announced price increases will force many young people and families out of the market due to the fact that health insurance has become unaffordable; when she expects to receive the EU Commission decision on the new levy; and if she will make a statement on the matter.
[45860/08]

Deputy Mary Harney: In reply to a priority question from Deputy Reilly on 25 November, I said that the measures announced by the Government the previous week should not, in themselves, lead to an overall increase in the €1.5 billion in private health insurance premiums paid by all health insurance customers as the new levy on health insurance companies will yield approximately the same amount as the enhanced tax relief for those aged over 50. However, I emphasised that it would be a commercial decision for individual health insurance companies as to how they chose to reflect the overall impact of the measures in setting their premiums. Since I last answered questions on this matter, Quinn Healthcare and the VHI have announced price increases for customers taking out or renewing policies from 1 January 2009. Quinn Healthcare is increasing prices by an average of 16%, VHI's increases average 23%, while Hibernian Healthcare has not announced any increase to date.

It is a matter for the individual companies to explain and justify the levels of the increases they are introducing. I do not believe the measures announced by the Government have had any significant impact on these decisions. There are several underlying cost pressures in private health insurance, including medical inflation, the ageing of the insured population, increased numbers of procedures and greater economic pricing of public hospital services to insurers.

I hope that young people and families do not leave the market. Health insurance cover in Ireland represents good value for all age groups. The Government will bring forward the life-time community rating regulations for enactment in 2009. These will provide a powerful incentive for people to take out insurance cover earlier in life and to retain it. Anyone inclined to cancel their insurance now should consider carefully that they may have to pay a higher premium to re-enter the market at a later date. In introducing the measures announced on 19 November, the Government had to choose between allowing older people to be forced out of

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the market and trying to maintain the key principle of intergenerational solidarity whereby the young support the old.

I expect to have a response early in the new year to our notification of the measures to the Commission.

Deputy James Reilly: The Minister claims that if she did not take action, VHI premiums would increase by 60% for older people. This could not happen because we have community rating. It would have to increase by 60% for everybody. She claimed that the levy would not lead to any overall increase in the approximately €1.5 billion in private health insurance premiums paid, but she was wrong because VHI premiums have increased by 23% and Quinn Healthcare increased premiums by 16%, while stating baldly that 50% of that rise was accounted for by the levy. She claimed that certain insurers were tailoring their plans to suit younger people. So did the VHI, which has dominance in the 20, 30, 40 and 50 year old age group sectors — as well as in the 60, 70 and 80 age groups. It dominates the market.

When will the Minister bring the legislation before the House? What will she do about the dominance of the VHI in the marketplace? Will the money raised by the levy be ring-fenced to health insurance, or will it go into the Exchequer — that is a later question, but it may be taken now? Is the Minister not concerned about the estimated 200,000 people who are expected to leave private health insurance on foot of the introduction of the health insurance levy?

Deputy Mary Harney: The market was segmenting. Citizens could see that some plans were geared to couples in their child bearing years, where maternity benefits were being offered and sports injuries were being included as well as teeth whitening. These products are not of interest to older people, so within a specific plan everybody will have to pay the same rate. However, the manner in which different products were being covered was leading to market segmentation.

This is not about protecting any company, but rather older people. The revenue implications of this are neutral. The money coming in will go back in the form of enhanced tax relief for those aged 50 and over. Obviously, it will be higher for those aged 60 to 70 and higher again for people older than that. The reality is that if one company has 320 times more 80 year olds than another, we know that health insurance costs associated with an 80 year old are twice those for a 40 year old — or a 60 year old will cost twice, on average, what a 30 year old costs. There is no getting away from that.

I do not believe the Government, in the light of the Supreme Court decision, had any alternative but to advance what we have advanced. It requires EU approval and I made it clear there would be no point in bringing the legislation before the House if with have either to change it or cannot proceed with it. As soon as there is a response from the EU, which we expect early in the new year, the intention is to bring the legislation forward if we are in a position to do so.

Deputy James Reilly: Many people would reject the Minister's assertion to the effect that she had no option other than to introduce the levy system. The VHI has considerable funds, made a considerable profit of €112 million last year and has raised its premia by 23%. Why was the legislative route offered by the courts not taken, which obviously left the door open for the Minister to bring in new legislation that would introduce a new form of risk equalisation? In the past, I have raised concerns about the level at which risk equalisation was set, given the dominance of the VHI in the market and the fact that with its huge database it no longer has any restriction on it from going into any market. Is this fattening the calf for sale?

Deputy Mary Harney: The market here was liberalised in the mid 1990s and perhaps other decisions could have been made then, but they were not. At the time, some 37% of the population had health insurance and everybody thought we were at market saturation level. However, some 53% of people now have health insurance.

The VHI is required to be authorised during 2009 and must meet the same requirements as its competitors in terms of the reserves required. It will be a major challenge for the VHI to meet the requirements to allow it be authorised on the same basis. It is important that better consumer information is provided. The VHI, like other health insurers, is now required to send out renewal notices to consumers 30 days in advance of renewal and to notify them that they can switch insurers without penalty. Many members of health insurance companies do not know that. The provision of such information on motor insurance was very powerful in encouraging people to switch insurers. Any measures we can introduce to better inform consumers and encourage them to look at the different options, including the products offered by other companies, will be forthcoming from the start of next year.

With regard to the legislation, we will have it early in the new year when we get the response from the Commission.

Deputy James Reilly: Is the VHI for sale?

Child Abuse.

71. **Deputy Alan Shatter** asked the Minister for Health and Children the procedures in place in her Department to monitor, on an ongoing basis, the number of children who are the subject of reports to the Health Service Executive of either abuse or neglect and to monitor the time-frame involved in the commencement of an investigation and assessment of such reports; the progress reported to her in the implementation of the HSE National Service Plan 2008 which commits the HSE to collate reports on child care services in each administrative area; the number of notifications of child abuse or neglect to the HSE in respect of which there are children on waiting lists for full assessments; the average time spent on a waiting list for assessment following such notification; and the action she proposes to take to address the difficulties in this area and to ensure children are properly protected. [45581/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): Since the inception of the Office of the Minister for Children and Youth Affairs, OMCYA, a key emphasis has been placed on improving the availability and quality of management information. Key components of this information management include the annual review of adequacy of children and family services, prepared annually by the HSE under section 8 of the Child Care Act 1991, and the monthly service plan monitoring reports submitted to the Department of Health and Children. The section 8 reports now include the data previously collected in the analysis of child care interim data set. The further development of this information strategy is set to continue with the completion and roll-out of the joint OMCYA-HSE knowledge management policy, which has been a key element of recent discussions between myself and senior management in the HSE.

As regards the specific areas of information mentioned by the Deputy, information currently available in this area of child welfare and protection is collated and submitted as part of the previously mentioned section 8 annual reviews. Owing to the need to put in place a new reporting structure and methodology to reflect the new unitary structure following the establishment of the HSE, reports in respect of 2005 and 2006 were delayed but have now been published. I am informed by the HSE that the 2007 report is nearing completion and that thereafter, reports will follow in a timely fashion. These annual reviews include, *inter alia*,

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details of reported child protection cases and outcomes, broken down into each of the four primary, community and continuing care, PCCC, regions. Under current systems in place in the HSE, there is a time lag in the availability of information requested by the Deputy. It is imperative that such information be available on demand and for this reason I have requested the HSE to prioritise the necessary development and implementation plans so as to have this information readily available for service delivery and monitoring purposes.

In addition to this annual report, the HSE National Service Plan 2008 committed the HSE to developing, from the second quarter of 2008, a mechanism for collecting quarterly information from each administrative area on the following indicators: the number of notifications made of child abuse or neglect, the number of assessments conducted following notifications, the number of children on waiting lists for assessments following notification of child abuse or neglect and the average time spent on a waiting list for assessment following notification of child abuse or neglect.

Reporting against this measure is based on the phased implementation of standardised business process currently taking place through the HSE's child care information system project. I have been informed by the HSE that the first of the standardised business processes required for reporting against these measures were agreed and piloted during 2008 and will be implemented during 2009. At a recent meeting with HSE managers I was also informed that the HSE is seeking to provide additional resources to the standardised business process project. This should enable the HSE to provide my office with timely information relating to all of the areas mentioned by the Deputy.

Deputy Alan Shatter: Will the Minister of State confirm that the information on which his Department relies for an overview of child protection services is, essentially, the information contained in the 2006 report, which was only published last October? Does he agree it is an understatement to say there is a time lag in information and that it is scandalously unacceptable that the report for 2007 has not yet been published, two and a half weeks before we enter 2009? Will the Minister of State confirm that as Minister with responsibility for children he does not know how many files are currently on the shelves of offices of the HSE, detailing reports of children at risk of abuse or neglect, due to be allocated for full assessment to a social worker but which have not yet been allocated? Will he confirm there are many hundreds of such cases?

Deputy Barry Andrews: Since I came into this office, the 2005 and 2006 figures have been received. I have also received information on the 2007 interim data set and the section 8 reports arising from it. I have a commitment from the HSE that it will have the information published before the end of this year, which means the next few days. Furthermore, the HSE has committed to having the 2008 figures by April or May of 2009. The time lag referred to in my earlier response is a legacy or carryover from the old health boards and the difficulty presented in gathering the information.

We are moving towards a knowledge management strategy so we can standardise issues such as referrals and so we can, at any time, provide ourselves with an X-ray of what is happening on a contemporaneous basis, rather than having to hang around to collate the figures as we have done for so long. Therefore, we are making incremental progress on the issue, but I do not claim it is perfect. We do not have the up-to-date figures I would like to have, but over the past six months I have met the HSE on a monthly basis. One of the key issues has been to get on top of this issue so that we will be able to make proper assessments of where gaps and duplications exist in order to apply resources properly in this important area.

4 o'clock

Deputy Alan Shatter: Would the Minister of State agree that for the eleven and a half years of Fianna Fáil in Government we have had a Minister with responsibility for children? Would he agree it is outrageous and scandalous that four years after the formation of the HSE he, who is supposed to have an overview of our children's services, is as he put it hanging around to find out how it is operating and cannot tell the House definitively how many cases of children reported to be at risk are currently awaiting full assessment by the HSE? Does he agree he is incapable of monitoring what is happening in our child protection services?

Can the Minister of State explain what happened to the child protection notification system, which was supposed to have been put in place some years ago and in respect of which there were various IT difficulties? What was the cost of that system? What were the IT difficulties? What work has been done to get the system up and running. By what definite date will the Department have any guaranteed contemporaneous information available to it on the working of our child protection services?

Deputy Barry Andrews: I have information from the HSE service plan in terms of its monthly monitoring reports, the latest of which is for October 2008. Obviously, the information that comes with the section 8 reports is more detailed and focused on the specifics. With regard to the IT projects, we are making significant progress. There are different IT systems in different areas, again a legacy and hangover from the health boards.

Deputy Alan Shatter: A four-year legacy now.

Deputy Barry Andrews: We are making significant progress on this and hope, in the HSE service plan for 2009, to ensure it is a priority and that we can deliver it. With regard to contemporaneous delivery and when it will happen, we already piloted the standardisation of the business process and therefore we will know the initial referral figures and the assessment figures at the same time. We undertook to do that through the service plan.

Deputy Alan Shatter: I raise a point of order. I asked a specific question about the cost to this State of the child care notification system and the IT system——

An Leas-Cheann Comhairle: The Deputy knows that is not a point of order.

Deputy Alan Shatter: ——that I understand is not working and has cost millions of euro.

An Leas-Cheann Comhairle: The Deputy will not ignore the Chair.

Deputy Alan Shatter: I asked this today in a direct question and as a legitimate supplementary question. I previously asked the Minister of State about the matter in a written question some weeks ago and was told that he would inquire about it, that he did not know the answer. I believe there is a defective system——

An Leas-Cheann Comhairle: This is not a point of order, as the Deputy knows. We must move on to other questions.

Deputy Alan Shatter: ——that has cost the taxpayer millions of euro. Why is the Government covering this up?

An Leas-Cheann Comhairle: I will take Question No. 72.

Deputy Alan Shatter: Why is the Government covering up what is taking place with regard to this system?

An Leas-Cheann Comhairle: The Deputy has had a good innings.

Deputy Alan Shatter: Or does the Minister simply not know?

An Leas-Cheann Comhairle: The Deputy will not continue to ignore the Chair.

Deputy Alan Shatter: The taxpayer is entitled to know. Child protection agencies are entitled to know why this system is not up and running and how much has been wasted. Public money has been wasted and the Government is covering it up.

An Leas-Cheann Comhairle: The Deputy rose on a point of order that patently is not a point of order.

Other Questions.

Private Health Insurance.

72. **Deputy Jimmy Deenihan** asked the Minister for Health and Children if all moneys collected from the new levy on private health insurance will be ring-fenced for health insurance or if some of this will go to the Exchequer; and if she will make a statement on the matter. [45617/08]

77. **Deputy Catherine Byrne** asked the Minister for Health and Children her views on the impact the new private health insurance levy has had on health insurance premiums; if the recently announced price increases will force many young people and families out of the market due to the fact that health insurance has become unaffordable; and if she will make a statement on the matter. [45594/08]

80. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if she will consult with all health insurance providers in advance of introducing legislation to impose a levy on their clients; and if she will make a statement on the matter. [45489/08]

Deputy Mary Harney: I propose to take Questions Nos. 72, 77 and 80 together.

In designing the package of measures announced on 19 November the Government considered several options and consulted widely. I consulted with the Health Insurance Authority, which has a statutory duty to provide me with advice on the private health insurance industry. In addition, either I or my officials met with each of the three existing insurers in the market before these measures were announced. Given that there is no consensus in the industry on how the differential cost profiles of the customers of the companies can be reconciled to underpin community rating, the Government ultimately had to take the decision on what needed to be done to protect the interests of older people and to ensure they could continue to afford good quality health insurance cover. Meetings have been held with the three major insurers in recent weeks. There will be continuing contact with the companies on administrative arrangements for the implementation of the measures.

In themselves, the measures should not lead to an overall increase in the €1.5 billion in private health insurance premiums paid by all consumers because the new levy on health insurance companies will yield approximately the same amount as the enhanced tax relief for those aged over 50. However, I emphasised that it would be a commercial decision for individual health insurance companies as to how they chose to reflect the overall impact of the measures in setting their premiums. I wish to make it clear that the levy is not being imposed

on the individual policy holder but on the companies. It is a commercial decision for each company whether they pass on any or all of the levy to their customers.

Since I last answered questions on this matter, Quinn Healthcare and the VHI announced price increases for customers taking out or renewing policies from 1 January 2009. Quinn Healthcare is increasing prices by an average of 16%. The VHI increases average 23%. Hibernian Healthcare has not announced any increase to date. It is a matter for the individual companies to explain and justify the levels of the increases they are introducing. There are several underlying cost pressures in private health insurance, including medical inflation, the ageing of the insured population, increased numbers of procedures, and greater economic pricing of public hospital services to insurers.

I hope that young people and families will not leave the market. Health insurance cover in Ireland represents good value for all age groups. The Government will bring forward the lifetime community rating regulations for enactment in early 2009. These will provide a powerful incentive for people to take out insurance cover earlier in life and to retain it. Anyone inclined to cancel their insurance now should consider carefully that they may have to pay a higher premium in order to re-enter the market at a later date.

While the amount raised in the levy on companies is intended to equal the cost of the age-related tax reliefs, the moneys collected from the levy will not be ring-fenced because the two measures are being introduced by amendments to two different pieces of legislation. It is a long-standing convention in our tax code that we do not have hypothecated taxes which are raised and ring-fenced for specific purposes. The moneys raised from the levy will accrue to general Exchequer funds and, likewise, the cost of the new age-related tax reliefs will be met from general Exchequer funds. In designing these measures, the Minister for Finance and I made it clear that the combined effect of these measures on the Exchequer, should, as far as is practicable, be neutral. I expect that the amending legislation will be published in the new year.

Deputy James Reilly: The Minister makes the assumption that this measure will be budget neutral but many have calculated that as much as €15 million will accrue to the Exchequer as a consequence of this levy. In that circumstance, and in a year when we cannot vaccinate our young women against cervical cancer at a cost of €10 million, I hoped that this money, at least, might have been ring-fenced for health services rather than have it go back into the Exchequer. Can the Minister tell the House why it is not possible to ring-fence this money? If the money becomes available why can the Minister not give a commitment to the House that it will be used to bring in the cervical vaccination programme?

Deputy Mary Harney: The intention in this proposal is not to raise revenue but, by way of a levy, to supplement the higher cost of insuring older people through an enhanced tax relief. The matter of ring-fencing any moneys would be a matter for the Minister for Finance. As anybody who has been in Government will know, this policy has never been pursued by any Minister for Finance. A proportion from the money raised from the consumption of tobacco goes to the health service but that is an exception.

I have no control over the moneys that go to Revenue. The health service gets its funding from the Minister for Finance, through the Department and onwards to the Health Service Executive or other funded organisations. Deputy Reilly suggests that, because young people exit the insurance market, this policy was pursued on the basis of advice from the Health Insurance Authority and from our actuarial advisors. The Department of Finance and my own officials were heavily involved. We estimate that the proposed levy will be equal to the amount of money that will be given by way of enhanced tax relief. The total sum is within the pool of

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those insured. In other words, what is raised by the levy goes back in tax relief. That is the intention. If it were the case that any surplus were to arise, clearly that would be dealt with in a different context.

Deputy Jan O’Sullivan: If it is intended that this measure be budget neutral then it would make sense to ring-fence it. I do not understand why this could not be done.

Have the insurers, VHI and Quinn Healthcare, told the Minister why they increased their premia to such an extent? Is the Minister concerned that more people will now use the public service because of the increases? The measure combines with job losses that have already taken place and others likely to happen next year. Are there any contingency plans for that? People cannot afford health insurance any longer.

The Minister said that there would be something in the new legislation by way of an incentive for younger people to take out insurance. Will she elaborate on that point?

Deputy Mary Harney: A number of groups that looked at the private health insurance market in Ireland, including all the companies in the market, suggested to me that there should be an incentive for people to begin their insurance when they are young in order to keep insurance affordable for older people. Relatively few people under the age of 35 use insurance. At a committee meeting recently I mentioned that I am aware of a company that has over 2,000 insured employees. I was told there was not a single claim last year because these are all very young people.

We are going to introduce what is termed “lifetime community rating” and we will do so by way of regulations that are currently being drafted. We do not require separate legislation for that. Essentially, the younger one joins, the cheaper the policy will be. There will be a cost disincentive the older one is joining the health insurance market. That is fair and everybody has recommended it.

With regard to job losses, there is no doubt the increase in health insurance in Ireland between 1996 and 2008 of approximately 14% has been accounted for, in the main, by our increased prosperity and more people in the work force. Some have their health insurance paid as part of their employment contract. There is no doubt about that and there has been a considerable increase in numbers insured, particularly in the Deputy’s area of the mid-west. I understand that region has the highest rate of young people insured in the country. That was the case a year or so ago.

Deputy James Reilly: It will not be the case next year.

Deputy Mary Harney: I hope it will be. Clearly, if there is a decline in our economic circumstances this may will impact on the situation.

With regard to the reasons why the insurance was increased, Quinn Healthcare said that half the increase was due to the levy. I will be honest about that. The company said as much in its public statement. We have in the budget again hugely increased the cost of private beds in public hospitals because I do not believe, nor do I think it sustainable, that public hospitals funded 100% by the taxpayers should offer preferential access to those who have private health insurance. We are trying each year to increase this cost substantially until we get to a situation where the economic cost is charged to the insurers for those private beds and the taxpayers and the public hospitals do not suffer the expense of staffing of those beds.

Deputy Caoimhghín Ó Caoláin: Will the Minister indicate if either her Department or the HSE are currently monitoring the effect of growing unemployment on health funding? I have

no doubt she would be in a position to confirm there is an increase in the number of people applying for a medical card. Will she also confirm there is a decrease in the number of people taking out private health insurance? Is she aware if a pattern is already presenting where people are allowing private health insurance they have held for a period of time, perhaps years in some cases, to lapse? Is this information available to the Minister? Does she accept, as this Deputy does, that growing unemployment and the increased cost of private health insurance will have a significant impact as both escalate in their respective ways?

In light of this, does the Minister accept that the appropriate response with regard to a growing dependency on the public health system is for all public moneys to be invested in the public health delivery system itself and not, as is the case currently, in having public moneys diverted to the private, for-profit health providers? Does she accept that her signing off on the HSE service plan for 2009 represents a failure to grasp this very simple message and that, instead of squandering public moneys, we should be guaranteeing the continuation of the best quality public service system that this State and our people can afford?

Deputy Mary Harney: With regard to private health insurance, the VHI was established 51 years ago, when I was not around, because it was felt there were people who would make a contribution towards the cost of their own health care. It is a policy I support. Regardless of whether we had a universal system of health insurance, and no such system has been introduced since the Second World War in any European country, there will always be people who will buy more — I have no doubt about that.

We must be pragmatic. We have a mixed system. When I am sometimes asked to explain it to ministerial colleagues in Europe, they are often confused about how one can have private health insurance which gives one service in a public hospital. It is rather confusing but it is a different system. We have to be pragmatic in the way in which we use taxpayers' money to procure treatments.

The purpose of the National Treatment Purchase Fund, which now has a budget of just over €100 million, is to use the spare capacity in the private sector to buy treatments for patients. I accept it is restricted to those treatments that are procedure-based, although they have done some fantastic work in regard to some outpatient appointments. We must continue to use whatever mechanisms and innovation we can to access treatment for patients. In my experience, the patients do not care how it is funded. What they care about is the quality of the treatment.

Deputy Caoimhghín Ó Caoláin: We do care.

Deputy Dan Neville: The Minister committed herself to ring-fencing funds for the psychiatric service in regard to the sale of lands owned by the HSE. Is she not being inconsistent in stating she does not have the authority to do so in this respect?

Deputy Mary Harney: As the Deputy is aware, I am not the Minister for Finance and I do not have any authority over the Revenue Commissioners.

Deputy Dan Neville: The Minister committed herself.

Deputy Mary Harney: I have responsibility for health and, clearly, in the context of health budgets, we can give directions to the HSE. I do not have such authority with regard to the Revenue Commissioners, except to note that the intention is that the subsidy will go to enhance the tax benefit for older people. This is not introduced as a revenue raising measure but simply to make and keep health insurance affordable for those over 50, particularly those over 70 and 80.

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 James Bannon — the need for a new school building and increased teacher numbers at St. Mary's national school, Edgeworthstown, County Longford; (2) Deputy Brian Hayes — the need for the Minister for Education and Science and the Minister of State with special responsibility for children to engage with the National Youth Council of Ireland to address cutbacks in the youth sector; (3) Deputy Deirdre Clune — the need for the Government to clarify its position regarding the granting of independent status to Cork Airport; (4) Deputy Denis Naughten — the provision of a school transport service to Cloverhill national school, County Roscommon; (5) Deputy Joe Costello — the need for the Minister for Health and Children to take effective action to address the findings of gross mismanagement in the report into the death of a person (details supplied) in the Mater Hospital this year; (6) Deputy Joan Burton — to discuss the potential loss in 2009 of 70 or more English language support teachers from primary schools in the Dublin 15 area; (7) Deputy Kieran O'Donnell — in light of the ongoing uncertainty with the future of and the recent jobs losses at the Dell Limerick plant, to ask the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, to seek an immediate meeting with Michael Dell, CEO of Dell, to secure the 3,000 jobs at the Dell Limerick plant; (8) Deputy Michael Creed — the need for clarification in respect of applications made under the early retirement scheme and under the young farmer installation aid scheme; (9) Deputy Tom Hayes — the delay in advancing the Golden sewerage scheme in County Tipperary as the overall infrastructure in the area is very poor and is dependent on the successful completion of this project, and the Minister must act to ensure that the development works can be commenced at the earliest possible date; (10) Deputy Tom Sheahan — the Minister's position on EU proposals to award quota to the sea angling sector; (11) Deputies Ulick Burke and Noel Treacy — staffing levels at disadvantaged schools; (12) Deputy Dinny McGinley — an buille tubaisteach don Ghaeltacht agus don Ghaeilge cealú na deontais caipitíochta do na coláistí samhraidh agus ar ndeánfaí sé an cás a athmheas; (13) Deputy Mary Upton — that Scoil Mhuire gan Smal, Inchicore, Dublin 8, be included in DEIS band 1 scheme in line with the remaining primary schools serving the same community in the immediate area; and (14) Deputy Pat Breen — the situation regarding the provision of accident and emergency services at Ennis General Hospital; if services at the hospital are to be rationalised in 2009; if proposed cutbacks will impact on the delivery of front line patient care at the hospital and in other services throughout the county; the need for the Minister for Health and Children to outline the situation regarding the proposed hospital development programme and if funding is provided in the capital development programme for this project.

The matters raised by Deputies Michael Creed, Brian Hayes, Denis Naughten and Ulick Burke and Noel Treacy have been selected for discussion.

Leaders' Questions.

Deputy Enda Kenny: I was surprised to see the Minister for Finance announce at the weekend that the Government was not aware of the extent of the economic tsunami coming to our shores until July, after which its members went away on their holidays. I had thought the budget being brought forward by a number of weeks was the economic plan for survival for the country's economy and the road to the future for economic recovery and the protection and creation of jobs. The fact of the matter is that since then the Government has demonstrated it is rudderless and leaderless, and has neither coherence nor competence. In fact, the Minister's declaration was nothing other than a declaration of unfitness for office and unfitness to serve,

and it particularly pointed at the Taoiseach himself in that he was Minister for Finance for a number of years before taking up his present position.

For 11 weeks since the Dáil passed the deposit guarantee legislation, we have waited for a decision in regard to recapitalisation of the banks and we have simply pointed out that businesses are in serious difficulty, there is no access to credit, overdrafts are being squeezed and 35,000 people have lost their jobs since that legislation was put through. At 8.45 p.m. on Sunday, an announcement was made not of action but of inaction with regard to the provision of €10 billion for recapitalisation of banks. The statement was vague, unconvincing and had neither specifics nor a strategic plan attached to it. It has failed to reassure anyone that the Government has a coherent plan to stabilise the banking system so that credit can continue to be provided for small businesses throughout the country.

As the Minister was unable to answer any question comprehensively on Sunday night about the Government decision taken on Sunday, will the Taoiseach clear up the confusion by answering a number of questions in this regard? First, when will the Government provide this €10 billion fund for recapitalisation of the banks? Second, what amount of money is to be provided by the Government from the National Pensions Reserve Fund either as preference shares or ordinary shares, or is any to be provided from that source? If that is the case, when does the Government propose to introduce the change in the legislation which will be required to get authorisation from the House to provide money from that source?

Is it the Taoiseach's intention to force or pressurise the banks so that, for example, by the end of January they will demonstrate they have internationally accepted levels of capital adequacy ratios available? Is it his intention to tell the banks it is not just the case that if the banks want to recapitalise, it is at their own discretion? If we are serious about protecting jobs that are now under serious threat, and about maintaining the economy throughout the country then, given that the Government is deep into the banking sector, as the Minister for Finance has said, it is in a position to exert leverage on the banks in a way that will guarantee that if the Government allocates money from the National Pensions Reserve Fund, it will actually flow as credit when required, particularly to small businesses to keep them alive. Is it the Taoiseach's intention to seek an assurance from the banks by the end of January that there will be an adequate, internationally accepted capital ratio in place? How does the Taoiseach intend to proceed following the vague announcement made on Sunday night?

The Taoiseach: It is important to point out that the covered institutions meet the capital adequacy ratios set out under regulatory requirements. In a statement on 28 November last, the Minister for Finance indicated his position and that he was prepared to supplement and encourage private investment in the recapitalisation of credit institutions in Ireland with State participation. On Sunday in a further positive signal to the market, the Government decided either through the National Pensions Reserve Fund or otherwise, and subject to terms and conditions, to support existing shareholders and private investors where appropriate with a recapitalisation programme for credit institutions in Ireland of up to €10 billion. We released a statement on Sunday evening setting out the main principles that would guide us in our approach to recapitalisation of the banking system.

The statement also made clear that the next step was for the Minister for Finance to initiate detailed engagement with the credit institutions in respect of specific proposals. Institutions have been asked to submit their proposals by early January. In the context of a commercial transaction, it would not be appropriate or sensible for the Government to pre-empt the detailed and technical issues that might arise in respect of the design and execution of any recapitalisation of any particular institution. It would certainly not be consistent with ensuring the Government secured the best possible outcome for the State from such a deal. Based on

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the statements of last Sunday we will move this dossier along as we have indicated. We sent a positive signal to the markets concerning the level of contribution and supplementation that the Government is prepared to make in respect of this issue.

I emphasise that covered institutions meet capital adequacy ratios. There is a perception in the markets internationally of the need for banking institutions to further recapitalise in addition to meeting capital adequacy ratios. It was in that context that we wanted to send a positive signal to the markets. This matter must be taken in the way we have set out.

I refer to the question of the lending criteria of banks. The whole purpose of recapitalisation in the banking sector is to ensure that the real economy is provided with the maximum amount of lending possible in current circumstances. The banks appeared before a committee of the House this morning and outlined their position in detail on this matter. We continue to seek the provision of business plans from the banks as a means of ensuring transparently that they will maximise lending to the small and medium enterprise sector and the Minister for Finance maintains this view. Should recapitalisation take place we will see further confirmation of that fact.

Deputy Enda Kenny: The reply does not deal with many of the questions asked. The Taoiseach previously said that moneys would only be provided as a last resort, but now says money may be made available from the National Pensions Reserve Fund, or otherwise. What does that mean? Do the plans involve venture capitalists from abroad or other sources of private equity? My understanding was that business plans should have been provided to the Government following the detailed discussions with the banks. The statement on Sunday merely buys time for the Government to the extent of several weeks. We do not yet know of the specific date when the Government intends to implement this plan. Credit is going down the tubes and 35,000 jobs have been lost. I can see from travelling throughout the country that the keys of business premises will be thrown back at banks by the end of January and February.

My call for a recapitalisation of the banks several weeks ago was based on genuine concern. If it was genuine concern then it is a good deal more serious now. The Government requires the authorisation of the House to take money from the National Pension Reserve Fund for recapitalisation. When does the Government propose to introduce that legislation? Will it be this week or when the Dáil resumes following Christmas?

The Minister for Finance said one could not expect the people who led us into this mess to lead us back out of it. The same applies to the Government, because it was the Minister for Finance who said the reason we are in this mess is that this is where the people wanted us to go and that the housing boom was based on low interest rates from the European Central Bank. Will the Taoiseach comment on this and on whether the Government intends to set new capital ratios for the banks?

Another essential element of economic recovery is managing the national pay awards. I am at a loss to understand the Government position on this matter. Although other Ministers said this agreement would be paid, the Minister for Health and Children said on Sunday night that money would not be provided for the Health Service Executive next year. Do I take it from the Minister for Health and Children's statement to the nation that the revised health programme, approved by her, is predicated on the basis that there is no money for that revised programme in the HSE budget? I remind the Taoiseach of his comments to the effect that money was not provided for the national pay awards for the HSE next year. Will the Taoiseach confirm who is telling the truth? Is it the Minister for Health and Children or the other Ministers? What is the position regarding her statement on Sunday night? Will the national pay deal proceed or not? I have publicly given my view on this matter. The Taoiseach said he issued a statement

saying the matter would be discussed with the unions, but later the same night another statement was issued stating something else. What is the position?

The Taoiseach: Let me say with respect to the public pay situation that the Government indicated in the budget the need for savings of 4% in payroll costs in all Departments. That is Government policy. The public pay deal contains an 11 month pay pause. In respect of a payment to be made in October of next year of 3.5%, annualised that is about a 1.1% pay increase next year. Regarding the social partnership process, taking into account all expenditure programmes and all Government expenditure to see how we can deal with the deteriorating public finance position is a matter in which the social partners will be involved in the coming weeks. I have refused to isolate the pay issue from all other issues. All expenditure must be examined in that context. We have already made provision through proposed expenditure savings of 4% in respect of pay costs for 2009 as part of the budgetary strategy. There is no change in that position and the Minister for Health and Children's comments in no way change that position.

I refer to the question on the recapitalisation of the banks. The capital adequacy ratios are set by regulators and by reference to international practice. The issue which has arisen for financial institutions is the need to examine recapitalisation not as a means of providing more working capital, but more capital for banks. That is the perception of the markets. Therefore, in an effort to assist the Irish banking system and maintain its stability, we have specifically indicated how we see recapitalisation taking place. It will be on the basis of further engagement between the Minister for Finance and the covered institutions. The response of the markets to this was helpful in that it indicated the direction in which the Government was thinking and this will continue to be its position in the coming weeks.

Part of Deputy Kenny's question related to the present state of the Irish economy, which, being one of the most open economies in the world, is affected by what is going on globally. A global recovery will be needed to effect an Irish recovery. Having listened to the European Union Heads of State and Government, all have seen a serious deterioration in their public finance positions. Ireland's has been particularly acute because an international recession has concurred with a downturn in the construction sector and other sectors of the economy to the point where it is in recession. While Ireland is not unique in this regard, we have a particular situation to resolve.

As for the question in respect of what Deputy Kenny considers to be the additional resources that came about on foot of the increased employment and activity arising from construction, between two thirds and 70% of that money went towards the reduction of the national debt. Consequently, the idea it was all used for day-to-day expenditure is incorrect. Some of it certainly was used to improve services, in improved capital expenditure and towards improving some of our day-to-day services. Why would the Government not do so? Was this not required given an historic under-investment in a range of such areas?

The level and speed of deterioration in our present position is such that we will be obliged to seek to address all those issues on the basis of a social partnership engagement that now will take place. If one seeks the emergence of a successful strategy, it is important to do so. It is not a question of the Government outsourcing its responsibilities but of the Government working with stakeholders in this society to find the necessary solutions to close the gap that has emerged because of the fall in Ireland's tax revenues in 2008 of up to 15%. This is the position. The level of reduction in tax revenues and the impact it is having on public finances is not unique to Ireland. We have particular issues and must deal with our own problems. While we do not take solace from the problems of others, it is up to us to deal with our problems in our own way through the established processes. I believe social partnership is a

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problem-solving, not a problem avoidance, process. This has proven to be the case in the past and I believe in it. I believe it is the way to do the job.

As for the recapitalisation of the banks, that is a policy issue with which the Government has continued to deal in a consistent manner since it brought forward the guarantee scheme. Suggestions were made from the Opposition side of the House immediately thereafter to the effect that such a measure would enhance working capital. However, it does not as it simply increases capital adequacy in the bank. When one puts more capital into a bank, it does not come out the other side in the following weeks as working capital to Irish businesses, although that contention appears to have been made. The Government must address the market perception that capital adequacy ratios in banks must be sufficient in present circumstances, which is the reason for the decision it brought forward on Sunday.

Deputy Enda Kenny: The Taoiseach should respond in respect of the required legislation.

The Taoiseach: It will have to be in the new year.

Deputy Enda Kenny: That will be the end of January.

Deputy Eamon Gilmore: I have listened carefully to the Taoiseach's reply to Deputy Kenny and, when taken with his replies to questions on the economic situation in the past couple of weeks, I have come to the conclusion that the Taoiseach and the Government do not know what they are doing regarding the banks. The Government's handling of the economic situation is downright incompetent at this stage. Since the Taoiseach last answered Leaders' Questions in this House last Wednesday, there has been a succession of extraordinary developments in respect of the economy. The Minister for Finance told Deputy Joan Burton in the House last Thursday that the economy would shrink by 4% next year. In an interview with Ursula Halligan last Friday night, the Minister stated that the first the Government knew of the economic downturn was in July. However, people have been losing their jobs and businesses have been closing for the past year. Moreover, at the weekend commentators suggested that unemployment will rise above 300,000, or 10%, next year and that 14,000 householders are three months or more behind with their mortgage repayments at present.

Members have learned in the past couple of days that the Government intends to draw up an economic recovery plan. Two weeks ago, the Taoiseach told me in the House there was no need for such a plan, as the Government already had one, which was called the national development plan. I now hear that proposals are being developed, some of which ring familiar. They are close to what has been proposed by the Labour Party for a number of months and to what Deputy Burton and I were discussing at the Labour Party conference in Kilkenny two weeks ago. While plagiarism is a form of flattery, I wish to see the exact colour of the Government's proposals.

On Sunday night, a €10 billion package to recapitalise the banks was announced. The Taoiseach has told Members that this recapitalisation will not take place until January and that the Government is waiting for the bankers to come in with their proposals. Who is calling the shots? Is it the same bankers who landed the banking system in the problem that manifested itself in September and has continued thereafter, or is it the Government? I had thought that one of the outcomes of the guarantee scheme was to be that it would be the Government, through the Minister for Finance, that would tell the banks what was what and not the other way around.

The Taoiseach now has told Members that the recapitalisation of the banks must await some proposals from the same bankers who still are in place. They have changed nothing, it is

business as usual and they will tell the Government what to do. Moreover, this will not take place until January. Will all the banks still be around next January? Can this wait until then? My understanding is that legislation will be required if the Government intends to use money from the National Pensions Reserve Fund. However, it is proposed that the Dáil will not reconvene in Leinster House until the end of January. Is the Taoiseach seriously suggesting that Members will close up shop on Thursday and that the issue of bank recapitalisation will not be addressed until the end of January? That is the effect of what he proposes to do, if he intends to use the National Pensions Reserve Fund.

The Taoiseach should answer a couple of simple questions. First, how much, in ballpark figures, of the proposed €10 billion will be drawn from the National Pensions Reserve Fund and how much from private funds? Has the Government identified the source of the private funding that will recapitalise the banks? Will the Government take equity in the banks or is an underwritten arrangement envisaged, as seemed to be implied in the statement? When will legislation to allow money from the National Pensions Reserve Fund to be used be brought before the House? The Taoiseach observed that the statement issued on Sunday night was to provide reassurance to the markets. Given the markets' response since Sunday night, does he seriously suggest this can wait until January or will some action be taken this side of Christmas that will stabilise our banking system and ensure that credit is released for businesses that are uncertain whether they still will be in business by the first week of January?

The Taoiseach: First, I will answer the Deputy on the economy. It is not true to say — nor did the Minister for Finance say despite the Deputy's attempts to portray him as so saying — that people were unaware of the overall state of the international economy until this June. The Minister was referring to the mid-term Exchequer returns. On the emergence of these returns, the Government took action to ensure that expenditure would come in on target this year, as it has in broad measure. The full year effect of the cuts that were outlined will mean a saving of €1 billion in 2009. While the Government brought forward its budget to close the gap again, there has been a deterioration in the public finance position since then. I stated that any programme of Government is subject to the health of the public finances. There always is such a paragraph that must inform any programme for Government as to how one can implement the priorities one identifies. That was simply the point I was making in this regard.

The Government's present position is that in the context of trying to give an impression of what the direction of the economy should be in the years ahead, it will set out a framework about economic renewal, which must involve social partnership participation. That is my response. We must involve social partners in ensuring the gap which has emerged on foot of reduced tax revenues of €8 billion this year will be addressed. If we are to set up a credible timeframe in which it can be addressed, when set against the expenditure items on our books, we must work out together, in a collaborative way, how to bring back health to the public finance position. I speak as someone who believes in social partnership. Others believe it should be done in some other fashion but this is how I believe it should be done. I am sticking by that methodology because I believe this is the way to do it. We will do this in the coming weeks and in the early part of next year with the social partners.

On the question of recapitalisation, the National Pensions Reserve Fund can participate through the significant cash reserves it has to hand. There is also the question of amending the fund in the context of not having a pre-1% payment into the fund next year on account of the financial situation and as we put the fund to work in the Irish economy with the real prospect of getting a return for our money. That is what we intend to do.

Deputy Gilmore asked about the nature of the recapitalisation. That may vary from institution to institution, but he can take it as read that the purpose of any recapitalisation in terms

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of participation by the State of taxpayers' money will be for the purpose of protecting the taxpayers' money. That, and ensuring that we have recourse to those funds in the future on a convertible basis or whatever. Those details will be worked out with each institution and it will be a matter that would have to be accepted by the regulator and by shareholders in that context.

We are taking this on a case by case basis. We are indicating what the total provision should be. It will total €10 billion. The extent of the State provision will depend on what comes forward and we will be making sure that the taxpayers' interests are protected. To elaborate any further at this stage, before the banks submit their proposals, would not protect the taxpayers' interest. That is the course of action we are taking on the question of the recapitalisation of the banks. It is the right approach to take.

With regard to the overall economic situation, we intend bringing forward a pathway on how we deal with the gap in the public finances over a credible timeframe with social partnership collaboration and participation. I make no apologies for that approach.

Deputy Eamon Gilmore: Following the Taoiseach's answer I am none the wiser about what the Government is going to do about recapitalising the banks. The answer is more or less a repetition of the statement on Sunday night.

I ask the Taoiseach to outline the timetable. He spoke about the banks coming back with their proposals in early January. Everybody is aware, at least in general terms, of the current state of individual banks.

The Taoiseach stated that he would be dealing with matters on a case-by-case basis. Is he saying that they will not be fully addressed until the end of January? Will it require legislation? Do I understand from the Taoiseach's reply that the amount which will be taken from the National Pensions Reserve Fund will be approximately €4 billion which, I understand, is what the cash reserves amount to? Can that be done without legislation? If there is to be legislation, when will it be published and considered by this House?

What is the form of the State involvement in this? A menu was set out in the statement on Sunday night which included the possibilities of share options but also referred to some form of underwriting. How will the State involvement be provided? Will it be provided in the same or a different way to all institutions?

Has the Taoiseach identified the source or sources of the private investment in the banks? What we have at present is a general statement of intent from the Government, but it is a case of live bank and get grass. We need to hear some specifics from the Government. I understand why the statement on Sunday night was made but it does not seem to have had the desired impact on the markets.

The Taoiseach: I disagree with Deputy Gilmore in respect of this. The question of the health of a bank is not dictated solely by its price in the equity markets. Every bank in the world has seen its share price reduce considerably, and it has been very considerable in Ireland. I accept that. That is because of some of the exposures that the market perceives.

However, that is not the point. The important issue concerns bank capital and to what extent is it capable of providing an adequate ratio in respect of future impaired loans that may arise. The market perception of a bank or financial institution is that it would like to see it operating above the regulatory standards. It is in that context — to deal with that market perception — that we have brought forward a general policy statement on recapitalisation.

We will deal with each recapitalisation when we see the proposals. Some banks have suggested they do not have any requirement for recapitalisation.

Deputy Emmet Stagg: He might not do it at all.

The Taoiseach: I am not getting into the detail. Some banks have suggested for many months that they have no capital requirements.

Deputy Joe Costello: Does anybody know?

The Taoiseach: Others suggest otherwise.

However, in recent weeks the Minister for Finance has met a number of banks and investment businesses regarding investment matters in Irish banks. All propositions were, of course, referred on to the institutions themselves. The Minister is also aware that some existing shareholders have expressed an interest in subscribing for new capital and the Government has indicated that in principle, existing shareholders will be expected to have the right to subscribe for new capital on the same terms as the Government. The question of how a recapitalisation will proceed will depend on the proposals that we obtain.

Deputy Seán Sherlock: Is the market perception wrong?

The Taoiseach: The market perception changes from day to day. It is not the issue for us. The issue for us is the health and stability of our financial system, regardless of what the market says. Our job is to maintain the stability in the financial system, and that is our sole concern. I am not in the business of playing or working the markets. The markets will go up and down depending on how they see things from one day to the next, usually fed on rumour, perception and many other issues.

Deputy Seán Sherlock: The banks are under capitalised because of the market perception.

The Taoiseach: That is not my job. My job is to keep stability in the financial system. In that regard we are making a recapitalisation scheme available that will include existing shareholders, perhaps prospective private investors and the State.

The recapitalisation proposals will come from the boards of those banks. We are prepared to participate in a recapitalisation in the interests of keeping a stable financial system so that the real economy — trying to maintain jobs and investment — can function as a result of having a stable system. It is not for the purpose of dealing with the banks, as banks. It is because, in a modern economy like this one, we need to have access to sufficient lending and commercial credit as is required. We therefore need to ensure, as part of that response, there are properly capitalised institutions.

The market has a view on this but, in terms of regulatory positions — the regulatory issue, which is the legal issue — there is sufficient capital adequacy ratios in our covered institutions. That, in case it is lost somewhere, is an important point to make in the context of this discussion. We are prepared to participate on certain terms and conditions, which will be established by the Government when it sees specific proposals come forward by those banks which wish to have recapitalisation schemes dealt with.

The question of whether there is an underwriting process or preference or ordinary share capital will be decided when we get proposals in early January. With regard to the cash reserves held by the National Pensions Reserve Fund, there is cash under the NTMA general aegis that is available to us.

Deputy Tom Hayes: That man behind the Taoiseach.

The Taoiseach: In order to assess whether that will be the full subscription of the State participation we will have to wait and see the proposals by the banks. People cannot expect us to speculate on what the proposals will be but let us be clear that the statement we put forward has been accepted as the policy position of the Government. We await particular proposals and when they are made we will deal with them on the basis of protecting the taxpayer, not on what the markets speculate.

Deputy Emmet Stagg: Close the door when the horse has bolted.

Requests to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Anois, iarratais chun tairisceana a dhéanamh an Dáil a chur ar athló faoi Bhuan Ordú 32.

Deputy Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of national importance, namely, the need for the Minister for Health and Children to publish immediately the Health Service Executive's service plan for 2009, which she has approved and which reportedly proposes massive cuts across our public health services, with life-threatening consequences for patients and long-term damaging effects on our health system which will be similar to the damage done by the savage cuts of the 1980s; and the need for the Minister to place this plan before the Dáil for debate prior to the Christmas recess and to hold herself accountable to the Dáil for it.

Deputy Tom Hayes: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of national importance, namely, the cap or limit on the number of discretionary medical cards given to people with serious or terminal illnesses who require these cards to cover the inordinate medical expenses they would otherwise face. This is a shocking development which will impact on seriously ill patients throughout the country in terms of the level of health care they can afford and their peace of mind at a time when they are facing incredible stress due to serious health problems. This matter cannot be glossed over and the idea that the Government can limit the number cards for people who are seriously ill is cruel and unusual. The matter needs to be discussed as a priority by this House.

Deputy Pat Breen: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of extreme importance, namely, that the Minister for Transport would emphasise the importance of reinstating the Shannon-Heathrow link in his deliberations with Aer Lingus. This connectivity is pivotal to job creation in the region. The jobs announced yesterday for Ennis by the US-based Microsemi company as a result of the availability of a daily direct transatlantic service points to the vital role played by access in attracting foreign direct investment. Aer Lingus's cost base at Shannon Airport has reduced significantly as a result of the forward thinking sacrifices of its staff at the airport and, coupled with the recent announcement of a reduction in the fuel surcharge, this is an excellent opportunity for the Minister to put forward the case for reinstating this service.

Deputy Martin Ferris: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of extreme importance, namely, that the quota issued to Irish fishermen for December will mean the annual quota for some species will not be filled because fishermen were not permitted to fish at other times of the year. This places enormous pressure on them to go to sea at a time of the year when weather conditions are particularly hazardous.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of extreme importance, namely, the crisis in the health sector, with 390 patients

on trolleys in accident and emergency units across the country today according to the Irish Nurses Organisation.

Deputy Arthur Morgan: I seek the adjournment of the Dáil under Standing Order 32 to discuss a matter of extreme importance, namely, the ongoing exploitation of migrant workers in the restaurant sector according to a recent report which discovered that over half of migrant workers earn less than the minimum wage, 44% receive no breaks and 85% did not receive a contract or terms of employment; and the need for the Minister for Enterprise, Trade and Employment to end the two and a half year delay on passing the employment compliance Bill so that inspectors can impose on-the-spot fines for breaches of employment law and to change the work permit regime so that non-EU workers are no longer tied to one employer.

An Ceann Comhairle: Tar éis breithnithe a dhéanamh ar na nitheardaithe, níl siad in ord faoi Bhuan Ordú 32. Having considered the matters raised, they are not in order under Standing Order 32.

Deputy Pat Breen: The Minister for Transport is sitting on the opposite benches.

Order of Business.

The Taoiseach: It is proposed to take No. 8, motion re joint sitting to commemorate the 90th anniversary of the first sitting of Dáil Éireann; No. 9, motion re referral to select committee of proposed approval by Dáil Éireann of the terms of the three interim economic partnership agreements; No. 10, motion re proposed approval by Dáil Éireann of a Council framework decision on the European evidence warrant; No. 11, motion re proposed approval by Dáil Éireann of a Council framework decision amending framework decisions; No. 23, Motor Vehicle (Duties and Licences) (No. 2) Bill 2008 — Order for Report, Report and Final Stages; and No. 24, Finance (No. 2) Bill 2008 — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 8, 9, 10 and 11 shall be decided without debate; the proceedings on the Report and Final Stages of No. 23 shall, if not previously concluded, be brought to a conclusion after 60 minutes 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 the Environment, Heritage and Local Government; in the event that a division is in progress at the time fixed for taking Private Members' business, which shall be No. 61, motion re housing, the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted after Private Members' time, which shall be taken for 90 minutes tonight, and Standing Order 117(3) shall not apply; and parliamentary questions next for answer by the Taoiseach on EU matters shall be taken on the same day as the statements on EU Council meeting, Brussels, scheduled to be taken on Wednesday, 17 December 2008, and shall be moved to be taken first as ordinary oral questions to the Taoiseach on that day.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal for Nos. 8, 9, 10 and 11 to be taken without debate agreed to?

Deputy Caoimhghín Ó Caoláin: It is not agreed.

Deputy Enda Kenny: I do not want to fall into the annual practice of saying: "Do not go on holidays for a certain period." The proposal from the Government is that the Dáil will return at the end of January. The most important concerns in the country at present are protecting jobs and creating and sustaining employment. We need to consider the statements by the Government on the recapitalisation of the banks and its economic plan. I do not expect the

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Taoiseach to make time for these matters today but I suggest that the House should sit either this Friday or next Tuesday to deal with them.

A sizeable chunk of the money invested by taxpayers in the National Pensions Reserve Fund will be made available to the banking system. I am not sure whether it is in the Taoiseach's head to come back with a plan and seek legal authority from the Dáil or if he would prefer to put through legislation and then apply conditions when the Government and the banks are in agreement on the system of recapitalisation to be implemented. While I do not wish to object to the Order of Business, I would like the Taoiseach to indicate whether we can have a substantive discussion on this matter on Friday or next Tuesday.

It is wrong to adjourn the House on Thursday and not return until the closing days of January. In the meantime, the Government will have made its decision after consulting the banks on how it should proceed with recapitalisation. The matter is very serious and real concerns are being expressed by employers and employees. Local economies throughout the country have been affected. It would be wrong of Dáil Éireann to retire for six weeks rather than deal with a matter as consequential as this. I make these observations in respect of the first proposal put by the Ceann Comhairle and ask the Taoiseach to respond.

Deputy Joan Burton: I find the earlier comments made by the Taoiseach to be incomplete. I want to know whether the Government plans to provide time for a debate between now and the Dáil's adjournment on Thursday if the Government decides not to introduce the necessary legislation in respect of the National Pensions Reserve Fund.

Despite everything he has said about the banks, he failed to mention the elephant in the room, namely, the issue of the bad debts carried by the banks. It is not that the banks lack capital but that when they write off those bad debts the hole in their capital will be as big as the hole that sunk the Titanic. That is the essence of the matter. It may only affect some banks in terms of the covered institutions but how can the Taoiseach propose to send the Dáil on a recess for six weeks and not allow a debate when matters will be addressed which deal with the lifeblood of this economy, the jobs of tens of thousands of people and the survival of thousands of businesses in the difficult period after Christmas?

It is simply unbelievable that the Taoiseach would send a statement to the newspapers which would do justice to the Sphinx it is so vague. He spoke about preference shares, ordinary shares and underwriting.

An Ceann Comhairle: We cannot have a carryover from Leaders' Questions.

Deputy Joan Burton: Underwriting is a form of insurance.

An Ceann Comhairle: We cannot have that.

Deputy Joan Burton: Has the Taoiseach already handed over the Bank of Ireland to the Mallabraga consortium, Carlyle and J.C. Flowers?

An Ceann Comhairle: We must move on. The Deputy has made her point that she is objecting to the Order of Business.

Deputy Joan Burton: May we have a debate?

An Ceann Comhairle: The Deputy is only entitled to make a short statement.

Deputy Joan Burton: In the interests of business, may we have an indication if the Taoiseach and Government is prepared to make time for a debate?

An Ceann Comhairle: We cannot talk about the banks now.

Deputy Caoimhghín Ó Caoláin: We are not prepared to accept the Order of Business as presented. We are following on from ministerial questions to the Minister for Health and Children, during which she indicated the service plan for 2009 for the HSE had been laid before the House and was on the green Order Paper for today's business. It is on the green Order Paper but up to a short time before the commencement of this Order of Business and following the Minister having indicated to the House that the service plan had been laid before the Houses of the Oireachtas, it was not available in the Oireachtas Library to Members.

I call on the Minister to produce the service plan for the HSE, wherein, we understand, she has signed off—

An Ceann Comhairle: That has nothing at all to do with this proposal.

Deputy Caoimhghín Ó Caoláin: —on €530 million of cuts in health care delivery—

Deputy Mary Coughlan: Go away out of that.

An Ceann Comhairle: Is the Deputy objecting to the Order of Business?

Deputy Caoimhghín Ó Caoláin: —in 2009. I will finish my point.

Deputy Dermot Ahern: He will eventually come to it.

Deputy Caoimhghín Ó Caoláin: This is pertinent to the very question the Ceann Comhairle is asking us to accept. No. 8 is a motion on the sitting to commemorate the 90th anniversary of the first sitting of Dáil Éireann. Nobody here should forget that in the Democratic Programme for the First Dáil, the commitment was there to safeguard the health of the people.

Deputy Dermot Ahern: And not to murder them.

An Ceann Comhairle: We cannot go into it now.

Deputy Caoimhghín Ó Caoláin: Yet we have a position where we are being asked to accept an Order Paper that does not even accommodate or address in excess of €500 million in proposed cuts in health services over the coming 12 months. It is simply and absolutely unacceptable on top of all of the other cuts and continuous haemorrhage of services that we have witnessed—

An Ceann Comhairle: I call on the Taoiseach to respond.

Deputy Caoimhghín Ó Caoláin: —throughout this year. This Order Paper fails to address the most important issue of concern to the Irish people today and it must be rejected.

Deputy Paul Kehoe: Hear, hear.

An Ceann Comhairle: I call the Taoiseach to reply on the Order of Business.

The Taoiseach: The committees will return to the House on 7 January and be ongoing with their work. International trade missions will also be conducted by Ministers in an effort to

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secure and maintain jobs and keep markets open for products and services which are fundamental to the State.

A special sitting of the House is being suggested to celebrate the 90th anniversary of the First Dáil which will be in the Mansion House on 20 January. I look forward to it as it is an historic occasion.

Deputy Caoimhghín Ó Caoláin: It certainly is.

The Taoiseach: I hope it will be a dignified occasion to which we can all rise. I look forward to contributing on that day.

I do not wish to reopen issues that have been dealt with already in Leaders' Questions but on the whole question of underwriting, EGMs, share issues or prospectuses having to be drawn up, there is a range of issues that must be dealt with under company law before that comes about. The idea that it will all happen over Christmas is not the full picture of the procedures in the event of a recapitalisation taking place in the banks and how State participation in such an event would proceed.

It does not add justified confidence to the system on the regulatory position where there are capital adequacy ratios that are sufficient to make contentions——

Deputy Joan Burton: Nobody believes that. Why are the shares tanking?

An Ceann Comhairle: The Deputy should let him finish.

Deputy Joan Burton: Why are the shares down?

The Taoiseach: It is not correct, in an effort to maintain financial stability, to state this is not the case. We should stick to the regulatory arrangements as they are.

Deputy Joan Burton: Why are the shares at 30 cent?

The Taoiseach: We should allow people to get on with the real economy and maintain some confidence in it rather than suggesting it is not even worth talking about.

Deputy Dermot Ahern: Exactly.

Question put, "That the proposal for dealing with Nos. 8, 9, 10 and 11 be agreed to."

The Dáil divided: Tá, 70; Níl, 64.

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.
Cowen, Brian.
Cregan, John.
Cuffe, Ciarán.
Cullen, Martin.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Fahey, Frank.
Fitzpatrick, Michael.
Flynn, Beverley.
Gallagher, Pat The Cope.

Tá—*continued*

Gormley, John.
 Grealish, Noel.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.

Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Smith, Brendan.
 Treacy, Noel.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Coveney, Simon.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.

Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 23 agreed to? Agreed.

Is the proposal for dealing with Private Members' business agreed to? Agreed.

[An Ceann Comhairle.]

Is the proposal for dealing with parliamentary questions next for answer by the Taoiseach on EU matters agreed to? Agreed.

Deputy Enda Kenny: I would like the Government to respond by arranging a motion, statements or questions about the bank recapitalisation programme for this week or next Tuesday. I say this in all sincerity. It is necessary that the House have an opportunity to tease out the implications of the statements by the Minister for Finance and where the Government intends to go with the matter. Is it the Government's intention to wait until the House returns in January to deal with legislation in terms of Dáil authorisation for the Government to use moneys from the pensions reserve fund for any capitalisation programme?

When is it proposed to give the House an opportunity to discuss the revised health programme as outlined and approved by the Minister for Health and Children, which was seen and announced to the nation by the national broadcaster?

An Ceann Comhairle: We cannot discuss that matter now.

Deputy Enda Kenny: Will any legislative changes be involved that might require a discussion in the House?

The Taoiseach: Regarding the Deputy's question on the recapitalisation issue, it is a matter for the Whips to discuss if people want statements. To hear the views of the House would be no harm and might be helpful. Some statements at some time during the week could be considered, but it is important to point out that timetables are involved. Depending on what type of recapitalisation were to emerge, various timetables apply in terms of rights issues. They are far longer than the House's break for the Christmas period. I want to emphasise that the Government is in a negotiating position. Therefore, the question of statements might be helpful in that context, but we should not go beyond it at this point.

The HSE service plan is for 2009 and can be discussed at any time by the House in the course of 2009. There are statutory requirements for the laying of the plan before the Houses of the Oireachtas, which I understand were complied with by the Minister for Health and Children. Therefore, the agreement of a service plan does not of itself require a legislative change. Under existing legislation, it can be laid before the Houses and discussed during the course of the next session.

Deputy Joan Burton: I welcome the Taoiseach's statement to the effect that time may be allowed for a discussion of the bank capitalisation proposal. It will send a solid signal to markets, namely, that the Government has some sense of what it wants to do. To wait until the end of January would be unbelievable.

Concerning promised legislation, the Tánaiste stated on 20 November that health insurance legislation would be introduced in the Dáil before the recess. When will we see the legislation? She stated that it would be published before Christmas, but we have not seen it. Will we see it in the coming days?

On the Order Paper, No. 8 is intended to commemorate the first sitting of the first Dáil. The Labour Party will be delighted to participate. In terms of the development of our democracy, was the Taoiseach not saddened by the forced resignation of Mr. Niall Crowley as the chief executive of the Equality Authority?

An Ceann Comhairle: There is no chance that we will get into that matter now. The Taoiseach will answer the question on legislation.

Deputy Joan Burton: It has been a development of our democracy, flawed and all as the Minister may see it.

An Ceann Comhairle: We cannot have it.

Deputy Joan Burton: The Minister did not cut the €6 million for——

An Ceann Comhairle: The Deputy is out of order. She must find another way to raise the matter.

Deputy Joan Burton: ——Ministers' Garda drivers. Instead, he chose to make a 43% cut in the agency's budget.

An Ceann Comhairle: There are plenty of ways in which to raise the matter if the Deputy wishes. She could table it on the Adjournment.

Deputy Joan Burton: As we are properly commemorating the development of our democracy and our first democratic day, it seems wrong that the Government is simultaneously forcing the resignation of the head of the Equality Authority, a person of integrity.

An Ceann Comhairle: Table the matter on the Adjournment. The Taoiseach on the health insurance legislation.

The Taoiseach: That matter requires the approval of the European Commission as well. We are in discussions at EU level on the proposals that we have so that we can introduce legislation. We were hopeful that we would have it before the end of this term, but it looks more likely that it will be early next year.

Deputy Olivia Mitchell: On today's Order Paper, No. 18 refers to the Joint Committee on European Scrutiny's report on the recovery of cod stocks. This morning, it was announced on RTE that there was an EU proposal to introduce fish quotas for anglers. Will the Taoiseach clarify whether the Government was aware of and will support this proposal?

The Arts Council has been without a chair and half of its members for almost six months.

An Ceann Comhairle: No.

Deputy Olivia Mitchell: The Government may be planning its abolition.

An Ceann Comhairle: The Deputy can table the matter on the Adjournment.

Deputy Olivia Mitchell: The Ceann Comhairle would be interested in the issue. Is there a reason for——

An Ceann Comhairle: What I am interested in does not matter, as this is outside Standing Orders.

Deputy Olivia Mitchell: Will the Taoiseach respond to the first question?

An Ceann Comhairle: Let us move quickly.

Deputy Charles Flanagan: It was a good try, though.

The Taoiseach: Unfortunately, I am not aware of what emerged in the media this morning.

Deputy Olivia Mitchell: It was one of the first items on this morning's news.

An Ceann Comhairle: Are regulations promised in this area? No.

The Taoiseach: If a question on its status were asked of the line Minister, it would be helpful.

Deputy Michael Creed: That will be too late. The deal will be concluded in Brussels.

The Taoiseach: The Deputy can be assured that our interests will be continually defended by the Minister concerned.

Deputy Olivia Mitchell: Is that a “Yes”?

Deputy Richard Bruton: I have read persistent rumours that the Government is planning additional tax proposals, notably in respect of research and development. We are proposing to debate the Finance Bill today and tomorrow. Will those proposals be introduced as part of it or are we to expect a second Bill in the new year, at which time they will be debated?

The Taoiseach: That would be a matter for the Minister for Finance to decide in due course. I have not been following the Finance Bill this year as closely I did in previous years, but I understand that it is a matter that can be discussed on Report Stage.

Deputy Richard Bruton: It can be. The amendment may be tabled.

The Taoiseach: I am referring to the question of what are the Minister’s intentions. I do not expect——

Deputy Charles Flanagan: This day last week in response to the 43rd brutal murder in the State since the beginning of the year, the Ceann Comhairle facilitated the asking of questions to the Minister for Justice, Equality and Law Reform in the House as to initiatives the Government might introduce to stop the spiral of killing and stem the tide of crime. Since then, there have been two further brutal murders and a hapless Minister of State——

An Ceann Comhairle: The Deputy must find another way to raise the matter. I allowed the question last week so that the matter could be discussed in the House within Standing Orders. For this reason, I cannot allow the issue this morning.

Deputy Charles Flanagan: On promised legislation, there have been two further brutal murders, one in this city and another in County Galway, since last week. In an unprecedented development, a hapless Minister of State——

An Ceann Comhairle: We cannot discuss this matter now. If the Deputy has a question, he should just ask it.

Deputy Charles Flanagan: ——was taken hostage.

An Ceann Comhairle: Ask a question.

Deputy Charles Flanagan: It was more appropriate to a South American tinpot democracy than a modern democratic state.

An Ceann Comhairle: We are not in South America now. The Deputy should ask his question about legislation.

(Interruptions).

Deputy Charles Flanagan: On promised legislation, this is a serious matter. On 23 September, the Chief Whip——

An Ceann Comhairle: This is an abuse.

Deputy Paul Kehoe: If the Ceann Comhairle was opposite, he——

Deputy Charles Flanagan: ——published the list of legislation to be published and enacted before the end of the session. The Department of Justice, Equality and Law Reform's section includes the criminal justice (forensic sampling evidence) Bill, the criminal justice (miscellaneous provisions) Bill, the criminal justice (money laundering) Bill and the sale of alcohol Bill. Why has none of this legislation been enacted and why has not a single one of these Bills been debated in the House since 23 September? None of them has been published.

By way of a further initiative, the Minister for Justice, Equality and Law Reform promised that a covert surveillance Bill would be published and debated before the end of this session, but there has been no sign of it. The Minister's action in respect of it has certainly been more covert than anything else. It is important that we debate this matter before the end of the session. The Minister's only response to the crime and murder taking place in the State has been to announce the general scheme of the criminal justice (public order)(amendment) Bill, which relates to vagrancy and is designed to prevent people begging on the streets in the run-up to Christmas. Will the Taoiseach indicate the proposals of the Government in respect of these Bills, which were promised last September?

The Taoiseach: I will go through the Bills to which the Deputy refers in detail. Dealing with violent crime and murder is an operational matter for the Garda Síochána. The force is devoting many of its resources to dealing with these matters and is enjoying much success in many respects. I do not wish to take away from the seriousness of the ongoing problem but it is not just a question of enacting legislation. A great deal of appropriate legislation has been enacted in recent years and has been of major assistance to the Garda Síochána in dealing with the matters to which I refer. The Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, is committed to bringing forward further legislation.

Drafting is progressing in respect of the criminal justice (forensic sampling and evidence) Bill. In light of the need for further consultations on procedural and technical aspects, as well as the need to study the judgment of the European Court of Human Rights on 4 December last in the case of *S and Marper v. UK* on the retention, etc., of samples and profiles, it now seems unlikely that the Bill will be ready for publication before the end of January next. The reason for this is that we must ensure that we make provision in respect of the issue to which I refer. The judgment of the European Court of Human Rights is being examined by the Department and the Office of the Attorney General. Publication will take place sometime after the conclusion of this examination.

Drafting on the criminal justice (miscellaneous provisions) Bill is expected to be completed by the end of the year. It has been necessary to include some additional amendments to existing firearms provisions. However, it is expected that the Bill will be submitted to the Government for approval to publish in January.

Drafting is ongoing in respect of the criminal justice (money laundering) Bill. A number of legal and technical issues have arisen and these have delayed progress on completing the Bill. It is unlikely that the Bill will be available this session.

The text of the property services (regulatory) Bill is being finalised, subject to clearance by the Attorney General on some technical and legal aspects. Drafting of the text of the sale of alcohol Bill has been delayed because the Parliamentary Counsel charged with responsibility

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in this regard is also drafting the property services (regulatory) Bill. There are doubts that the text of the sale of alcohol Bill can be ready for publication this session. However, it should be ready for publication early in the next session.

Deputy Jan O’Sullivan: I am seeking clarification from the Ceann Comhairle. The House may have been misinformed earlier today by the Minister for Health and Children, who stated that she laid the HSE’s national service plan before the Dáil on Wednesday last, 10 December. However, the plan is listed on today’s Order Paper and has only just become available from the Oireachtas Library. It was not available earlier this afternoon. Will the Ceann Comhairle indicate whether the Minister may have inadvertently misled the House in respect of the plan, which contains proposals for over €500 million in cuts to the health service? This is an extremely serious matter. If the plan was laid before the House on Wednesday last, it should have been available to Members before the Minister for Health and Children answered parliamentary questions in the House today.

Deputy Caoimhghín Ó Caoláin: I thank Deputy Jan O’Sullivan for highlighting the fact that the plan is now actually available to Members, which was not the case earlier today. Will the Taoiseach indicate whether the Government will accommodate a debate on the contents of the service plan before the Christmas recess? Will he set aside time this week or make time available next week in order that we might discuss the €500 billion in cuts to the budget of the HSE for 2009? What is proposed will mean calamity for innocent individuals and already hard-pressed communities——

An Ceann Comhairle: The Deputy cannot make a Second Stage speech on the Order of Business.

Deputy Caoimhghín Ó Caoláin: ——throughout the State?

The Taoiseach: The service plan can be debated in the House at any time after the Christmas recess. More than €14.7 billion is being allocated in respect of the provision of health services next year. Engagement involving management and unions is taking place on the question of how greater flexibility might be obtained in respect of work practices. Such flexibility would avoid the necessity of introducing the sort of front line cuts that are being suggested. If one takes the position relating to nursing home payments into account, the underlying increase in next year’s budget for the health service will be approximately €580 million. It is not correct to state that €500 million less is being provided. The increase in next year’s budget is 3.2%.

Deputy Jan O’Sullivan: That does not come anywhere near matching medical inflation.

The Taoiseach: If the Opposition is suggesting that we must continue to deliver health services at current levels——

Deputy Jan O’Sullivan: That is not what we are saying at all.

The Taoiseach: ——then that is at variance with the position of the stakeholders.

Deputy Jan O’Sullivan: We need to protect patients and front line services.

The Taoiseach: I am also anxious to protect patients and to ensure that the necessary reforms, flexibilities and efficiencies in work practices will be forthcoming which will ensure that front line services are not affected to the extent indicated by the Deputies — who both assume there will be a “no change” situation.

An Ceann Comhairle: I call Deputy Bannon.

Deputy Jan O'Sullivan: Will the Ceann Comhairle clarify—

An Ceann Comhairle: We cannot engage in a debate on health.

Deputy Jan O'Sullivan: —why the Minister for Health and Children indicated that the service plan was laid before the House on Wednesday last?

An Ceann Comhairle: We will be obliged to check the position with the Minister for Health and Children.

Deputy Jan O'Sullivan: Is this not a matter for which the Ceann Comhairle has responsibility?

An Ceann Comhairle: Yes. I will check the position with the Minister and revert to the Deputy.

Deputy James Bannon: It is over two weeks since the Nursing Homes Support Scheme Bill, which is an urgent measure, was debated in the House. Why was the Bill not placed on the Order Paper for this week or last week? When will the Second Stage debate on the Bill be resumed?

The Government slashed funding for heritage projects throughout the country by 38% in the recent budget.

An Ceann Comhairle: The Deputy should not comment on that matter now.

Deputy James Bannon: Will the Taoiseach indicate when the heritage fund Bill come before the House?

Deputy Kathleen Lynch: On the first issue to which Deputy Bannon referred, there is every possibility the Nursing Homes Support Scheme Bill — or, as the Minister for Health and Children refers to it, the fair deal scheme — will be challenged in the Supreme Court because it may be considered to be in conflict with our equality legislation on the basis that it is ageist. Does the Taoiseach intend to introduce a supplementary budget to ensure that people who have been put to the pin of their collars will obtain some relief—

An Ceann Comhairle: The Deputy cannot inquire about a supplementary budget unless one has been promised. To the best of my knowledge, such a budget has not been promised.

Deputy Kathleen Lynch: —while we are awaiting the eventual enactment of the legislation?

The Taoiseach: The Nursing Homes Support Scheme Bill is before the House and the Second Stage debate thereon will be resumed. I do not have a date for the publication of the heritage fund Bill.

Deputy Kathleen Lynch: What is the position with regard to a supplementary estimate?

Deputy Terence Flanagan: The Taoiseach referred briefly to No. 16 on the Government's legislative programme. Will separate Bills be introduced in respect of the auctioneering profession and the regulation of property management companies? The Taoiseach stated that the legislation has almost been finalised. When will it be introduced? This matter has been the subject of some discussion for many years.

Deputy Bernard J. Durkan: On the issue of property management companies, the Taoiseach and the Tánaiste and Minister for Enterprise, Trade and Employment previously indicated to the House that the relevant legislation would be ready before Christmas. Given that there are only a couple of sitting days remaining in this session, will the Taoiseach provide an update in respect of the Bill?

The Taoiseach: We are progressing with drafting the legislation. As the Deputies are aware, various Departments are involved. Deputy Terence Flanagan also referred to the auctioneering profession. I understand it is the Minister's intention to incorporate provisions relating to that matter in the property services regulatory authority Bill.

Deputy Terence Flanagan: So there will only be one Bill.

The Taoiseach: Auctioneering will be dealt with in the Bill to which I refer and there will then be further legislation.

Deputy Jimmy Deenihan: When will the defence (amendment) Bill be ready for publication? When will the Government decide on whether the Defence Forces' mission in Chad will be extended from April? Will it become a UNFOR or UNIFIL mission at that stage? I understand a decision in this regard must be made in the near future.

An Ceann Comhairle: We cannot deal with the latter issue now.

The Taoiseach: It is expected that the defence (amendment) Bill will be published in the middle of next year. The Minister for Defence will advise the Government in due course as to what our position should be in respect of the Chad mission.

Deputy Ciarán Lynch: Will legislation relating to the imposition of spending limits in respect of next year's local elections be introduced in the House this week?

An Ceann Comhairle: Is legislation promised in this area?

The Taoiseach: Such legislation will not be introduced this week.

Deputy Bernard J. Durkan: The Taoiseach was much more specific in respect of the legislation relating to estate management when he last referred to it in the House. Will he indicate whether progress has been made on the Bill in the interim? Constituents of all Members are deeply concerned at the lack of action in this area and the number of Bills mounting up. Perhaps the Taoiseach will respond at this stage to that question.

The Taoiseach: Drafting in respect of various aspects of this legislation is continuing. The Deputy will be aware various Departments are involved. The priority is to get the drafting complete and having done so to make a decision as to whether it would be best to incorporate all the issues, which are interconnected, into one Bill. We must get on with the drafting in respect of the various aspects of this issue as it applies to various Departments. Once that has been done we can engage with the Attorney General in respect of whether it would be more expeditious to incorporate all the issues in an omnibus Bill or to proceed separately with the issues through the various departmental priorities.

Deputy Bernard J. Durkan: I thank the Taoiseach for his reply. I wish to ask about an issue already raised, although in a slightly different context. In view of the proposals announced by the Minister for Health and Children and released to the media in advance, will the Taoiseach

say, if in view of the magnitude of the slash and burn cuts right across the board, the Government intends——

An Ceann Comhairle: No.

Deputy Bernard J. Durkan: This is a serious issue.

An Ceann Comhairle: I accept it is a serious issue but we must move on and the issue raised by the Deputy must be in order.

Deputy Bernard J. Durkan: Christmas is approaching; the Minister made these announcements which affect the population at large, which is hardly a Christmas box.

An Ceann Comhairle: The Deputy must put a question.

Deputy Bernard J. Durkan: Will the legislation as promised be brought before the House? The proposals announced by the Minister will have a widespread effect on the community at large.

An Ceann Comhairle: Is legislation promised?

Deputy Bernard J. Durkan: Will the Taoiseach say if, for instance, it is intended to abolish the common cold and illness? The situation is that people will be turned away——

An Ceann Comhairle: Deputy Durkan cannot, under any circumstances, make a Second Stage speech now. I call the Taoiseach. Is legislation promised in this area?

Deputy Bernard J. Durkan: Yes, there is legislation promised.

An Ceann Comhairle: The Deputy should name the legislation and allow the Taoiseach to answer in that regard so that we can move on.

Deputy Bernard J. Durkan: The legislation concerned is a Bill dealing with health and personal social services. Obviously, this will not be brought forward and will be abolished because there will be no services available. The health information Bill seeks to provide a legislative framework for the governance of information in the health sector. We do not even get such information in this House.

An Ceann Comhairle: Deputy Durkan, please allow the Taoiseach to answer the question.

The Taoiseach: Other legislative proposals, including the nursing homes Bill and the legislation dealing with health insurance, which is an important matter, have had to be prioritised. Work on some of these Bills is continuing. The Minister for Health and Children has, in fairness, brought in more legislation to ensure uniform standards and eligibility rules in the aftermath of a variation of interpretations during the old health board era and must be given credit for doing so.

I do not accept the Deputy's contention. I reiterate what I said earlier in response to other Deputies that the service plan includes €14.7 billion for the provision of health services in this country next year, a substantial amount of money. This sum is €580 million greater than that provided this year, taking into account the nursing home subvention provision. That is a substantial amount of money. It is being contended that without further work practice changes it will be difficult to maintain the type of service levels currently being provided. I believe, given the current economic situation facing this country, there is a duty on all of us to ensure we

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agree whatever must be agreed in this respect so that we do not affect front line services and patients' access to such services.

A contribution of €14.7 billion by taxpayers is a considerable commitment and one that warrants that type of co-operation at hospital and service level. In fairness to those who represent workers in this area, I believe that co-operation will be forthcoming because of their commitment to the provision of a health service in line with current realities.

Joint Sitting of Houses of the Oireachtas: Motion.

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

That, in order to facilitate the Commemoration of the Ninetieth Anniversary of the First Sitting of Dáil Éireann, it is proposed that:

On Tuesday 20th January 2009, Dáil Éireann shall be enjoined with Seanad Éireann to constitute a Joint Sitting of both Houses of the Oireachtas and the following arrangements shall apply:

(1) the Joint Sitting shall commence at 11.00 a.m. in the Round Room of the Mansion House; and

(2) the Ceann Comhairle shall be Chairman of the Joint Sitting and he shall adjourn the Joint Sitting at 12.10 p.m. and the proceedings shall be as follows:

(i) 11.02 a.m. — Address by Ceann Comhairle;

(ii) 11.07 a.m. — Address by Taoiseach, followed by Leaders/Representatives of the various political parties; and

(iii) concluding address by Cathaoirleach not later than 12 noon.”

Question put and agreed to.

Interim Economic Partnership Agreements: Referral to Select Committee.

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

That Dáil Éireann approves the terms of the three interim Economic Partnership Agreements:

(i) Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa party, of the other part;

(ii) Agreement establishing a Stepping Stone Economic Partnership Agreement between Ghana, on the one part, and the European Community and its Member States, on the other part; and

(iii) Stepping Stone Economic Partnership Agreement between Côte D'Ivoire, of the one part, and the European Community and its Member States, of the other part,

copies of which were laid before Dáil Éireann on 10th December, 2008, be referred to the Select Committee on Foreign Affairs in accordance with paragraph (1) of the Orders of Reference of that Committee, which, not later than 18th December, 2008, shall send a

message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.”.

Question put and agreed to.

Treaty of Amsterdam: Motions.

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

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision on the European Evidence Warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters,

a copy of which measure was laid before Dáil Éireann on 25th November, 2008.”.

Question put and agreed to.

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

That Dáil Éireann approves the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

a proposal for a Council Framework Decision amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/? /JHA and 2008/?/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial,

a copy of which proposed measure was laid before Dáil Éireann on 14th November, 2008.”

Question put and agreed to.

Message from Seanad.

An Ceann Comhairle: Seanad Éireann has passed the Health Bill 2008 without amendment.

Motor Vehicle (Duties and Licences) (No. 2) Bill 2008: Order for Report Stage.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): I move: “That Report Stage be taken now.”

Question put and agreed to.

Motor Vehicles (Duties and Licences) (No. 2) Bill 2008): Report and Final Stages.

An Ceann Comhairle: As all Report Stage amendments have been adjudged to be out of order we will proceed to Fifth Stage in accordance with the Order of the House today.

Bill received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): On behalf of the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, I thank Deputies on all sides of the House who contributed to the debate on the Bill, and I am grateful for the positive approach adopted towards it.

Question put.

The Dáil divided: Tá, 70; Níl, 64.

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.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Fahey, Frank.
 Fitzpatrick, Michael.
 Flynn, Beverley.
 Gallagher, Pat The Cope.
 Gormley, John.
 Grealish, Noel.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Kelly, Peter.
 Kenneally, Brendan.

Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Micheál.
 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, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Smith, Brendan.
 Treacy, Noel.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.

Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.

Níl—*continued*

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.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

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

Question declared carried.

Finance (No. 2) Bill 2008: Order for Report Stage.

Minister for Finance (Deputy Brian Lenihan): I move: “That Report Stage be taken now.”

Question put and agreed to.

Finance (No. 2) Bill 2008: Report and Final Stages.

An Ceann Comhairle: Amendment No. 1 in the name of Deputy Joan Burton is out of order and the same applies to amendments Nos. 2 to 4, inclusive.

Amendments Nos. 1 to 4, inclusive, not moved.

An Ceann Comhairle: Amendments Nos. 9 and 10 are related to amendment No. 5. Therefore, amendments Nos. 5, 9 and 10 may be discussed together.

Deputy Joan Burton: I move amendment No. 5:

In page 9, between lines 19 and 20, to insert the following:

2.—Marginal relief shall apply in respect of the income levy over €18,304 threshold and up to €25,000 in a manner to be prescribed by regulations made by the Minister for Finance under this section.”.

I am very surprised at the Ceann Comhairle's decision to rule out of order the first amendments. Similar amendments to those have been allowed in previous years, to basically look at the impact on the taxation system of the various tax breaks and also in terms of having a taxpayers' advocate to ensure they get the refunds to which they are entitled.

The purpose of amendment No. 5 is to provide sliding or marginal relief in relation to the levy. This budget has proposed a very draconian income levy, which will apply to everybody with an income over €18,304. As it is a levy, anyone who earns less than that — just about on a level with the minimum wage — will be exempt. However, if someone earns €18,500, he or she will pay the full 1% on the whole of the income. For someone on an income just slightly above the minimum wage, it will mean that he or she will end up paying €185 a year to the Revenue Commissioners. This will be very difficult for employers, in terms of employment

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policy, because it means that someone on the minimum wage who gets a small piece of overtime or a little bonus for having done some extra work effectively will be pushed into having to pay the levy. What the Minister has done will act as a very severe incentive for hastening the return of the black economy in Ireland.

There are spiralling rates of unemployment at the moment with tens of thousands losing their jobs. The level of the levy is pitched very low and the fact that there is no sliding or marginal relief means that if, for example, somebody qualifies for overtime, there will be a major incentive for that to be dealt with under the counter. This is one way in which the return of the black economy will be heavily facilitated.

At present in Dublin and around the country, firms of accountants are suggesting to clients that they should split their income. If some of the income, for example, €17,900, is transferred to a wife, they will escape the levy completely. If they have income of €250,000 and were to split that among their family members in a family business, it will mean that the Minister's — and more importantly, the Taoiseach's — promise that people in the higher income echelons could not avoid the levy, and in fact would pay more, is set at nought. Tax experts and accountants are currently offering off-the-shelf schemes which allow income splitting for people in the upper echelons. The Minister and his officials know this. It is all over town that these arrangements are very easily made for the purpose of avoiding the higher rates of the levy. I will explain to the Minister how it is done.

If family members are employed in or are directors of a company, the income is split among them. People at the top levels, therefore, who are meant to pay 2% to 3% — the Minister was very proud of how progressive his legislation was — will have an easy avoidance mechanism. However, the Minister is not prepared to do anything for those at the bottom of the scale, the type of people who should be encouraged to go to work and not end up on social welfare or return to the black economy.

Since it took office, the Government has been seen to be all at sea. The Minister marched into the Dáil that day and said he was appealing to patriotism. Where is the patriotism in the very wealthy being able, and allowed, to split their income to avoid the higher rates of the levy — 2% and 3% — while people on lower incomes have no margin of relief? It would not cost the Minister very much to recover this lost income if he wanted to by simply applying the levy to those on the higher scale, while ensuring they had no avoidance mechanisms.

Later on, the Labour Party is offering him an opportunity in the Bill to secure and cop-fasten anti-avoidance mechanisms. The Government seems bewildered, uncertain and unsure. However, when the levy comes out of the pay packets of those who will still have jobs at the end of January, they will be hit very hard. I do not know whether he quite appreciates the wave of reaction that will follow when employees see that levy taken out of their wage packets at the end of January and accumulating through February and March.

To be fair, there ought to be a marginal relief mechanism where somebody gets overtime or is paid a small bonus or facilitates his or her employer by working extra. I met a security guard in one of the shops in Blanchardstown town centre yesterday who earns €17,000 a year. He had a better job, which went, and now he is working as a security guard in one of the British chain stores, for which he is being paid the going rate. He will not be liable, technically, for this levy. On a zero hours contract, common in the retail trade, the worker usually has no choice if asked to do overtime.

Such a contract means that if an employer wants somebody to work 25 hours this week, because of another employee's absence through illness or whatever, he or she is obliged to accept the extra work. Normally, people are happy to accept the extra work because it does

not worsen their overall financial position. However, if they accept the extra work, they get caught in a clear poverty trap where they are liable for the full rate if they go over the €18,304. This is an important and significant introduction of a new poverty and anti-employment trap. The Minister could easily address it at little cost by introducing some level of marginal relief.

Deputy Arthur Morgan: I proposed amendment No. 9 to try to achieve a fairer taxation system or to take at least a small step in that direction. The threshold of €18,304 is an extremely unfair level at which to commence the 1% levy. The level of €37,000 is more in line with the average industrial wage. Surely somebody on an amount below the industrial wage should not have to shoulder the burden of the 1% levy.

In the case outlined by my colleague, Deputy Burton, if the security guard was due to go home at 6 p.m. but the colleague due to relieve him did not turn up in time and he was asked to stay till 7 p.m., he could suddenly be over the threshold. People do not become liable for that element of the 1%, but for the full amount and that is grossly unfair. This discourages the work ethic. Why would anybody want to be enterprising, seek overtime or get stuck into the job in order to enhance themselves or their employer when a penalty is about to be applied to them, a penalty that is exceedingly unfair?

Many of the points were made on Committee Stage, but it is worth pointing out again that this levy penalises families on low incomes and removes vital spending power from them. It will cost these families in excess of €500 per annum when the cumulative effect is taken into account. As the Minister did not change his mind on this on Committee Stage, I do not expect he will do so now, but let us hear what he has to say anyway.

Deputy Richard Bruton: I accept the Minister has improved the appalling proposal he announced in the budget by providing for some exemption limits and a more tiered structure. That is a step forward. I would accept the current proposal as not a bad outcome if there was a sunset clause on it, in other words, if we knew it was a temporary measure and would be withdrawn. Unfortunately, the history with regard to drawing income tax proposals of this nature to a close is not good. As mentioned, the income tax code was introduced as a temporary measure during some war in the 19th century and has survived two centuries.

It is for this reason that I cannot understand the reason the Minister does not adopt some of the structures of existing tax codes. We already have three income tax codes and now he is introducing a fourth. It has been called the “Lenihan levy”, so, hopefully, he will be immortalised through that title. PRSI has both a threshold and an exemption limit, which provides fairness, particularly to those on low incomes. The health levy has an exemption limit set at €25,000 which is higher and closer to the suggestions being made for this levy. Income tax has a threshold of approximately €18,000 or €19,000 before a person must pay tax.

This levy is the least fair to people on low incomes and introduces poverty trap features that would cost very little to remove. The Minister said it would cost €60 million in total to remove them. The Minister should put that in place, even at the cost of recovering the €60 million somewhere further up the scale. People on this side of the House would accept that. It is not good practice to have a tax like this. An elderly couple, for example, on €40,000 would pay nothing, but on €40,001 would pay €400. Where is the fairness in that? Why, when the unfairness has been pointed out, would the Minister consciously and knowingly say that is the sort of code he will introduce? The Minister put a cost of €60 million on it. If he recovered the €60 million further up the scale, people would not quibble about it.

Deputy Kieran O’Donnell: There are proportional scales in all the other tax areas. Regarding income tax, for example, there is marginal relief above a certain level of income. If the margin between the exemption limit and the amount of income is less than 40%, there is marginal

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relief. The same applies to PRSI where there is an exemption limit and people are taxed at 4% above that rate. Furthermore, the health contribution, unlike this levy, was for a specific purpose and people on an amount below €26,000 a year are exempt from it. The health levy was for health and the income levy was for youth employment.

The Minister should accept the reasonable proposals being made in these amendments as they are about providing relief at the lower end. They suggest relief on a scaled basis. It seems the Minister considers this levy an income tax, although he has called it a levy. If marginal relief is available for normal income tax, the Minister should consider the proposal I have put forward for some kind of marginal system at lower income levels.

Deputy Brian Lenihan: I assume what Deputy Burton has in mind is an allowance of €18,304 for individuals with income up to €25,000 or some similar mechanism. This would have the effect of reducing the income levy payable by such individuals by €183 per annum. This would cost the Exchequer approximately €60 million in the full year and would add a considerable level of complexity to the system. If the Deputy believes that this amendment would solve the issue of the step effect, I would have to say it would not, but merely move the step up and cost €60 million in the process.

If I understand Deputy Bruton's amendment correctly, it would introduce a fourth rate of 0.5% to the income levy. It would mean that a levy of 0.5% would apply to incomes between €18,304 and €28,304 in the case of a person under 65 and for income between €20,000 and €30,000 in the case of single persons over 65 and between €40,000 and €60,000 for a married couple where one or both is aged 65 or over. This would also cost approximately €60 million in a full year and the maximum benefit to individual workers would be less than €3 per week. There would be considerable difficulties in payroll implementation.

Deputy Morgan's amendment proposes to almost double the exemption threshold. The cost of this measure would be €185 million in 2009 and €265 million in a full year. Aside from the significant cost of the measure, it would also mean setting a lower exemption threshold that is 7% above the projected average industrial wage for 2009. The cost of these amendments would have to be recouped from elsewhere.

With regard to Deputy Burton's point about income splitting arrangements, the transfer of assets to a spouse to avoid paying the levy at 3% would be of minimum benefit in that the spouse would also be subject to the levy in his or her own right. Transferring an asset to effect a saving of 1% or 2% of income levy would, in many cases, cost more in conveyancing and legal costs. Likewise, paying a spouse through the accounts of a business, where the spouse is not actually employed, would not be an expense which is wholly and necessarily incurred in the performance of the business. Therefore, it would not be allowed as a deduction.

Deputy Bruton rightly referred to the complexity of the income tax and other variable systems we have in place. In substance, the operation of PRSI, the health levy, income tax and this levy amount to an income tax system. I agree with Deputy Bruton on that and look forward to the proposals of the Commission on Taxation in that respect.

Deputy O'Donnell contrasted the treatment of marginal relief, income tax and PRSI with this particular proposal. Income tax is at a rate of 20% and PRSI is also substantially in excess of this sum. I do not believe the Deputy is comparing like with like in discussing marginal rates in the context of a 1% levy.

Deputy Joan Burton: I find the Minister's approach very disappointing. When governments around the world are producing stimulus programmes for their economies, the strategy in this

budget is not only to increase taxes, but to increase them in a countervailing way. Much of the increased taxation in the budget is disastrous for the real economy.

Of the tax increases the Minister put forward in the budget, the levy means there will be a poverty trap because it offers no marginal relief. If people move from €18,304 to €21,000, €22,000 or €23,000, they will immediately incur an extra €183 in tax. These are the people at the bottom of the scale and they, more than anybody else, are the ones the Minister should wish to encourage to earn more income. Their earning more income has two important benefits. First, it gives a person who is on little more than the minimum wage an opportunity to have a much better standard of living. A sum of €183 per year will buy a lot of sliced pans, sausages and chips for families on very low incomes. These are the people whose children end up eating cheap food because they cannot afford expensive food. This measure is not without implications for people's lifestyles. A person on social welfare is exempt, correctly, from the levy. However, we are talking here about the working poor. In his scheme, the Minister proposes to tax the working poor and if they earn a little bit over the minimum, he will tax them even more. I know the Minister is not without compassion. All we suggest is a marginal scale of relief.

The tax increases, such as the 0.5% increase in VAT, are the worst signal the Minister could send out. He would have done better to send everybody free tickets to travel to Newry rather than raise the VAT rate by 0.5%. His tax increases are ill-thought out and do not produce any kind of economic stimulus, unlike measures taken by every other government in the world. Instead, they will make people want to keep their incomes low and, in the case of the VAT increase, will make them want to shop in Newry.

An Leas-Cheann Comhairle: I call Deputy Arthur Morgan and I remind Deputies they have two minutes for their contributions in this part of the debate.

Deputy Arthur Morgan: I appreciate the Minister's point that there would be an additional cost to the Exchequer were he to accept my amendment. However, I also sought to bring the 2% levy threshold to incomes of €100,000 instead of the current level of €150,000. In addition, I sought to introduce a 3% levy for incomes in excess of €200,000, on the basis that people with that level of income are in a position to afford such a levy. This is in complete contrast to people on lower incomes who cannot afford to pay it.

In effect, the Minister is impoverishing, significantly, a substantial number of people on very low incomes. As we face into the economic downturn, the number of people involved will be ever growing. Although my amendment contains what the Minister might consider a negative implication, on the other hand, had he accepted my other two amendments, there would have been a significant positive implication because they sought to alter the thresholds for people on higher incomes.

I agree with the point made by Deputy Richard Bruton that at least income tax is fair, in that if there is a threshold, one's income up to that threshold is exempt. That is not the case here. Does the Minister not accept the point that there is, for example, a disincentive for people to work overtime? In certain cases, when employers might not have enough work to create a new position, they can give an existing employee a few hours of overtime. It is a more cost-effective way of dealing with the issue rather than going the other way. However, employees are now going to be taxed right back to the beginning and they will not accept it. What does the Minister think of that point?

Deputy Richard Bruton: I have nothing to add to what I already said. I remind the Minister that in the existing exemption thresholds, also at €40,000 and €20,000, there is marginal relief. This is not rocket science. We are not asking the Minister to invent something that has not been thought of before. It is already there in codes where an intermediary rate applies and

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there is an exemption threshold. It smooths the impact. The Minister appears to be persuaded by the arguments but he is waiting for the Commission on Taxation to tell him what to do. I honestly do not think that is a great answer.

Deputy Brian Lenihan: I am not persuaded by the arguments or I would accept the amendments. The bottom line here is that €60 million is involved.

Deputy Burton referred to the need for a stimulus package. The capital programme in the budget is a substantial stimulus package. It involves an excess of €8 billion of borrowing that has been applied for investment purposes. That is a very substantial stimulus for the economy and is the type of package that most other small open European economies are adopting in the current economic circumstances. The type of stimulus package that Deputy Burton seems to envisage is one where tax, direct or indirect, is reduced in order to create more purchasing power in the economy. We know that such a measure in this country would lead to further imports. It is not clear that the decision of the United Kingdom Government to introduce such a stimulus will work.

Deputy Joan Burton: It is working.

Deputy Brian Lenihan: With regard to the question of the Commission on Taxation, I await its proposals on the reform of the complexity of our income tax system. However, in respect of the levy, I do not believe the amounts involved are such as to impose substantial, or any, hardship on individuals. I am amazed at the position taken by socialists in Ireland, such as Deputy Burton. They do not study the practice of their comrades in Scandinavia who believe that all income should be subject to income tax.

An Leas-Cheann Comhairle: Is the Deputy pressing the amendment?

Deputy Joan Burton: Yes.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 6 in the name of Deputy Joan Burton is out of order. Amendment No. 7 arises out of committee proceedings.

Amendment No. 6 not moved.

Deputy Joan Burton: I move amendment No. 7:

In page 9, between lines 19 and 20, to insert the following:

2.—For the avoidance of doubt, nothing in respect of relief from taxation in respect of remittance arrangements is intended to constitute relief in respect of the income levy.”.

With reference to the Minister’s last comment, this amendment will test which of us is closer to Scandinavia and which to the Cayman Islands.

The Minister re-introduced the remittance basis. In that measure he suggested that if high rollers in the banks, the financial services industry and in research and development who were to come into Ireland and who were important to the development of a business, were non-domiciled and from outside the EU area, they would be taxed from now on according to the rules. As I understand it, they would then get a refund of tax in respect of income of more than €100,000 which they had not remitted into this country.

On the night the levy was announced, I recall the Taoiseach saying it would apply to everybody, without fear or favour. As I understand from the information presented by the Minister concerning the return of the remittance basis and tax avoidance for very high rollers, these people may not incur the levy, other than in respect of the €100,000.

I would like the Minister to clarify the following point. Will someone who is on the remittance basis and who has an income from their multinational of, say, €200,000 a year pay €2,000 or €3,000 on the levy, or will that person pay just €1,000 on the remittance basis of €100,000 a year? If that person is to pay the lower amount, it is obviously a very neat piece of tax avoidance and completely gainsays what was committed to in this House on the discussion of the budget.

The purpose of this amendment is to ensure we have complete clarity and that the levy arrangements apply to the whole of such people's income. The Minister is offering them a very generous avoidance of tax based on the arrangements he brought forward. He is taxing somebody on €18,500 at 1%. What is he doing to those who are, as the Minister said, very high rollers? What are the Minister's intentions in this regard?

The Minister referred to people not conveying assets in order to avoid the levy. I did not suggest that; I referred to splitting income. I know that conveying assets can be expensive but splitting income in a family-owned company is not expensive. As I understand it, the levy applies to income. To give an example, a couple has an income of €200,000. If one person in that couple earns the €200,000, he or she pays 1% on the first €100,000, which is €1,000, and 2% on the second €100,000, giving a total levy liability of €3,000. If the couple splits the income between a husband and wife, giving each €100,000, they would both pay a 1% levy, so each would pay €1,000 and, therefore, their total levy bill as a couple is €2,000. If they split it even wider among other family members, which is perfectly allowed for, they may be in a position to diminish it even further because they could pay each of their children €17,500 and no levy would arise at all in regard to that. This facility is contained in the legislation.

The Minister referred to the Swedish model. He will tax people on €18,500 at 1% of all income, yet he is leaving wide open the capacity for perfectly legitimate avoidance by making arrangements in regard to income. He has not told us or made clear what anti-avoidance mechanisms exist.

Deputy Brian Lenihan: With regard to the scheme outlined by Deputy Burton, the person must earn the relevant sum in the income split. If, for example, the business is a family farm, the person must do the equivalent amount of work to split the income. One cannot notionally assign income to two or three different persons in a particular family. In the treatment of the accounts submitted, there must be a real value performed by the person in respect of whom the income is paid. There is ample power in the legislation to set aside such arrangements and, indeed, evidence through the levy of the existence of such arrangements might furnish a pointer to the commissioners in regard to when such operations were being carried out. I do not accept the Deputy's argument that this is a valid avoidance scheme but it does draw attention to the fact this levy, unlike the levy introduced when Deputy Burton was a Minister of State, has a progressive element to it and has 2% and 3% rates, not simply a flat 1% rate.

To return to the topic opened by Deputy Burton of the tax treatment of persons who are at or just above the minimum wage rates, we in this country must be real about this — that was my reference to the Scandinavian issue. According to the latest OECD data, Ireland has the lowest tax wedge in the EU for single persons, married one-income couples and married two-income couples on average earnings. A low tax wedge makes it easier for employers to employ staff. Ireland has the lowest tax wedge in the entire OECD for married one-income and married two-income couples on average earnings. Ireland derives the fourth smallest proportion of tax receipts from labour of the EU countries. Only Bulgaria, Cyprus and Malta have lower tax

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receipts from labour and, as we know, Malta has tax receipts from persons who want to claim tax benefits there. Employees in Ireland make very low social security contributions by EU standards. Only Lithuania and Estonia have lower employee social security contributions and employers in Ireland also have the third lowest social security contributions in the EU, just above Cyprus and Denmark. We in this country have to recognise these facts because we are in circumstances where we must have a real discussion about the relative balance we have between taxation, borrowing and expenditure.

Deputy Joan Burton: On amendment No. 7, will the Minister outline the position of the levy charge on persons who are on a remittance basis?

Deputy Brian Lenihan: Of course. I became waylaid, for which I apologise.

The Deputy's amendment proposes to insert a section in the Finance Bill which states that section 13 of this Bill in providing for a repayment of tax where income is not remitted in particular circumstances will not provide a relief from the income levy. Section 13 provides for a relief by way of repayment where income is not remitted other than exclusion of that unremitted income from the operation of PAYE. Therefore, the income in question will have been subject to the income levy in the same way as any other emoluments. The provisions of section 13 are solely a repayment of tax deducted and not a repayment of any other levy, health contribution or PRSI that would be payable in respect of an emolument paid to an employee. As the legislation already ensures there is no exemption from the levy provided in section 13 of the Bill, I do not see the need to state this and do not see any need for the Deputy's amendment.

Deputy Kieran O'Donnell: The Minister has confirmed this is dealt with as a levy. The Minister himself referred to the lower income paid. The point being made is that the figure of €18,304 was picked because it is the exemption ceiling for PRSI. If someone is on €353 a week rather than €352 a week, that person will pay an extra €600 overall in levies per year. The simple overall point we are making is that the Government should be ensuring this measure is progressive. However, this means that if one earns an extra €1 per week, one will pay an extra €600 overall in levies per year, which is fundamentally flawed.

An Leas-Cheann Comhairle: Is the Deputy pressing her amendment?

Deputy Joan Burton: No, but when the new remittance system goes into operation, I will seek to establish that what the Minister says actually applies because I believe strongly that the section the Minister has drafted is open to avoidance and mitigation in respect of the levy.

Amendment, by leave, withdrawn.

Deputy Richard Bruton: I move amendment No. 8:

In page 11, line 19, after "emoluments." to insert the following:

"Notwithstanding the foregoing, capital allowances on investments undertaken in order to comply with government requirements would be allowed as a deduction according to the standard rules which apply for such an investment."

I resubmit this amendment because on Committee Stage the Minister did not have an estimate of the cost of the concession sought. I am sure he has had the opportunity in the intervening time to work out its cost. The Minister argued against the amendment on Committee Stage on the grounds that by investing in environmental protection or other compliance requirements,

one is enhancing the wealth of the owner. In fact, these compliance requirements enhance the common good and not the wealth of the owner. If the wealth of the owner were to be enhanced, there would be no requirement to have compliance rules and regulations, because it would be seen as a good investment.

The same problem applies in this case. There is no sunset clause on this tax. As a result, unfair elements, apparent to everyone, are being imposed and will take on a life of their own, perhaps not for perpetuity, but for a considerable period. We ought to take more care in this regard. I accepted the Minister's argument that we do not wish to see very high earners sheltering income and avoiding tax and that the levy should apply. However, the decision to rule out capital allowances is of far greater import than simply addressing the case of a small number of high net worth individuals who succeed in avoiding every tax. This goes to the core of what constitutes one's income before or after allowances are calculated, and what is needed for investment to keep the business in operation.

I am not happy with the caviller argument of the Minister to the effect that applying a system of levies which takes no account of people who plough money back into their business is fair, because a small number of high net worth individuals avoid every tax. If one wishes to tackle tax matters relating to high net worth individuals, I can provide many ideas. One could cap the aggregate of tax reliefs available from any source at a given figure. We previously suggested a figure of €100,000. There are many ways of getting at those individuals without creating a tax structure which is inherently flawed, which is the case in this instance.

Deputy Brian Lenihan: Although they have attempted to do so, my officials find it difficult to put an exact figure on the amount that would be lost to the levy were capital allowances permitted. As Deputy Bruton is aware, the income levy has been introduced as a measure to re-establish tax revenues. It applies across all income streams and it is determined on an individual basis at progressive rates, depending on the financial circumstances of the individual. The amendment proposed by the Deputy would grant special treatment to those individuals who are obliged to invest in capital assets to satisfy requirements of the particular sector in which they trade. That would be contrary to the general thrust of the policies underpinning the income levy and would place certain taxpayers in a preferred position over others.

The tax system already provides reliefs in respect of such capital investments, allowing the investor to write off against income tax in full the relevant cost of the investment over a defined period of time. The capital investment referred to by Deputy Bruton can already be claimed against income tax and written off in full over the period of the investment. I fail to see how the 1% levy prejudices the person in question. It should be noted that the acquisition of assets for use in a trade normally results in an increase in the asset wealth of the business and the possibility of the owner disposing of this asset at a gain at a later date.

Deputy Bruton indicated on Committee Stage that the particular capital investments about which he was concerned and which prompted this amendment related to farming investments to comply with the EU nitrates directive. The Department of Agriculture and Food made generous grants available for many of these particular capital projects. The remainder of the cost of these projects can be written off in the normal way against income tax.

Amendment put and declared lost.

Deputy Arthur Morgan: I move amendment No. 9:

In page 12, line 40, to delete "€18,304" and substitute "€37,000".

Amendment put and declared lost.

Deputy Richard Bruton: I move amendment No. 10:

In page 13, between lines 10 and 11, to insert the following:

“(d) in the case of persons whose income only exceeds the threshold set out in paragraphs (a) and (c) by €10,000, only half of the levy calculated under Part 18A will be payable.”.

Amendment put and declared lost.

Amendments Nos. 11 to 14, inclusive, not moved.

Acting Chairman (Deputy Charlie O'Connor): Amendments Nos. 15 and 16 arise from committee proceedings. They are related and will be discussed together.

Deputy Joan Burton: I move amendment No. 15:

In page 38, between lines 10 and 11, to insert the following:

“8.—Where medical expenses claimed as a tax credit consist of or include IVF treatment, the expenses shall to that extent be allowable at the higher rate.”.

I raised this matter with the Minister on Committee Stage. The Minister has proposed to flat rate medical expenses relief, which was allowed at 41% and to reduce the relief to 20%, save in the case of nursing home expenses, which will remain at 41% for some time. I drew the Minister's attention to an area in which I believe there is a particular hardship being inflicted. It applies to couples and persons undergoing a course of *in vitro* fertilisation, IVF, treatments. I also raised this matter with the Minister for Health and Children and I have confirmed that IVF treatment is not available in the country.

Where a couple wish to have a child, have exhausted other possibilities and have undertaken a course of IVF treatment, it must be done on a private basis. It is not something for which medical insurance companies will pay, or for which they will make a substantial contribution. Normally, it must be paid for by the couple involved. For many such couples it may be the last opportunity to have a child and the treatment is, therefore, very important and significant for them and their wider families. These people experience a longing, hope and desire to have a child.

The process currently involves protracted medical investigations to see if the woman is suitable for the treatment. Then, if it is possible and recommended to undergo the treatment, one must provide for up to three or more courses of treatment. The initial investigation and each course of treatment can cost between €2,000 and €3,000. It is not unusual for a course of IVF treatments to ultimately cost at least €10,000 and I have heard of cases where it may cost up to €20,000. In such circumstances, the treatment must be carried out privately, because it is not available through any public treatment of which I am aware. In that case the medical taxation relief is remarkably significant and important for couples. Couples must fund the treatments and, in many cases, the preparation for the treatment, the investigations and the treatment itself often entail the woman reducing her workload or, in some cases, stopping work completely.

Not everyone who goes for IVF treatment is well-heeled. There are people in all circumstances who wish to have a child but cannot without the support of IVF treatment. Their families may come together to help with financial support. I asked the Minister to examine this matter. The Minister for Health and Children suggested she would examine the matter and introduce a scheme to recognise the difficulties arising for affected couples.

While statements have been made by parents who are taking their children for highly expensive orthodontic treatment, there is some level of provision through the public system for very severe cases. This is the reason IVF treatment is unique. I tabled this amendment again because the Minister had stated he would examine this issue to ascertain whether he could do something to assist. The Minister should indicate whether, having had some time to think over the matter, it is possible for him and his colleague, the Minister for Health and Children, to do something to assist couples who find this is the only way in which they may be able to have a baby. This is an extremely expensive option for which the State makes no public provision. Although the Minister spoke glowingly a few minutes ago of Scandinavia, one can get some assistance there from the state in respect of such issues. The Minister should indicate whether he has had time to think about this issue or to give some consideration as to how he might assist such couples.

Incidentally, I refer in particular to those who already have entered the treatment process. The ending of the higher rate health relief has taken them by surprise, as they have built up a budget that now has been increased by approximately 21% because of this unexpected change.

Deputy Kieran O'Donnell: I wish to speak in support of these amendments. Deputy Burton referred to the point I wish to make in respect of orthodontic treatment. Public provision for orthodontic treatment is not great and is highly limited. Many parents have started their children on courses of orthodontic treatment that can take up to two or three years. They have committed to expenditure that is not of a type that one can incur before the end of 2008 to get relief at the marginal rate. Many of those affected are on relatively reasonable incomes and pay tax at the higher rate. If such treatment had started before an appropriate date, such as the date of the budget, consideration certainly should be given to extending marginal relief for a year. This would be a reasonable proposition regardless of the cost.

As for the over-70s, who are being caught by the 1% levy, their medical expenses as a proportion of their income are much higher than those of younger people and strong consideration should be given in respect of marginal relief. I also wish to make a general point on the 1% levy to which the Minister referred. While I am open to correction, the aforementioned levy is the first that is not for any particular purpose. Normally, a levy is granted for a purpose. For example, the health levy was granted for health expenditure and the income levy for youth. The new levy really is akin to another form of income tax. While one may call it a levy, effectively it constitutes income tax. For example, in the area of capital allowances, aside from the point Deputy Bruton made previously, people in small businesses who invest in equipment and who are paying no income tax will be hit with this 1% levy, which constitutes income tax. While the Minister may call it a levy, it is no such thing. I support the amendments and restate my two points in respect of orthodontic treatment where it has been started and the ongoing medical expenses of the over-70s, for whom relief at the marginal rate was a huge factor in their disposable income.

Deputy Richard Bruton: I wish briefly to discuss amendment No. 16, which I tabled, which pertains to people who are over 70. The Minister fails to appreciate the quadruple whammy this budget has administered to people in this category. If one is a retired person aged 70 or over and has an income that is just over the average industrial age, one will be obliged to pay the 2% health levy for the first time, as well as the new 1% levy, which one would not have paid previously. Moreover, one will lose one's medical card, which I conservatively estimate to be worth €2,000, as well as the medical relief one would have received at the marginal rate, which I estimate to be worth between €1,000 to €1,500. Through this budget, the Minister hit people in this category, with modest incomes and high medical expenses, for approximately €5,000. I refer to people with incomes of between €36,000 and €50,000, for whom this constitutes a 10% hit on their take-home position.

[Deputy Richard Bruton.]

I simply do not understand the reason the Minister should decide that those who are 70 and over, whose income is greater than the magic figure of €700 per week, suddenly have become those who should shoulder a 10% burden. The burden is greater than 10% if it was taken from their after-tax income. I cannot discern the reason the Minister has decided to do this. This is the fourth measure to be targeted at them. The Minister has removed the medical card from them and has hit them for the health and Lenihan levies and now proposes to hit them in respect of their relief for medical offences. It is unfair and I cannot discern the rationale. The Acting Chairman, who has his ear to the ground, will share my wonder as to the reason this measure is being taken. This is the smallest of the concessions Members seek and the Minister should give it.

Acting Chairman: I am bound to note the Deputy should not draw the Chair into the business of the House.

Deputy Richard Bruton: I beg the Acting Chairman's pardon.

Acting Chairman: I call the Minister, who should note that three minutes remain before this business must adjourn

Deputy Brian Lenihan: I will try to deal with the points raised. Deputy Bruton raised the issue of income earners aged 70 and more who did not qualify for the medical card and has suggested both here and on Committee Stage that they would be obliged to pay the health levy. This is not the case. The Health Act 2008 provides that all persons aged 70 and over will be exempt from the health levy, no matter what is their income or whether they have a medical card. This suggestion is incorrect.

Deputy Richard Bruton: This is one of the Minister's U-turns.

Deputy Brian Lenihan: It is not a U-turn.

Deputy Richard Bruton: It is a U-turn.

Deputy Brian Lenihan: As for Deputy Bruton's amendment, I understand he envisages that higher rate taxpayers, who are 70 years old or more, should be allowed to deduct health expenses at their marginal rate. The biggest health expense that an elderly person may face is nursing home fees and I have introduced an amendment to ensure that such fees will continue to be deductible at the taxpayer's marginal rate.

Deputy Richard Bruton: Only 3% of elderly people are in nursing homes.

Deputy Brian Lenihan: The majority of persons who are 70 years of age or more——

Deputy Richard Bruton: The bulk of elderly people are not in nursing homes.

Deputy Brian Lenihan: This is the biggest single expense——

Deputy Richard Bruton: They face medical expenses in their own home.

Acting Chairman: The Minister should proceed.

Deputy Brian Lenihan: Assuming that such people are insured, this is the biggest expense they face. The majority of persons who are 70 years of age or more have no liability at the higher rate and many are exempt from tax altogether. I am informed by the Revenue Commis-

sioners that approximately 90% of all income earners over 70 do not have a liability at the higher rate and, therefore, would not be in a position to benefit from this amendment. The proposition that one should have a special regime based on age for higher taxpayers cannot be justified.

Deputy Richard Bruton: The Minister stated that only 5% would lose their medical cards.

Deputy Brian Lenihan: As for Deputy Burton's point, higher rate relief is of no benefit to standard rate taxpayers who seek IVF treatment and the reintroduction of higher rate relief is not the answer in this respect. The Government must examine whether a scheme that will help both higher and standard rate taxpayers in the same way is feasible. An expenditure-based scheme would be required, were this to be addressed in current economic circumstances. I will raise this issue in that context with the Minister for Health and Children.

Acting Chairman: I remind Deputy Burton that less than one minute remains, after which I will ask her to adjourn the debate.

Deputy Joan Burton: I am disappointed by the Minister's statement. He will be aware that a couple in which only one person works is subject to a much more penal tax code because of the absence on individualisation. I believe I explained that for a number of people who undergo IVF treatment, the process can be highly intensive and one may find that only one spouse works. Consequently, the Minister's remarks do not necessarily apply because single income couples enter the higher tax bracket much faster than do dual income couples.

Debate adjourned.

Private Members' Business.

Housing: Motion.

Deputy Ciarán Lynch: I move:

“That Dáil Éireann:

expressing its serious concern at:

- the huge increase in the numbers on social housing lists which have jumped from 43,700 to nearly 60,000, an increase of more than 30% in just three years;
- the continuing problem of homelessness, with an estimated 5,000 experiencing homelessness at any one time;
- the worrying increase in the number of repossession orders for family homes being sought in the courts;
- the need for the proper implementation of an inspection regime regarding housing standards in the rental sector;
- the ongoing difficulties faced by many residents in both apartments and housing estates as a result of the unregulated operation of management companies; and
- the failure of the Government to honour the commitment contained in the programme for Government to expand delivery of social and affordable housing options to meet the needs of 90,000 households;

[Deputy Ciarán Lynch.]

calls on the Government to:

- take steps to ensure that, where possible, existing, unsold housing units are secured for purposes of social housing;
- approve the construction of an additional 10,000 social housing units each year for the next three years;
- make rent supplement (RS) more employment friendly by bringing means assessment into line with differential rent schemes;
- enhance families' access to the rental accommodation scheme;
- adequately resource and fully implement, "The Way Home", a strategy to address adult homelessness;
- negotiate a new code of practice with the financial institutions providing for a moratorium on repossession orders for family homes during the current recession;
- amend the Residential Tenancies Act 2004 to provide for the creation of a national inspection regime regarding housing standards in the rental sector, along with the establishment of effective and efficient timeframes in which disputes should be resolved;
- publish as a matter of urgency a Bill, based on the draft provided by the Law Reform Commission, aimed at reforming the law on multi-unit developments including apartment developments;
- strengthen the powers of local authorities to deal with anti-social behaviour; and
- broaden the terms of the current tenant purchase scheme along with allowing local authority tenants the right to buy their apartments."

I wish to share time with Deputies Upton, Ó Snodaigh and Ferris.

The motion I put before the Dáil jointly on behalf of the Labour Party and Sinn Féin calls for a moratorium on house repossessions, an expanded programme of social housing, new measures to deal with the problem of homelessness, stronger protection for tenants in rented accommodation and legislation to regulate the activities of management companies.

As we approach Christmas 2008 there are more people than ever on social housing waiting lists, an unprecedented number of families are facing the threat of having their homes repossessed and homelessness is as prevalent as ever.

The threat of losing a home is possibly the greatest fear a family can face. As unemployment grows, more and more families who took on heavy mortgage repayments, based on incomes they were then earning, now find that as a result of the loss of one job or more, they are coming under pressure from financial institutions. A spate of repossession orders in the new year could create a social disaster and the Government must negotiate a moratorium on repossession orders for the duration of this recession. I note from this morning's newspapers that 14,000 households are over three months in arrears.

The social housing figures published last week showed a jump from 43,700 to nearly 60,000 in just three years in the social housing list. What is truly shocking about this figure is that the Government has presided over a doubling in the social housing list over the past ten years.

These figures show the extent to which Fianna Fáil squandered the boom, leaving tens of thousands of families high and dry without adequate housing. An expanded social housing programme would not only provide families with badly needed accommodation, but would also help to put the construction sector back to work.

No Member of this House should need to be reminded about the issue of homelessness when we see the persons huddling in the porches and alleyways around Leinster House each evening. Despite this daily reminder, there are an estimated 5,000 experiencing homelessness at any given time, almost 500 of whom are children. It is in this context that I put the motion before the House.

It is clear that as far as the Government is concerned it is a case of “Crisis! What Crisis?”. How you define a housing crisis is determined by how you define the purpose of housing. Do you see it as a commodity? Do you see it as a home? Do you want to build developments or do you want to create communities? Ultimately, do you want developer-led Government or Government-led development?

When this Government came to power the average house cost three times the income of a working family spread over a 20 year mortgage. Just before the housing pyramid collapsed the cost of an average house had risen to 12 times the average income, with a mortgage of 30 plus years now the norm. In the period 1997 to 2007 residential mortgage debt in Ireland grew to an extraordinary 522%. Many made money from home buyers in that period as the market rose and many will continue to make money as these mortgages continue to be paid over the coming decades.

How did this happen? The answer is simple. Those who had a duty of care — Government, regulators and banking institutions — all neglected that duty and this country’s future was invested in a property bubble. An example of this mindset was best captured in April 2006 when the then Taoiseach, Deputy Bertie Ahern, spoke about the “health” of the housing market and sneered at economists who predicted a collapse. With chest out he proudly proclaimed that people who listened to the “loo-las” would have missed the boat and would have to pay more for their houses at that time. This is the type of frightening talk we are more used to hear coming from dodgy salesmen, with a mantra that you should get in and buy now or you will have to pay even more later.

It did not matter to Deputy Ahern or his Government that the cost of buying a home was out of control and running beyond the grasp of working people. It did not matter that families were being locked into mortgages that would take them their entire working lives to clear. It did not matter to them, in those sunny days, that when a rainy day came people would be in danger of losing their homes because of their recklessness.

This motion, once and for all, seeks to banish the mindset that the primary purpose of housing development is profit for speculators. This motion purposes that housing development, whether private or public, is to meet the needs of society in providing people with homes of a quality standard, at an affordable cost and providing long-term security.

If there has been a consistent theme to how Fianna Fáil developer-led Government has been focused towards the housing market over the years, it has been to focus on sorting out the developers, and on getting new developments built; and then at some stage in the future maybe get around to sorting the problems of schools, transportation, green spaces, common areas etc. In the private rental sector, for example, figures I obtained show that less than one in ten houses are inspected for standards. The figures produced by the Department of the Environment, Heritage and Local Government show that less than 6% of 188,000 registered private rented dwellings were inspected in 2007. The Minister, Deputy Gormley, speaks of introducing guidelines and “a dedicated stream of money” to local authorities to carry out inspections but

[Deputy Ciarán Lynch.]

it seems he neither has the determination nor the powers to ensure that inspections are carried out and that standards are enforced. The result is that, despite promises of legislation, vulnerable people are left without protection.

Just like social housing, the private rented sector fills an important function providing necessary housing for hundreds of thousands of people. However, it is unacceptable that, despite the legislation in place, and the promise of even more in 2009, adequate enforcement of standards is still not in place.

What is needed to ensure standards in the rental sector, whether private or social, is the creation of a national inspection regime ensuring that standards are enforced and which would guarantee the establishment of effective and efficient timeframes in which disputes would be resolved and in the case of local authority housing, determine an acceptable period in which urgent repairs must be carried out.

The problems relating to management companies are well understood and have been analysed to a great extent by the Office of the Director of Corporate Enforcement.

These companies, many of which were set up by developers, need to be regulated in the interest of residents rather than developers. The fact that they are currently in a legal no man's land is causing endless trouble for affected residents. For several years, the Government has spoken about the need for legislation in this area but we are continually fobbed off with policy reviews and committee meetings. This motion calls for less conversation from this Government and a lot more action.

If we were to look to the long awaited Housing (Miscellaneous Provisions) Bill 2008 as a remedy to the issues identified in this motion we would be well and truly disappointed. That Bill was expected to deal with homelessness but, embarrassingly, this issue was omitted when it was first published. The Government was shamed into cutting, copying and pasting a paragraph on homelessness into the Bill when it was debated in the Seanad. The Bill's response to anti-social behaviour is to load additional bureaucratic nonsense upon local authorities without giving them any additional powers. This will only add to the frustration that currently arises when residents make a complaint and find their situation has not improved at the end of a long and futile merry-go-round.

The biggest indictment of the Bill is its revelation that the mentality of the Galway tent is still alive and well when it comes to promoting tenant purchase schemes. The significant changes in this area are targeted towards shifting property described as "new build". There will, therefore, be no new incentives to regenerate existing communities by allowing tenants to purchase their homes. In fact the Bill could cause a repeat of the exodus in the 1980s of earning residents from local authority estates, a mistake for which we are still paying the social and financial costs. The Bill in its present form continues to ignore tenants of local authority flats, who have been left in the lurch for years and denied the right to buy their homes. It intends instead to introduce a purchase scheme confined exclusively to new build property, whereby people who have been assessed for social housing can get a loan up to €285,000 from a local authority once they have been refused a mortgage by at least two lending institutions. Ironically, this is going to be called the first choice purchase scheme. As everyone knows, people are refused mortgages for two reasons. One is that the evidence indicates the prospective lender cannot pay back the loan and the second is that the property is over valued. What purpose will this scheme serve other than to provide a sub-prime lending service and set a false floor price for new houses in a declining yet still over valued property market?

While this country is no longer as wealthy as before, it is wealthy enough to be ashamed of its record on homelessness. With housing vacancy rates in Ireland of 15%, it is unacceptable

that 5,000 people will be on the streets this winter. We need a strategy which enables homeless people to make the successful transition from temporary emergency shelter to long-term accommodation. This can only be done if the proper rehabilitation processes are in place and on the basis of a cross departmental and interagency approach.

Even in today's falling housing market, hard working couples can find that the cost of buying a home exceeds ten times their income. If they are waiting for social housing they can find their names have gone backwards rather than forwards on an ever increasing list. If they live in the rental sector they cannot be confident that the basic guaranteed standards will be enforced. For too long, this Government's housing policy has been driven by the needs of everyone but home dwellers. The situation badly needs to be changed and the motion before the Dáil demands that we get our priorities right and our house in order. It is time to end developer led Government and to put in its place Government led development, whereby house prices are driven by affordability rather than speculation, standards are enforced and not just put on paper and communities instead of housing developments are built. We need to look beyond the bricks and mortar to insist on a future built on a foundation of social conscience and integrity. I commend this motion to the house.

Deputy Mary Upton: The legacy of the Celtic tiger will not be relished by a large number of people in this country because of the fear it has generated in their lives. They face a stark outcome of uncertainty about their homes, heavy debt from their mortgage commitments, lives in overcrowded conditions and shelter in hostel accommodation or a cardboard box in the doorways and archways not far from these Houses.

What is the real outcome of the downfall of the tiger? The number on the social housing lists now tops 56,000 and more than 5,000 people are homeless. Major urban regeneration projects such as St. Michael's Estate in Inchicore have failed and revised plans have been scaled back significantly. There is no regulation of management companies nor support for apartment owners, although a great deal of favour is shown to landlords and construction companies. Unfinished and vacant housing and commercial developments dot the country, with all the signs of neglect and incipient dereliction. Lack of regulation by the Financial Regulator led to sub-prime lending and 100% mortgages and spurred the recent spike in housing repossessions.

There were opportunities over the past ten years to deal with homelessness and social housing but they were squandered. The Government's job is to lead and make the right choices for all the people and not just the chosen few. Above all else, it has the responsibility to protect those least able to look out for themselves. This did not happen for many people who now face repossession of their homes or exorbitant mortgage payments which they cannot make because of rising unemployment. The Government bought into the property bubble and bent over backwards to provide tax breaks to help developers continue building private homes. There were no sanctions for the banks and mortgage providers which indulged in excessive and irresponsible lending practices. I have previously referred in this House to the case of a woman on a community employment scheme who was given a mortgage worth €150,000 that she has no prospect of repaying and is now facing the repossession of her house. Tax breaks were available for second homes. Poor planning decisions went unheeded and every attempt to update planning legislation to favour residents over developers was dismissed.

As we look back on this activity it is clear that very little was done to support those in need of help. Where are the supports for the thousands of homeless people? A hostel for the homeless was built on James's Street in my constituency but was not opened for months because there was no funding for its day-to-day operations. It was only today that the official opening of this facility took place, although I acknowledge it has now been open for several months.

[Deputy Mary Upton.]

The legislation to regulate management companies seems to be stored in mothballs. The future of our cities and towns is higher density development and, in all probability, more management companies yet the Government seems incapable of regulating these companies so that they work for their residents instead of their directors and management agents.

Home repossessions are increasing. An increasing number of people in my constituency are facing an uncertain future in their homes. The social housing list continues to expand, with 4,991 people on the social housing list in the Dublin City Council area alone. As this figure dates from February 2008, it probably underestimates the true nature of the current list.

If we bail out the banks what does Ireland get in return? Will we see an end to primary home repossessions for the duration of the recession, as is the case in the UK? Will repossessed commercial space be given to community and sports groups? Will houses in vacant developments be made available to people on housing lists? Thus far, we have received absolutely nothing for bailing out the banks, despite the large cheque written by the Minister for Finance, Deputy Brian Lenihan, to accompany the State's guarantee. The Government has forgot that it was using taxpayers' money during the Celtic tiger era. Now that the good economic times are over, it is clear that no real progress towards equity and equality in the housing market was made. We have thousands on the national housing lists and many more face evictions or repayments of sub-prime mortgages. Public private partnership regeneration projects are foundering as developers look for more money and the Government's relentless drive to support developers has not given Ireland any long-term benefit or addressed the huge housing crisis. The Irish housing boom was the emperor which never had any clothes and people are only just beginning to feel the consequences of the various ill-judged investments of taxpayers' money over the years. I commend the motion to the House.

Acting Chairman (Deputy Charlie O'Connor): Tá deich noiméad ag an Teachta Aengus Ó Snódaigh.

Deputy Aengus Ó Snodaigh: Ba mhaith liom 15 noiméad agus cúig a thabhairt don Teachta Ferris.

Acting Chairman: I am happy with anything the Deputies have agreed among themselves.

Deputy Aengus Ó Snodaigh: Ba mhaith liom mo bhuíochas a ghabháil le Phairtí an Lucht Oibre as ucht tacú linn an rún seo a chur os comhair na Dála anocht.

In recommending this Private Members' motion to the House I will outline Sinn Féin's approach to housing and homelessness and speak to a number of central elements of the motion, which is co-sponsored by the Labour Party. Issues related to housing probably constitute the bulk of most public representatives' work throughout the country. In my own area it probably accounts for approximately 80% of the people coming to the various clinics or advice centres that I or the councillors in my area have. It is certainly the case at local authority level but I am sure if everybody in this House was asked what the bulk of their work would be at local level, it would be work dealing with housing and homelessness.

Sinn Féin believes housing is a right and not a privilege. Whereas the majority of people living in the State can afford to own or rent their own home, an increasing number cannot. That is a position which, unfortunately, is set to worsen given the current economic climate and the rapidly rising level of unemployment. There is also an increasing number of people who because of that economic situation are being forced out of accommodation which they were in the process of buying through a mortgage and on to the public housing lists.

I received figures tonight relating to the mortgage interest supplement which indicate the number of people availing of it has doubled in two years. That is a yardstick by which to measure the crisis we are facing. For such people, the State has a political and social responsibility to respond to their housing need and ensure they are adequately housed. That is not something which can be reneged on simply because the economic climate has changed. Addressing the housing problem is inextricably linked to the overall economy and particularly in an economy such as our own, where construction comprised such a major part and where so many people have recently lost their jobs.

Whereas social benefit measures such as rent supplement, mortgage interest supplement and the rental accommodation scheme have a role in addressing housing problems, it is Sinn Féin's view that the provision of social housing, funded by Government via local authorities, must be the central element in any successfully housing strategy. Unfortunately, that did not happen over the most recent period when more resources were available to the State than at any other time in our history.

Figures released last week by the Minister of State with responsibility for housing, Deputy Michael Finneran, demonstrate two stark facts. The first is that housing need in the State is increasing every year and has now reached crisis proportions. In March this year, 59,000 households were in need of housing, languishing on local authority waiting lists. That figure has increased substantially since then, given the economic crisis. More than 40,000 children live in these households and the most frightening aspect of that figure is that it has grown to such an extent over the years of economic prosperity. Inevitably, unless immediate and urgent action is taken to tackle the waiting lists through a programme of public house building, it will continue to grow, perhaps even at a faster rate.

A second stark fact was outlined in the Minister of State's figures, although he did not understand how stark it was. The Government housing policy is failing, which is demonstrated by the fact that since 2005 housing need has increased by 30% and has doubled in the past decade. As I have said, this was at a time when the State was arguably in a better position than ever before to do something positive to turn that issue around. Unfortunately, it was content to allow the private sector and property developers dictate the housing agenda, often in ways that were detrimental to people either buying or attempting to buy their own homes.

Many of those issues are fundamental to the current overall economic position and the so-called credit crunch. The simple fact is that the Government is not spending enough money on social housing and as a consequence, local authorities are not able to provide sufficient social housing to meet local needs.

In 2005 the Government's own think tank, the National Economic and Social Council, stated that the State would need 200,000 social houses by 2012 if housing need was to be met. On the basis of the existing stock in 2005, this would require the building of 10,000 social housing units every year for seven years. Since then the Government has committed to and completed significantly lower numbers of social housing than suggested by NESC, especially when one takes into account tenant purchase and de-tenanting, which leads to local authority housing stock being reduced.

Everything is rosy in the amendment to be proposed by the Minister of State, Deputy Finneran. He will tell this House that in 2007 and 2008 the Government met its NDP commitments of 9,000 social units a year. However, this is still nowhere near the level of new social units required to meet either the NESC targets or the levels of need in society. It is also the case that Fianna Fáil's current partner in Government, the Green Party, made a commitment broadcast to everyone of building 10,000 social housing units a year if part of the Cabinet. The

[Deputy Aengus Ó Snodaigh.]

party has Ministers in Cabinet in Deputies Gormley and Eamon Ryan. They must explain yet another failure to fulfil a promise made to the people who put them where they are.

Sinn Féin also believes that the figure of 59,000 households in need is a significant and deliberate underestimation of the actual level of need across the State. When drafting the guidelines for the triennial housing needs assessment, the Department of the Environment, Heritage and Local Government instructed local authorities to remove a number of categories of households from the final figures. These households included people designated by the local authority as in need of social housing but who are either living in local authority housing that was overcrowded, those who are materially unsuitable or living in the private rented sector.

This is a cynical exercise in massaging the figures and in doing so it undermines attempts by local authorities to develop housing plans based on an honest and objective assessment of the levels of need in their areas. It also grossly underestimates the true level of unsatisfactory accommodation and effectively condemns a significant number of people to continue to live in below-standard accommodation and to be unable to improve their position by accessing local authority housing.

From a political perspective the massaging of figures serves the short-term interest of the Government and the self-defeating purpose of pretending or seeking to portray the housing issue as not as bad as it actually is. Such tactics tend to backfire, as the many thousands of people affected are unlikely to be fooled by the rhetoric or massaging of figures.

Today I challenge both the Minister of State and the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to come clean and release the full figures for households deemed by the local authorities to be in need of social housing. That would at least give us a clearer and more accurate picture of the actual position and allow housing policy to be guided by a response to it. That works under the assumption that the political will exists for it.

As the joint Sinn Féin-Labour Party motion makes clear, our parties believe that in the current financial climate, Government and local authorities should do everything in their power to increase the stock of available social housing in the coming year. If unsold properties on the private market meet the standards required by local authorities, represent value for money for the taxpayer and are appropriate to the needs of families on waiting lists, the Government and local authorities should actively pursue the purchase of these properties, hopefully at or below building cost prices. In addition to meeting housing needs, it would have positive additional economic benefits.

With rising unemployment in the construction sector, the Government should also provide additional resources or loan guarantees to local authorities to commence an expanded social housing, new-build programme in the coming year. I again urge the Minister of State to examine regeneration areas which are blighted due to the collapse of their ill-thought out PPPs. That approach would represent a significant boost to the construction sector and to the overall economy at the current time.

At the minimum, we need 10,000 new social houses to be provided per year, net of tenant purchase, if the needs of the 59,000 households on local authority waiting lists are to be met. I say “at the minimum” because the actual demand is undoubtedly higher. In addition, the numbers seeking to leave private accommodation, which they are currently either buying or renting, will increase significantly over the next period if, as predicted, the economy continues to be in a depressed condition.

At a time of rising demand and deepening recession, it makes both social and economic sense for the Government to invest in social housing. Failure to do so will not only further exacerbate our economic difficulties, but will also lead to a further increase in levels of need,

with more families, including children, languishing on waiting lists in overcrowded, materially unsuitable accommodation, or in accommodation that they simply cannot afford.

Deputy Arthur Morgan: This is the Minister of State's chance.

Deputy Aengus Ó Snodaigh: Homelessness is another serious problem linked to the lack of suitable housing. This phenomenon has been increasing in recent years and appears to have worsened in the current economic downturn. At any one time, approximately 5,000 homeless people are living in the State and it is estimated that as many as 1,800 people become homeless each year. For some of these, drug and alcohol addiction, family breakdown, domestic violence or psychiatric illness are the triggers that lead to homelessness. Others, however, are actually part of the economy or have been recently let go from their jobs. That is a particularly frightening aspect of the problem and illustrates both how it is possible to reach that situation and how difficult it is to escape from it.

Whatever the reasons for homelessness, however, the central problem of those affected is that they cannot access a place to call home, and because of that they almost attain the status of non-persons. Everything becomes far more difficult when a person has no home; life becomes more precarious and often dangerous.

As I said earlier, housing needs have reached crisis point with 59,000 households stuck on local authority waiting lists. On top of that, many people are living in homes that are unsuitable, overcrowded and too expensive. These people are most vulnerable to becoming homeless given their profile and problems. Some 80% of people in that category are single men, representing the sharpest end of housing needs in this State. That is especially so, given that they rate as a lower priority on the housing lists than others, for example, adults with children, but that is not an excuse for failing to meet their needs.

That figure is a symbol of the Government's ongoing failure to meet the housing needs of the most vulnerable in our society. Figures released yesterday by the Homeless Agency in Dublin indicate a 4% increase in homelessness in the city. Some 2,300 people are homeless in Dublin city tonight. I know that people are living in tents in the Phoenix Park, many of them from eastern Europe. The homeless represent a cross-section of our society, including people who were recently part of the workforce but who have lost their jobs, are unable to keep up rental payments and have been forced onto the streets.

I commend this motion to the House. I urge the Minister of State to withdraw his amendment and vote with us to tackle the problems of homelessness and housing need in our society.

Deputy Martin Ferris: As Deputy Ó Snodaigh outlined, housing needs have reached crisis point. Some 59,000 households are stuck on local authority waiting lists. That figure has increased steadily over recent years and will continue to grow. Those on housing lists are often living in homes that are unsuitable, overcrowded and too expensive. They have to share accommodation with others, including family members, or are in private rented accommodation that they cannot afford. Many families with children, in particular, are living in apartments and flats that have no facilities for children to play, either within or close to the buildings. In many cases, that means that children spend much of their time cooped up inside.

Much privately built and rented accommodation around our cities and towns is unsuitable for the raising of families, yet many families are being forced to rent them. In many instances, this happens with financial support in the form of rent allowance because public authorities have been unable to meet existing demand and targets for social housing have not been met. That means that what appears to be a saving for the public finances turns out to be a drain on them. Instead of building a physical asset, the State has often provided large sums of money in

[Deputy Martin Ferris.]

rent allowances to accommodate people who might otherwise be housed by local authorities. In effect, speculators who capitalised on economic growth by building houses, have their mortgages paid for by the State.

In my county, the housing list grew from 1,483 in 2002 to 1,831 in 2005. Those years witnessed the pinnacle of the Celtic tiger, but despite that the signals were not recognised and the necessary steps were not taken to address the fact that the public housing building programme was inadequate to meet demand. Since then, the situation has worsened considerably in Kerry and elsewhere. The overall waiting list for the whole county is now over 3,300, which represents an increase of 82% since 2005. Some 1,296 of these are on the county council waiting list.

In Tralee town alone, the waiting list has grown from 948 in 2005 to 1,300 now, which is an increase of 37%. In Killarney, the increase is even greater with the list having doubled in those three years to around 600. That situation can be mirrored across the country in every council area. It gives an indication of the demand that exists as well as the lack of facilities being provided by the State. That extremely disturbing situation reflects an increasing dependence on the public housing sector as a consequence of house prices having been beyond people's reach. In addition, the increasing number of unemployed has led to increased demands on local authorities.

We cannot overlook the fact that while the economy was doing well and the public purse was full, resources were not invested in meeting that demand. The State was content to allow the private sector, including lending institutions, to set the housing agenda. That meant inflated mortgages and rents were often way out of line with wage increases as well as the consumer price index for other products and services. We must recognise therefore that there was a considerable element of profiteering involved in the housing sector, which has contributed to much of the current economic crisis.

It is not too late to address the shortfall in public housing. It has been argued that a housing programme designed to clear the existing local authority housing list, which is almost 60,000 for the entire State, would provide a substantial boost for the construction sector and the economy in general. If that route was followed we would be killing two birds with one stone: fulfilling a pressing public need and injecting much needed impetus and capital into the economy at a time of sharp downturn. It would also reduce the burden on rent allowance.

Homelessness is a growing problem that affects many people who have recently lost their jobs or who are in low-paid employment. The demand for local authority and social housing is stark, but it needs to be met. This situation offers an opportunity to the Government to sustain the construction sector and the economy generally. We can do that and everybody will be prepared to put their shoulder to the wheel if the Government is prepared to take that chance. Otherwise, it will be indicted for what has occurred, namely, a waste of money and the neglect of those most in need.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I move amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“welcomes:

- the comprehensive and ambitious modern housing policy framework set out in *Delivering Homes, Sustaining Communities*, and the continuing substantial progress made in implementing its programme of policy reforms and improvements in housing

services and their delivery, to be underpinned by the Housing (Miscellaneous Provisions) Bill 2008;

- the achievement of the 9,000 social housing ‘starts’ target under Towards 2016 in 2007 and the continued high level of activity which will deliver in excess of 9,000 social housing completions in 2008;
- the significant overall progress made in 2007 when the needs of a record 18,300 households were met through the range of housing programmes in place, a very credible first step towards achieving the National Development Plan target of meeting the needs of an average of 20,000 households per annum over the seven year period of the plan;
- the substantial increase in the delivery of affordable housing to over 3,500 units in 2007, with an output of over 4,000 anticipated for 2008, and proposed new options for the more efficient and equitable delivery of affordable housing announced in the context of budget 2009;
- the publication of an ambitious new homeless strategy, *The Way Home*, which, building on strong progress made under previous strategies, sets out a vision for addressing adult homelessness over the next five years, and reflects the Government’s commitment to addressing homelessness in a comprehensive and coordinated manner;
- the introduction of a revised suite of housing adaptation grants for older people and people with a disability to provide a more targeted and integrated response to their housing needs;
- the progress made in implementing the second round of local authority traveller accommodation programmes, with some 1156 traveller families accommodated under the programmes up to end 2007;
- the recently approved range of measures which significantly improve the standards for rented accommodation, the doubling of funding for inspections by local authorities between 2005 and 2007 and the achievement of a 42% increase in the number of inspections carried out in 2007 compared with 2006;
- the significant changes made to means testing under rent supplement to provide greater incentives for recipients to take up employment; and
- the clear and focused response of the Government to unprecedented conditions in the financial and housing markets by developing the new Home Choice loan to assist prospective first time buyers affected by the credit crunch, the provision of improved mortgage interest relief arrangements for first time buyers, and the availability of effective supports for existing home owners having difficulties in meeting mortgage repayments;

notes the outcome of the Financial Regulator’s examination of procedures for handling mortgage arrears and repossessions across credit institutions and other mortgage lenders, including the findings that lenders generally have procedures in place which clearly state that the repossession of a residential property is a last resort, borne out by the limited numbers of repossessions secured through court orders, and the issuing, by the Regulator, of best practice guidance prepared on foot of its examination; and

[Deputy Michael Finneran.]

welcoming the Government's clear prioritisation of housing through the provision of almost €1.66 billion in funding for 2009 across the range of social and affordable housing programmes and the strong focus in prioritising the needs of the most disadvantaged households within the overall allocation, supports the Government's key objectives for 2009 to:

- continue the strong momentum towards meeting our commitments in Towards 2016 and our longer-term goals under the national development plan, including meeting social housing needs through long-term leasing of available private accommodation and through a substantial expansion of the number of households transferring to the rental accommodation scheme;
- complete the implementation plan for the new homeless strategy and roll out a comprehensive implementation agenda, supported by funding which is being increased by 5% in 2009;
- complete and publish a national housing policy for people with a disability;
- ensure the adoption of new five year traveller accommodation programmes by all local authorities;
- roll out a programme of Towards Carbon Neutral demonstration projects, commence a house condition survey of the local authority rented stock and progress a number of pilot retrofitting projects as part of an overall strategy for modernising the building and energy standards of the public housing stock;
- complete the passage of the Housing (Miscellaneous Provisions) Bill 2008 through the Oireachtas, including the introduction of provisions in relation to the prevention and reduction of anti-social behaviour in the local authority housing stock, and the extension of the tenant purchase scheme to local authority flats;
- complete the implementation of the new standards regime for rented accommodation and continue the programme of strengthening the local authority enforcement regime; extend the range of supports for home ownership through commencement of the home choice loan scheme on 1 January 2009, introduction of revised arrangements for affordable home purchases and the roll-out of the incremental purchase scheme;
- bring forward legislative proposals in response to the Law Reform Commission's report on multi-unit developments; and
- keep the mortgage market under review, having regard to the information available from the Financial Regulator and the banking sector, to ensure that households in difficulty with mortgage repayments receive fair treatment by mortgage lenders and can continue to avail of financial assistance under the supplementary welfare allowance system, where necessary."

As the Minister of State with responsibility for housing, I am pleased to move the Government's amending motion in this debate. I never cease to be amazed by the Labour Party's capacity to repeatedly table ill-judged motions, providing the Government with opportunity after opportunity to respond easily to its wide-of-the-mark claims by outlining our significant achievements. Given the time of year, the Labour Party Deputies remind me of turkeys voting for Christmas. For the purposes of tonight's debate, they have been joined by the Members of

the Sinn Féin branch of the turkey family. If they will insist on playing the turkeys, we are happy to do the stuffing.

I want to use my time this evening to do two things. First, I want to outline recent developments in our housing policy and programmes, particularly in our housing policy statement, *Delivering Homes, Sustaining Communities*, which was published early last year. Second, I want to respond to some of the reckless scaremongering by elements of the Opposition concerning house repossessions, which were described in a performance by the Labour Party leader that I can only call hysterical as Ireland's biggest ticking social time bomb.

Like all the best scaremongering, this is without foundation in fact. It seeks to create panic and unease in households already feeling the effects of the current economic conditions, the very households for which the Labour Party purports to be concerned. I will revert to this matter later.

I want to outline how the Government has consistently delivered on highly ambitious policy objectives and output targets for housing in Ireland. The Government's policy statement, *Delivering Homes, Sustaining Communities*, sets out a vision to guide the transformation of the housing sector in the medium term by delivering more and better quality housing responses in a more strategic way focused on the building of sustainable communities.

We are working on the implementation issues that need to be addressed to transform the housing environment to meet the challenges arising, many of which are identified in the policy statement. I am pleased to say that substantial strides forward have already been made. In recent years, we have made considerable progress in meeting housing needs through the broad range of social and affordable housing programmes. In 2007 alone, more than 13,000 social and affordable housing units were delivered and the needs of almost 18,300 households were met across the housing spectrum. This represents a significant increase of 24% on the level of needs met in 2006 and a significant step towards assisting an average of 20,000 households per annum over the seven years of the National Development Plan 2007-2013.

We hear much noise but little content from the Labour Party and Sinn Féin regarding housing. They hope that their noise will drown out the facts. It is time that the Labour Party faced up to the facts. When it was last in office in 1997, the needs of 9,300 households were met by the housing programmes in place. Last year, the Government's range of programmes met the needs of 18,300 households. While the truth hurts, this Government is meeting housing needs at double the level delivered by the Labour Party. I would have thought that before the Labour Party decided to try to lecture this side of the House, it would have undertaken at least some element of self-assessment of its own performance. This is not surprising, as the turkeys voting for Christmas phenomenon is alive and well on the benches opposite.

Deputy Aengus Ó Snodaigh: Who was in government at the time?

Acting Chairman: The Minister of State without interruption.

Deputy Aengus Ó Snodaigh: He is calling himself a turkey.

Deputy Pádraic McCormack: We will leave the turkeys out and get a few pigs.

Deputy Aengus Ó Snodaigh: Gobble gobble.

Deputy Michael Finneran: The commitment entered into by the Government under the social partnership agreement, *Towards 2016*, was to achieve 27,000 social housing starts in the period 2007-09. In terms of delivery, we set out to reach the first one third of this target in 2007. By

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the end of 2007, we had exceeded this target with a total of 9,061 starts across the local authority, voluntary and co-operative housing programmes and the rental accommodation scheme.

An ambitious target of delivering 17,000 affordable homes in the years 2007-09 was set in the agreement. The challenge presented to local authorities was to increase the supply of affordable homes, which stood at over 3,200 units in 2006. Authorities rose to that challenge, delivering a significant increase in the supply of affordable homes. They delivered more than 3,500 units in 2007, an increase on the previous year of 10%, and 2008 delivery is expected to exceed 4,000 units. While short of targets, this is hardly surprising, given the significant changes in the housing market.

The results of the housing needs assessment, which I published last week and which show an increase in net social housing need of more than 30%, are a reminder of the importance of sustaining this unprecedented level of effort. The increase presents a challenging scenario. However, in light of our delivery record, which all indications suggest is continuing at a strong pace in 2008, the increase is more representative of economic drivers, such as movements in houses prices and an increased number of foreign nationals resident in Ireland, than it is an indictment of what we have achieved in terms of output and the range of tailored supports put in place.

Everyone knows the difficult economic climate in which we live and the pressures on the public finances. Despite these, the Government is providing €1.66 billion in funding for housing in the 2009 Estimates. While this is a reduction of 4% on the 2008 Estimate, it is still well ahead of where we were in 2007 and, taking account of the better value now to be had in the market, will allow us to maintain strong momentum towards meeting our commitments in the Towards 2016 social partnership agreement and our long-term goals under the NDP.

Despite the compelling demands and priorities calling on available resources, the Government has shown its commitment to minimising the impact of the tighter financial situation on the social housing programme. The reduction in resources in this area of activity has been kept to just 1.7%. Nevertheless, I accept that even small-scale reductions in funding present challenges for us and local authorities in terms of maintaining levels of activity at current levels. Therefore, we are determined to optimise the use of available resources.

One way or another, the extent of current housing need, notwithstanding the debate around how we best define it, demands a flexible and imaginative response to the structuring of our investment programme. In the context of a difficult economic transition, we must seek to maximise the return on public investment, as measured by the extent to which we are meeting housing needs. More than ever, we need to question the accepted ways of doing things.

One option that my Department will be pursuing with local authorities in the context of their 2009 investment programmes will be the use of long-term lease arrangements for social housing purposes to supplement traditional local authority construction or acquisition. This would provide a more cost effective, targeted approach in line with the principles of the life cycle concept endorsed by the social partners.

Tackling homelessness, undoubtedly one of the most complex areas of my brief, will continue to be one of my top priorities in 2009. When I launched the Government's new homeless strategy in August, I outlined my vision for ending long-term occupation of emergency accommodation and the need to sleep rough, two challenging but achievable targets. The new strategy builds on the strong progress made under previous homeless strategies and sets out a vision to address adult homelessness over the next five years.

Since 2000, when the first homeless strategy was published, more than €600 million in State current funding has been made available for homeless services, as well as significant capital

investment in new facilities. Despite the most difficult budgetary situation in decades, current funding for homeless services from my Department and local authorities will increase by 5% in 2009 to more than €62 million. This shows clearly the priority that I attach to addressing homelessness.

The next key step in this process will be the completion of a strategic implementation plan. The draft plan will be circulated later this week to the cross-departmental team on homelessness and the National Homeless Consultative Committee. The plan, when published early in the new year, will provide a blueprint for the range of actions needed to pursue the aims of the homeless strategy. We are already progressing a number of key measures that will feature in the plan. Yesterday, I announced a new scheme to provide both homes and supports through leasing arrangements on a long-term basis for formerly homeless people, with an initial target of 300 homes to be delivered in 2009. Work on development of this initiative is quite advanced and it will be launched through a competitive tendering process early in the new year.

A figure of 5,000 homeless nationally has been cited in some quarters, but the source for this figure is unclear, particularly given that the 2008 housing needs assessment only identified 1,394 homeless households. While I acknowledge this figure represents the number of homeless households that have applied for and have been considered eligible for social housing support, and therefore cannot represent the total number of homeless households in the country as a whole, I must also point out that it represents a decrease of 30% on the last assessment in 2005.

The results of the counted in survey in Dublin, which I launched today, provide a very refined and comprehensive method of measuring homelessness. The counted in report indicates that homelessness in Dublin has not changed significantly since 2005 and that there has been a small decrease relative to population growth. There has also been a significant and extremely welcome reduction of 41%, down from 185 to 110, in the number of people reported sleeping rough.

In common with society in general, many Members will probably have experienced, directly or indirectly, some form of anti-social behaviour. While it is crucial that we make progress in this area, we must be clear that local authorities cannot be expected to deal with the criminality associated with such behaviour. The latter is the responsibility of An Garda Síochána, using the powers available to it under the criminal justice code.

The role of local authorities arises in respect of their functions as the landlords of some 110,000 dwellings. In that capacity, they have a duty to secure and protect the interests of their tenants by preventing and addressing such behaviour in their estates. The Housing (Miscellaneous Provisions) Bill 2008 sets out to reflect the commitment of the Government in its policy paper, *Delivering Homes, Sustaining Communities*, to increase statutory powers and actions to facilitate a targeted approach to combating anti-social behaviour.

The proposed changes to the legislative framework include provisions requiring housing authorities to prepare an anti-social behaviour strategy and amend the definition of anti-social behaviour in the Housing Act 1997 to include damage to property, graffiti and impairment of the enjoyment of a person's home. While these are significant enhancements to existing anti-social behaviour measures, it was not possible, in the Bill as published, to deal with all issues arising. Discussions with the Attorney General's office in respect of strengthening the statutory supports available to housing authorities are continuing. I will be in a position to bring forward further provisions when the Bill is considered by the Dáil early next year.

The Bill also contains significant provisions to improve and expand on the range of home ownership supports available. We continue to believe that home ownership should be available to as many people as possible where this is their preferred option. In this context, tenant purchase plays an important role for social housing tenants. We are expanding the options for

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existing social housing tenants and households qualified for social housing support with the proposed introduction of the new incremental purchase scheme. This is an innovative scheme which involves transferring full title of a new house built by a housing authority or the voluntary and co-operative sector to the household on the payment of a proportion of the purchase price. The housing authority or voluntary or co-operative body will place a charge on the property, in its favour, in respect of the portion of equity not paid for, and this will decline over time until the charge is eliminated. In return, the buyer will pay their mortgage and accept full responsibility for the maintenance of his or her home.

In so far as the tenant purchase of apartments is concerned, Deputies will be aware that previous efforts to introduce such a scheme failed due to a range of difficulties. However, work is continuing on a model, based on the long-standing arrangements in the private sector for the ownership and management of multi-unit residential developments, which will address those problems.

Clearly, the transition from a rented social housing complex to a mixed tenure of privately-owned and social-rented accommodation adds an extra dimension to the legal and practical problems that can arise. Nevertheless, the ultimate aim of the Government is to establish a robust legislative framework that will stand the test of time for apartment buyers, apartment tenants who choose not to buy and local authorities. I hope that legislative proposals for a viable apartment sales scheme can be finalised in time for consideration during Committee Stage of the Housing (Miscellaneous Provisions) Bill 2008. In addition, the introduction of the new home choice loan from 1 January 2009 and changes to the provision of affordable housing will ensure there will be a closed loop in terms of routes to home ownership for households across the income spectrum.

We have also made great strides in modernising the private rented sector. A range of measures to update the minimum standards regulations for rental accommodation were recently approved by Government. These will provide a platform for bringing standards in the sector into line with the expectations of a developed 21st century nation. I am proud to deliver on this key Towards 2016 commitment and take a real step forward in significantly improving the quality of life of some of the most vulnerable members of society.

Regulations to give effect to most of the package will come into effect generally on 1 February 2009. They will apply in their entirety to all new first-time lettings from that date, while a four-year phase-in period will be provided in respect of existing lettings in order to allow them to comply with some of the more onerous provisions, such as the installation of dedicated sanitary facilities in each rental unit. The remaining elements of the package will be given effect by legislative amendments to be introduced via the Housing (Miscellaneous Provisions) Bill.

Successful enforcement of the regulations is critical. I will be emphasising to local authorities the continuing importance of rigorous and targeted inspections of rental properties. I will continue to make dedicated funding available to them towards these ends and I am satisfied that increased funding for inspection activity and the increasingly performance-linked basis for allocations are contributing significantly to a much improved inspections regime.

I wish to return to the issue of repossessions — the second main matter I intend to address. There is no doubt that some households are experiencing difficulties in making mortgage payments in the current economic climate. Good practice and good sense suggest that when people are in arrears, they need help. They also need reassurance that there is a way in which their difficulties can be addressed. Such people also require sound advice on what action to take. What these people do not need is to be frightened or be subjected to “foaming-at-the-mouth”

scaremongering, with suggestions that robber baron banks and bully boy building societies are, like scrooges, lining up to take their family homes from them as soon as the spirit of Christmas disappears over the horizon. However, that is exactly what the Labour Party has done by making great play of the suggestion that this is some sort of massive ticking social timebomb in existence. The only timebomb of which I am aware is that Labour and Sinn Féin have put together, for political purposes, in order to shatter the legitimate and well-founded hopes of those who are experiencing difficulties in making mortgage payments that there are pathways through those difficulties.

I referred earlier to the importance of the facts. I will not allow the proposers of the motion to prevent the facts from getting in the way of their quest for a headline.

Deputy Aengus Ó Snodaigh: To which facts is the Minister of State referring?

Deputy Michael Finneran: Citing repossession cases before the courts recently, they neglected to mention the fact that repossession is always a last resort for lenders and borrowers or that all members of the Irish Banking Federation subscribe to the code of practice on mortgage arrears, and are required to do so under the terms of the bank guarantee scheme. The proposers of the motion also neglected to mention, as evidence published today by the Financial Regulator shows, that the number of repossessions made on foot of court orders between January 2005 and June of this year, is less than 130 out of a total of almost 1 million mortgage accounts. The updated figure for the interim period is believed to be less than 160. Those are the facts. They cannot be contradicted and they are now a matter of record.

The proposers of the motion further neglected to mention that many repossession orders do not lead to actual repossessions. In fact, many repossession orders serve as a wake-up call for borrowers and prompt them to engage properly with their lenders in order to arrive at an agreed approach that is in the interests of both parties.

The proposers also neglected to share with us the fact that lenders generally accept revised repayment arrangements where a borrower is experiencing difficulties but has a willingness to repay the mortgage. They neglected to distinguish between repossession orders for principal residences and those relating to investment properties. They failed to mention that the Irish Banking Federation's members work closely with the money advice and budgeting service in the development of appropriate debt management solutions for borrowers in financial difficulty.

Why rely on truth when hyperbole will attract a juicier headline? Instead of trying to create panic and peddle the fallacy that avoidance rather than engagement between lender and borrower is the solution, I want to ensure that mortgage arrears do not result in legal proceedings seeking home repossession. I also wish to ensure that all lenders, mainstream or otherwise, have fair and reasonable procedures in place to deal appropriately with arrears and, where absolutely necessary — and as a last resort — repossession.

I warmly welcome the publication by the Financial Regulator of best practice guidance for lenders dealing with arrears and repossessions. While concerns have been expressed in respect of how non-bank lenders — these account for less than 2% of the mortgage market — deal with arrears and repossessions, the information available to me suggests that such lenders, although not members of the Irish Banking Federation, are generally considered to operate in a manner which is compliant with the code. Nevertheless, I have discussed with the Financial Regulator and the Irish Banking Federation how the position in this regard might be underpinned. The Financial Regulator will be giving consideration to this matter in the context of the review of the statutory code of practice early in the new year.

8 o'clock

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For those households currently in difficulty with mortgage repayments, there are supports in place. 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. While the amount payable varies, it will generally ensure that remaining income, following payment of mortgage interest, does not fall below a minimum level. Advice can also be obtained from the Government's money advice and budgeting service, to which I referred earlier.

While, as one would expect in a downturn, there has been an increase in the number of households in receipt of this supplement, this does not mean these households are at risk of losing their homes, rather it means that the Government has recognised and responded to their need by enabling them to remain in their homes. We will continue to do this and, more important, we will continue to proactively respond to the root causes of increasing reliance on short-term income supplement by acting decisively in the long-term interests of current and future generations of Irish citizens. The most enduring way we can do this is through the creation of employment and seeking to maintain to the greatest possible extent the economic progress we have achieved in the past decade. This is where Government attention is firmly focused.

I have outlined to the House the details of the Government's significant record of achievement, in particular in meeting the needs of those faced with lower incomes and those who need support to purchase a home. My colleague, the Minister, Deputy Gormley, will contribute to this debate tomorrow night and will focus on our programme for further innovation.

The motion before the House is a sad reflection on the proposing parties' inability to offer any concrete policy proposals. They do not have anything to offer in terms of housing responses for older people, people with disabilities or the Travelling community. This is not exactly in keeping with the inclusive vision for Ireland shared by Arthur Griffith and James Connolly. The only positive is that, based on this motion, it will probably be some time before the electorate gives them the opportunity to actually do anything concrete.

In contrast, this Government has a coherent housing policy. We are not simply addressing the specific needs of one group or sector. Housing is for all people and this Government is delivering. That is the bottom line, and we have the commitment and the vision to continue to do so. I commend, without hesitation, the amendment to the House.

Deputy Terence Flanagan: I wish to share time with Deputy Pádraic McCormack.

Acting Chairman (Deputy Brian O'Shea): Is that agreed? Agreed.

Deputy Terence Flanagan: I thank the Labour Party and Sinn Féin, in particular Deputy Ciarán Lynch, for tabling this excellent motion, which Fine Gael will be supporting.

We have a housing crisis, for which this Fianna Fáil-led Government has a lot to answer. Failure is the hallmark of this Government's housing policy. Currently, more than 56,000 people are on social housing lists. This is a shockingly high figure which highlights the Government's failure to deliver to those people who find themselves in need of a home. The Fianna Fáil-led Government had ample time and resources to house these people during the housing boom but turned a blind eye to them. These massive waiting lists are a direct consequence of this inaction. I am concerned that the numbers will continue to rise in the current economic climate, in particular when more homes than ever are being repossessed.

What is even more alarming is that the latest figures, published in July 2008, indicate that more than 5,000 local authority houses remain empty. This is at a time when huge numbers of

people are on waiting lists. The Minister needs to be held accountable for his failure to turn-around properties in a quick manner. In my constituency of Dublin North-East more than 80 properties are boarded up. A resident has informed me that the house next-door to her in Darndale has been boarded up for the past year and a half. Why has this been allowed to happen at a time when people are crying out for housing? I call again on the Dublin City Council manager to ensure that boarded up houses are turned around within strict timelines.

The comment by the Minister of State, Deputy Finneran, to RTE that he thinks 9,000 houses will be delivered this year, is not good enough, in particular given the growing housing lists. I call on the Minister to provide 15,000 extra houses annually to reduce these housing lists. Questions need to be posed as to why the Minister is handing over money to local authorities without ensuring regular checks in respect of performance delivery. At the very least, there should be strict targets set to which local authorities should step up and achieve.

The Government previously gave a commitment to end long-term homelessness by 2010. Homelessness remains a major problem in society. According to recent figures the number of homeless people nationally is 3,013. However, this is not a true figure as it does not take into account the invisible homeless. I remain unconvinced that this Government will deliver on its promise to end homelessness. In July of this year, for instance, the HSE imposed a funding freeze on services in respect of homelessness resulting in people being turned away from emergency accommodation.

The Government has failed to deliver on regeneration schemes for Dublin. Last week, the assigned property developer pulled out of the Croke Villas public private partnership, PPP, which was to build 30 much needed social housing units. Already this year property developer Bernard McNamara walked away from five public private partnership projects leaving residents devastated. The council lost €5 million in the process and is now seeking to go ahead with only three of these five projects. To add insult to injury, residents will be left in limbo until 2010 or 2011 when these projects are supposed to commence. This is a serious blow to the residents concerned. As I stated earlier, waiting lists are at a record high of 56,000 and will continue to increase in the current economic crisis. It is the less well-off in society who are always the first to suffer in this situation. The vulnerable are the ones, unfortunately, who are hit.

The Government has failed to deliver on its affordable housing targets. Under the programme for Government and the national development plan, 17,000 affordable units were to be delivered between 2007 and 2009. In 2007, only 3,500 units were delivered. In the first three months of 2008, only 976 houses were delivered. Today, there are 6,500 people on Dublin City Council's affordable housing list and there are 732 people on Fingal County Council's housing list. The Minister of State will be aware that a problem arises in respect of affordable houses, the cost of which are that of current market value, as a result of which people are refusing to accept them.

Budget 2009 introduced schemes to assist first-time buyers. Two schemes were announced, namely, the Government equity scheme and the home choice loan scheme. The Government equity scheme provides for the Government acquiring a stake in a property based on market value, the equity stake being between 25% and 30% leaving the buyer highly vulnerable if market prices increase when the house is being sold. This scheme, which is to replace the affordable housing scheme, is flawed.

The Government's new home choice loan scheme will provide up to 92% of the market value of a new property purchased by first-time buyers unable to obtain a loan from banks. This scheme encourages people to borrow up to seven times the value of their salary, leaving them open to becoming trapped in bad debts and negative equity. Fine Gael has reservations about the Government's home choice loan scheme which amounts to a bail-out of developers

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and could lure first-time buyers into negative equity as house prices continue to fall. With house prices continually falling month by month, the Government's latest intervention in the property market could trap first-time buyers in negative equity and, eventually, bad debt.

While we welcome any initiatives to assist first-time buyers this scheme would be better if provided when house prices stabilise. The fact that it only applies in respect of new properties is a nod from the Minister for Finance to his friends in the construction industry. If he truly had the interests of first-time buyers in mind, the scheme would be open to all properties. The Government must return to the drawing board and design suitable, affordable housing schemes which favour buyers and not developers and the Government coffers. The Government has failed to protect homeowners from sub-prime lenders. In 2008, there was a surge in the number of repossession orders granted in the High Court. In the current economic climate the threat of repossession is real and worrying for many persons with mortgages. On 6 October seven of the nine repossession orders granted were sought by the sub-prime lender, Start Mortgages. Between January and June this year 126 repossession orders were granted in the High Court and 81 in the Circuit Court. Last year 465 repossession summonses were issued in the High Court compared to 311 in 2006. It is clear, therefore, that the number of repossessions is on the increase and it is expected more repossession orders will flood the courts in January. It is estimated that 15,000 people have taken out sub-prime mortgages in the past five years, yet the Government has done nothing to protect people from sub-prime lenders. It was able to bail out the banks and developers but has ignored the ordinary mortgage payer. For months sub-prime lenders have had a free-for-all and dragged people with mortgages into the courts while the regulator looked on.

In January this year I called on the regulator to draft new industry guidelines on reckless mortgage lending and to create new penalties for mortgage professionals found guilty of reckless lending and deception. I also asked for a report to be compiled on lending practices engaged in by the mortgage industry in order that those which undermined consumers' rights could be identified and eliminated through better regulation. Sadly, that call was ignored and we are seeing the results of the regulator's inaction. He should be asked why he did not act. Last week in the Dáil the Taoiseach stated he would instruct the Minister of State with responsibility for housing to consult the regulator on the matter. It is a case of attempting to close the stable door after the horse has bolted. This month I called on all Irish banks to implement the six-month moratorium on foreclosures for homeowners announced by RBS. What is needed is protection for all those affected and support for the many who are struggling with mortgage repayments. It is high time the banks showed the same leniency towards mortgage payers as they have shown to property developers in recent times.

The Government has failed to ensure rental properties are inspected and meet the required standard. There are also significant problems in the rental market. In 2006 only 3% of all rental properties were inspected. Last month the Minister for the Environment, Heritage and Local Government, Deputy Gormley, stated measures to improve standards in rental accommodation would come into effect on 1 February 2009. It is farcical that there is a phasing-in period for existing landlords of four years, although first-time lettings will be affected from 1 February. We on this side of the House welcome these measures which include the provision of separate toilet facilities, piped water and fire safety measures in rented accommodation. New standards are welcome but a four-year phasing-in period is ridiculous. There are approximately 200,000 registered private tenancies in Ireland, yet in 2006 only 6,800 were inspected. The increase in non-compliance fines of €2,000 is negligible. It is necessary to increase them to a level that will make landlords take the matter seriously.

Fine Gael has raised consistently the issue of property management companies, in respect of which we need regulation. More than 500,000 people reside in apartment blocks and 4,600 property management companies are in operation, yet there is no legislation in place. It is farcical that a regulator has been in place since July 2006 but he has no statutory powers to take action against rogue property management companies and agents which operate in the market. They do not offer value for money to hard pressed property owners who already face negative equity and the added burden of exorbitant property management fees. The lack of regulation is a big failure on the part of the Government. The matter needs to be addressed.

I am extremely concerned about the lack of inspection of apartment complexes in terms of fire safety measures. A recent fire in an apartment complex in my constituency gave rise to many issues. It emerged that fire drills did not take place on a regular basis and that there was no fire safety equipment in the complex. In addition, fire brigade personnel could not gain entry to the building as it was a gated development. They had to rely on an apartment owner to gain access. The fire service should be able to gain access to apartment complexes.

The Government has failed to deliver on housing. We have a major social housing waiting list of 56,000. That failure can be laid at the door of the Minister of State and the Government which has mismanaged the economy and squandered a great deal of money in areas where it should not have. It should seek to provide at least 15,000 houses and have a realistic target to help those on housing waiting lists.

Acting Chairman: I understand Deputy McCormack wishes to share time with Deputy Sherlock. Is that agreed? Agreed.

Deputy Pádraic McCormack: This Private Members' motion deals with the shambles local authorities face in housing. The Government is clearly responsible for how it has squandered money in the past ten years which has led to the neglect of the social housing sector. There is no possibility of the problem being addressed in the current economic climate, given that the Government was not able to address it in the previous ten good years. The Minister of State referred to turkeys at Christmas but the chickens are coming home to roost for the Government. He should not have been so critical of the motion tabled by the Labour Party and Sinn Féin, as it is vital to discuss the serious housing problem we are facing. I do not know who wrote the speech the Minister of State had to read. He is a decent man but what he outlined does not tally with the situation faced by local authorities.

I am familiar with the figures for County Galway and Galway city and I am sure the picture is the same nationally. In County Galway, for example, 1,800 people are on the social housing waiting list and 550 on the affordable housing waiting list, giving a total of 2,350. Last year 175 social and affordable houses were provided and the total provided so far this year is only 116. If we continue at that level, even if nobody else is added to the housing list, it will take up to 20 years to clear the housing waiting lists in County Galway. That is a fact which contradicts some of the statistics given by the Minister of State. I will have to study his figures carefully, as I do not see how they measure up.

In Galway city there are 2,285 people on the social housing waiting list and 350 on the affordable housing waiting list, giving a total of 2,735. Last year 167 houses were allocated and fewer will be allocated this year. At this rate, taking the figures for the past two years to form an average, if nobody else is added to the social and affordable housing waiting lists, it will take at least 15 years to clear the current housing waiting lists in Galway city. While I accept the Minister of State has only been responsible for the matter since his appointment, his predecessors are responsible for the past ten years of neglect.

[Deputy Pádraic McCormack.]

Based on what the Minister of State outlined and in spite of the figures I quoted, the Government will do nothing to address the matter, apart from allocating less money to local authorities next year. The sad reality is that there are hundreds, if not thousands, of completed new houses in Galway city and county that lie idle but local authorities have not been provided with sufficient funding to buy even one house. As the Minister of State knows, those houses are now better value than what the local authority could provide them for. The solution to the problem is to release money to housing sections of the local authorities. I have in mind Galway, but this applies to the whole country. Even if they bought only a few from the developers who have completed the houses, it would regenerate the finances in the local area. The builder would be able to pay off his or her suppliers, plasterers, carpenters and so on. That, in turn, would create a more vibrant local economy. The Minister of State will never have as good a value again as he can get now in housing.

There are people in my city and county being threatened with court action because they have not been able to pay the development charges. They have offered the local authority an apartment or house in lieu of the development charges. The local authority is unable to take up the offer of that apartment or house at very good value because it has no finance available to it. I appeal to the Minister of State to look into that aspect and help to alleviate the hardship as reflected in the housing statistics for Galway city and county.

The cutback in funding for housing repairs reflects another sorry state the Government has got us into. There is a pretence that grants are available for housing repairs. Formerly, grants were available under three headings for housing repairs: special housing aid for the elderly, which is dealt with by the HSE; essential repairs grants, which allowed elderly people, often living alone, to repair a house; and disabled person's grant, now known as the house adaptation grant. The HSE and one local authority in my area have not taken applications for the past four months. People are being pushed from Billy to Jack, under the pretence that they will be assessed for grants, and nothing happens. In some cases, people whose grant applications were approved, borrowed the money to repair the house or install a downstairs bathroom for an invalid, and now neither the local authority nor the HSE has the money to pay the grant. The Minister of State must take a serious look at housing grants as well in considering this motion.

Included in the motion and referred to by my colleague, Deputy Terence Flanagan, is the involvement of management companies in apartment blocks and housing estates throughout the country. I have raised this with the Minister of State's predecessors for the past four or five years. I have raised it on the Adjournment and other people, too, have asked questions, but yet nothing has been done. More than a year ago, the current Minister for the Environment, Heritage and Local Government told me that within a week he would have a report from the working group he had set up, on proposed action in respect of management companies. No legislation has been introduced and people are suffering on housing estates and in apartment blocks because of management companies over which they have no control. I drew the Minister's attention at the time to the fact that both of the Galway local authorities were inserting conditions into planning permission, ensuring that management companies would have to be set up. Will the Minister of State, or whoever will reply to the debate tomorrow night, state whether the practice of local authorities inserting such conditions into planning permission has been eliminated? I know, on the basis of information from previous Ministers, that the local authorities have received letters from apartment owners saying this practice must be discontinued. However, it has continued long after the circulars were issued to the local authorities.

When the Minister of State addresses this issue tomorrow night, will he deal with the facts about the waiting lists for houses and not just rely on a prepared script? I have given him the facts. I checked them today with both Galway local authorities. Between Galway city and

county, there are 9,990 people on the waiting list, mostly for social housing but some for affordable housing. Yet taking an average for this year and last both local authorities will only provide 317 accommodation units for those people. That rate effectively indicates that it will be 15 or 16 years before the list is cleared in Galway. Will the Minister of State deal with that fact and most importantly, release money to the local authorities so that they may acquire some of the very good value for money houses now on the market.

Some management companies set up by the developer or the builder of the estate are charging households anything from €500 up to €2,000. I know of estates in Galway where there are only five or six houses, perfectly finished, and yet there is a management company in place. I know of an estate with 32 houses, and one site is left vacant. Builders will sometimes leave one house unfinished, so that the local authority may not take the estate in charge while waiting for the one house to be finished. This is a ruse to keep the management company in place, despite the fact that the 31 other householders would be quite willing to run their own estate rather than paying €800 or €900 a year, or perhaps much more. One sometimes finds the same directors in a management company as in the building firm that built the houses in the first place.

When will the legislation be introduced that the Minister for the Environment, Heritage and Local Government promised me on 15 October 2007? He said he would have the report within a week and would then introduce the legislation. That report is almost four years in gestation. I raised the matter in 2005-06 to try to have something done about the crisis involving management companies. Some householders signed contracts before they noticed the small print about management companies, and having sold their own houses, found themselves trapped because the necessary legislation had not been introduced to deal with the problem.

Deputy Michael Finneran: That is not a matter for this Department but rather for the Department of Justice, Equality and Law Reform.

Deputy Pádraic McCormack: As far as I am concerned, it covered by the motion tabled by the Labour Party and Sinn Féin, which I am addressing.

I do not know where the Minister of State got the facts as relayed tonight in his contribution. In fairness to Deputy Finneran, however, because I respect his position as Minister of State and know he is a decent man, I will study this document. I know that statistics, perhaps, may be used in different ways, but I can assure him that the figures I have given him are the facts in the case.

Debate adjourned.

Message from Seanad.

Acting Chairman: Seanad Éireann has passed the Social Welfare (Miscellaneous Provisions) Bill 2008, without amendment.

Adjournment Debate.

Early Retirement and Installation Aid Schemes.

Deputy Michael Creed: I thank the Ceann Comhairle's office for the opportunity to raise this important issue and I welcome the Minister of State at the Department of Agriculture, Fisheries and Food, Deputy Tony Killeen, to the House to reply to the debate.

I do not intend to dwell too much on the merits of the installation aid scheme for the purposes of this debate, as they are already well documented. However, I would like to put on

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the record the Minister for Agriculture, Fisheries and Food's constant refrain in respect of the decision to suspend the schemes on budget day. He said he regretted that and that when financial circumstances would permit, he hoped to be in a position to reintroduce the schemes.

I wish tonight to draw attention to the installation aid scheme in particular, because there is some confusion in that regard. This confusion arises in particular from an article in the *Irish Examiner* of 6 December by my good colleague, that eminent agricultural correspondent Ray Ryan, the headline of which reads, "Independent TD secures commitments on installation aid". The article goes on to state that Deputy Michael Lowry secured some agreement regarding applications for the installation aid scheme which had been substantially progressed, but which had not been lodged within the Department by 14 October, budget day. I would like clarification on the agreement made with Deputy Lowry.

I raised the same matter on 3 December as a priority question on Question Time, three days before the said article appeared in the *Irish Examiner*. The Minister for Agriculture, Fisheries and Food said to me in reply:

I have no plans at present to reopen the young farmers' installation aid scheme and the early retirement scheme to new applications, but the limiting of the suspension of the scheme will be considered at the earliest opportunity, having regard to the budgetary situation.

In response to further questions, the Minister went on to say:

I have stated repeatedly in the House and in response to councillors, representatives of various farming organisations and in the media that it is my intention to revisit my decision to suspend entry to the schemes as soon as circumstances permit.

He went on to state:

I understand that at times the delay in lodging applications may have been outside an applicant's power. I am conscious of that but I do not want to mislead anybody. I am not in a position at this time to say when we will be able to progress those particular applicants who had set out on the road to complete an application. I assure Deputy Creed that those applicants will be the first to have their applications processed when it is possible to re-open the schemes.

He concluded by stating: "The scheme was suspended due to budgetary constraints and that remains the position".

Unless the Government has won the national lottery since the Minister went on the record, I have not seen a change in budgetary circumstances that would enable the Minister to live up to the commitments he made to reopen the scheme as soon as budgetary circumstances permitted. Is there some kind of nod and wink politics going on between the Department and the Independent Deputies who prop up the Government, Deputy Lowry in Tipperary North and Deputy Healy-Rae in Kerry South? Has a sweetheart deal been arranged for would-be applicants for installation aid in those areas who have made substantial progress but who have not submitted the application form? Are they being treated differently in north Tipperary than in the rest of the country? Either Mr. Lowry or the Minister is telling porkies. They cannot both be right.

Will the Minister of State put on the record tonight whether the installation aid scheme is back up and running? The IFA has sent the Department a list of approximately 500 applicants who are in these circumstances, but those applicants are in areas from Malin Head to Mizen Head, some in my constituency. Will the Government treat them differently because they do not live in north Tipperary? I want and hope the Minister of State will clearly state the scheme is back up and running and open for business.

The scheme has a value significantly in excess of the €15,000 installation aid grant because it sends a signal to an industry crying out for new blood that encourages new thinking and highly trained qualified farmers at this critical time in the agricultural industry. Is the Minister holding his ground or has he yielded? If he has yielded, he cannot yield exclusively to north Tipperary. It must be a concession that is available to every would-be applicant.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Tony Killeen): I thank the Deputy for raising this important matter and welcome the opportunity to participate in the debate.

Ireland is currently experiencing a period of economic turbulence, stemming from both international and domestic factors, and the context for this year's budget differed considerably from the majority of those of the past 15 years. The priority in preparing the 2009 Estimates for the Department of Agriculture, Fisheries and Food was to focus available resources on the measures that allow us to maintain and grow the productive capacity of the agri-food sector. The 2009 Estimates provide over €1.8 billion for the Department. This, when combined with EU funding of €1.4 billion, means that total expenditure in 2009 will amount to over €3.2 billion. Even with a provision on that scale, however, difficult choices had to be made between competing demands. It was in these circumstances that it was necessary to suspend the young farmers' installation aid scheme and the early retirement from farming scheme for new applicants.

The young farmers' installation aid scheme was introduced in June 2007 under the aegis of the rural development programme for 2007-13. It provided a higher grant level of €15,000, an increase of 58%, to farmers between the ages of 18 and 35 years who set up in farming for the first time on or after 1 January 2007. The principal requirements of the scheme were that applicants must generate a minimum of five production units from farming at the time of first setting up or within 12 months of that date; fulfil, within two years of first setting up on the farm the educational requirements of the scheme; submit and complete a business plan; obtain title or leasehold title to at least 15 hectares of eligible lands in less-favoured areas or 20 hectares in other areas; and have not more than €50,000 in non-farm income in a designated tax year.

Since the launch of the young farmers' installation scheme in June 2007, some 941 applications have been received under the scheme and 357 payments made totalling €5.355 million. The Minister has confirmed on a number of previous occasions that all commitments entered into under the scheme, up to and including 14 October 2008, will be honoured by the Department.

Deputy Denis Naughten: Is that even if they have passed the age of 35?

Deputy Tony Killeen: As the Minister has confirmed in the House previously, he is prepared to look at the possibility of reopening the scheme as soon as the general budgetary situation permits. Young farmers whose applications were significantly progressed at the time the scheme was suspended are a priority. In particular, eligible farmers who have continued their training will not be excluded from the benefits of the scheme when it reopens.

As for the scheme of early retirement from farming, the Minister has also confirmed that whenever it becomes possible to reopen it to new applications, priority will be given to those who were making preparations to apply at the time it was suspended. An allocation of €56.7 million has been made in the Department's Estimate for 2009 to meet current commitments under the two schemes.

A number of farm tax measures were renewed in budget 2009. These are part of a number of schemes and reliefs that have been put in place in recent years to bring about improvements in land mobility that will, in turn, improve productivity and efficiency, particularly for young

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farmers. These reliefs include the renewal of stamp duty relief for four years until 31 December 2012, worth an estimated €53 million in a full year; the renewal of stamp duty relief for farm consolidation for two years from 1 July 2009 to 31 June 2011; the renewal of both the general and the young trained farmers rates of stock relief for a further two years, at an estimated cost to the Exchequer of €2 million in a full year; and the extension of the accelerated capital allowance for necessary farm pollution control facilities from 31 December 2008 to the 31 December 2010, worth an estimated €10 million in a full year.

When combined, these farm tax measures are estimated to be worth over €65 million in a full year. In addition, the top rate of stamp duty on agricultural land transactions was reduced, with effect from 15 October last. This should reduce the cost of agricultural land to purchasers and encourage a higher number of transactions. All these measures should help young farmers to improve land mobility, increase land swaps and attain higher environmental standards.

Deputy Michael Creed: Does the scheme remain suspended?

Youth Services.

Deputy Brian Hayes: I thank the Acting Chairman for the opportunity to address the House on this very important matter.

In the discussion on education that followed the budget, one area was not addressed when cutbacks were announced, namely, the youth affairs budget. There is a broad consensus across this House that the work in youth services done by the many voluntary organisations throughout this country is money well spent. Every year a very small sum of money in the budget is directed towards these organisations yet they still provide extraordinary opportunities for young people to participate in society. This is particularly the case for young people who fall out of the education system, those who do not complete their leaving certificate. Many of these projects are an essential means of their remaining within the informal education sector, as the Minister of State, Deputy Haughey, is well aware. There is cross-party consensus about the need to build capacity within this informal education sector which has been built up over recent years.

With a great sense of alarm and concern, I must inform the House of the very savage cutbacks that have taken root in the Department of Education and Science. The budget Estimate of €43.7 million for the youth affairs area is proposed to be cut back to €39.4 million in 2009. What we see as a result of the cutbacks in the Department is, effectively, a cut in the order of 10%. This will cause havoc and will make an already difficult situation much worse. These cutbacks will affect very many organisations throughout the country.

A complication is that the youth affairs section of the Department appears to have been shunted from Marlborough Street across to the Minister of State for Children and Youth Affairs. As a result of this shunting operation, the budget has fallen between two stools. A budget that was ring-fenced within the Department of Education and Science now falls between two Departments and is effectively lost. Nobody is standing up for this sector. The Minister of State, Deputy Haughey, will be aware of this more than anybody else because he knows from his own constituency, as I do from mine, the importance of many of these projects. I refer to the 180 special projects for youth affairs around the country. These 180 organisations help directly the most vulnerable children in our communities and they will suffer a 10% cut in their main line budget next year.

Deputy Denis Naughten: Shame.

Deputy Brian Hayes: I put it to the Minister of State that this 10% cutback across the board may see many of these 180 special projects going to the wall. That cannot be allowed to happen

under any circumstances but this budget, allegedly, was supposed to safeguard the front line and the most vulnerable children. Will the Minister of State agree to meet urgently with the National Youth Council of Ireland? The NYCI is the umbrella organisation for all the other good organisations throughout the country. The Minister of State might explain to the NYCI how, exactly, the budget for 2009 is to be constructed and, more important, how it will affect the 180 different organisations.

There may well be an argument that some national bodies can provide some of the required savings. The Minister of State, more than anybody, would be prepared to dialogue with those national organisations. I ask him to sit down over the course of the next few weeks with the NYCI in order to see if an agreement can be found to safeguard these 180 organisations that help the most vulnerable children of all in our constituencies.

There is also a need to ensure that the organisations that run these services can know their budget for 2009 as expeditiously as possible. Last year many of them were not given a budget until well into the summer months when half of their service had already been provided. That was a scandal and is no way to treat the youth service. In good times or bad, there is cross-party consensus that these organisations must be supported. Unfortunately, this budget falls between two stools because neither the Minister of State, Deputy Haughey, nor the Minister of State with responsibility for children and youth affairs, Deputy Andrews, takes responsibility for the youth service budget.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I take this matter on behalf of my colleague, the Minister of State with responsibility for children and youth affairs, Deputy Barry Andrews. I make it quite clear that, since the formation of this Government, I do not have responsibility for youth affairs.

Deputy Brian Hayes: That is the problem.

Deputy Seán Haughey: One of the areas of responsibility within the Department of Education and Science is the support and development of the youth work sector in Ireland. Responsibility for the youth work sector is now being transferred to the Office of the Minister of State with responsibility for children and youth affairs. The overall purpose of the youth work service is to assist young people to realise their full potential and to become active participants in a democratic society.

I am very conscious of the great benefits that can accrue to our young people from involvement in youth work and of the benefits for society as a whole. I am also aware that this recognition requires appropriate support. Through the youth affairs section of the Department, work has been ongoing with the National Youth Council of Ireland, the National Youth Work Advisory Committee, which includes representatives of other Departments, the vocational education committees and other interested parties to support youth work activities. This support is provided by way of financial and other assistance.

Youth work programmes and services are provided primarily by voluntary youth work organisations. In this regard, a range of financial supports for the sector includes support for projects for disadvantaged young people under the special projects for youth scheme, to national youth organisations under the youth service grant scheme, to a network of youth information centres and to local clubs and groups throughout the country.

Over 50 voluntary youth organisations operate in Ireland, with a stated membership of 450,000. More than 40,000 voluntary youth leaders are the main educators, with support from approximately 1,000 full-time staff. These organisations and their young members are represented and supported in their work by the National Youth Council of Ireland. The council is pivotal to the provision and development of youth work in Ireland and the dedication and commitment of its staff to member and affiliate organisations is widely recognised.

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The programmes operated by the voluntary youth work organisations vary widely and include outdoor pursuits, arts, recreation, project work and international exchanges. Qualities and skills such as leadership, co-operation, decision making, motivation and self responsibility are acquired by young people through this non-formal learning process.

The youth work sector has received unprecedented financial support over the past number of years. Youth services funding by the Department of Education and Science expanded from €35.5 million in 2004 to €56.6 million in 2008. Although this funding has allowed for some expansion in the sector, there has been a growing emphasis on consolidation of services.

The 2009 budget allocation for youth services from the Department of Education and Science is €48.2 million, a decrease of 8% on the 2008 figure. Funding is also provided for youth services from a number of other Departments and agencies. The reduced allocation in the youth budget from the Department of Education and Science will require much tighter budget management and prioritisation which may impact on pay and administration costs.

Deputy Brian Hayes: The Minister of State can sing that.

Deputy Seán Haughey: Department officials have met with representatives of the youth sector, including the National Youth Council of Ireland, to ascertain the sector's views on how best to minimise the impact of budgetary constraints next year with a view to consolidating, in so far as is practicable, the progress made in recent years. The Department has also written to the national youth organisations and vocational education committees advising them to revisit their level of expenditure to determine where cost savings can be achieved, bearing in mind the budgetary constraints in 2009.

Consideration is being given to how best to apply the budgetary constraints to the bodies and activities currently being supported. Consideration will be given to all the programmes and initiatives supported in determining the levels of provision deemed appropriate in the context of the 2009 budget allocation. I assure the Deputy that ongoing contact with the youth sector organisations, including the National Youth Council of Ireland, will continue and that we will endeavour to work constructively and co-operatively with the sector in meeting the challenges that lie ahead.

School Transport.

Deputy Denis Naughten: I acknowledge the presence of the Minister of State with responsibility in this area. I am raising this issue on behalf of 11 children attending Cloverhill national school. I first raised this issue with the Minister of State last August and highlighted that these children could not attend primary school in the town of Roscommon as there was physically no space for them. The schools in the town have stated to some of the parents that there is up to a three-year waiting list.

As a result, the parents of the 11 children residing in the town of Roscommon enrolled them in Cloverhill national school. The Minister of State responded to my representations in regard to each case stating that the child is "not basically eligible for transport under the terms of the scheme as the child is not attending their nearest school". However, the children cannot attend the nearest school because there is no capacity and, as a result, they have been refused admission. It is due to this fact that the parents are seeking the provision of school transport to Cloverhill national school.

The Minister has reiterated the response that the pupils are not eligible as they reside less than 3.2 km from the nearest school and he would argue that the school transport system was basically designed to cater for children in rural areas who, if living a long distance from school, might have difficulty in attending regularly. However, if children in urban areas require trans-

port and the school they attend is the nearest school available to them and happens to be in a rural community, why cannot the system provide a service in the opposite direction, particularly if the primary purpose and objective is to facilitate regular attendance in school?

The Minister has stated that while it is the prerogative of parents to send their children to a school of their choice, it is not the objective of the school transport scheme to facilitate this choice. In this case, the parents have no choice because the nearest school is unavailable to them and the second-nearest school is also unavailable. The nearest available school is the one they are now attending. However, they cannot enrol in that school, so the decision of the Minister has been pointless to date.

While the Department claims there is no provision under the terms of the school transport scheme to provide transport in these circumstances, at present under the school transport rules the 3.2 km distance to the nearest school does not apply to a child who wishes to be taught through the medium of Irish, once the child is 3.2 km from a Gaelscoil. It is also the case that this rule does not apply to a child with a physical disability where the school cannot physically cater for the pupil. For example, if there are stairs in the school and no lifts, and the child is in a wheelchair, then the school is not determined as the nearest school for school transport purposes.

This is also the case with these 11 children. The nearest school cannot physically cater for the pupils. They urgently require daily transport to and from Cloverhill national school. Some of the pupils have already missed up to ten days attendance at the school because their parents do not have transport or are working away from home and, as a result, are unable to transport the pupils up to 7 km to school.

These children need to attend school and they have the right to do so. Eight of the families are already marginalised and disadvantaged at many levels — culturally, linguistically and economically. By not providing school transport, we are to deprive them further despite the examples I have given regarding the flexibility of the school transport service and the fact the nearest school cannot physically cater for them. The families have received written refusals from the principals of the local schools. The parents have no other choice but to bring them up to 7 km to the next nearest school, Cloverhill national school, which provides an excellent service with which the parents are very satisfied. However, children are losing out on attendance because they physically cannot get to school on occasion. It is not an acceptable situation.

As the Minister of State is aware, the vast majority of these pupils are migrants. They already have significant challenges to integrate within our community and additional barriers should not be put in front of them. I urge the Government to reconsider this matter.

Deputy Seán Haughey: I welcome this opportunity to outline to the House my Department's position regarding school transport to Cloverhill national school, County Roscommon. By way of general comment, I should explain that one of the main objectives of the school transport scheme is to provide a basic level of service for pupils who live long distances from school and who might otherwise experience difficulty in attending regularly. In order to be eligible for transport under the terms of the primary school transport scheme, pupils must reside 3.2 km or more from, and be attending, their nearest national school, as determined by the Department. While it is the prerogative of parents to send their children to the school of their choice, it is not the objective of the school transport scheme to facilitate that choice.

In August 2008, the Deputy informed my Department that a particular constituent was seeking the provision of school transport for her son to Cloverhill national school due to the lack of capacity in the local schools. The Department referred the case to Bus Éireann, which operates the school transport scheme, to establish whether the pupil met the criteria for eligibility on distance grounds. According to Bus Éireann, the child resides 1.4 km from the nearest school and 7.1 km from Cloverhill national school. The child is, therefore, not eligible for

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transport. Bus Éireann further advised that there is no service to either school from the area. The Department has already informed the Deputy that there is no provision in the school transport scheme to provide transport in the circumstances outlined by him.

While it is understood from the Deputy that school transport is required to Cloverhill national school due to capacity issues in the school nearest to the child's place of residence, the question of enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act. In this regard, a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group, or occasionally on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure, as regards that policy, that principles of equality and the right of parents to send their children to a school of the parents' choice are respected. Section 29 of that Act provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under section 29 of the Act to appeal that decision to the Secretary General of the Department of Education and Science. Following the determination of any such appeal, and in the event of the child being unable to secure an enrolment at the local school, the Department may review the procedures regarding the provision of school transport.

I thank the Deputy again for giving me this opportunity to explain the position to the House.

Deputy Denis Naughten: It is a crazy, bureaucratic system.

School Staffing.

Deputy Ulick Burke: Last Wednesday the Minister of State, Deputy Haughey, was in the House when I raised a matter relating to Mercy College, Woodford, County Galway and the affects on that school of the cutbacks announced in the budget. Yesterday, Deputy Noel Treacy and I attended a meeting of the board of management, parent representatives and staff of the school. They outlined in detail the effects of the withdrawal of disadvantaged status. As a result of this measure, 3.81 teachers will be lost, which represents almost 25% of the total school staff quota. The withdrawal of special status together with the financial loss of nearly €10,000 will have devastating results in this small school of approximately 230 students.

The school is a small, stand-alone, co-educational school in south-east Galway in a CLÁR programme area, where 41% of the parents do not have any formal or primary school education. Only 13% of students from the school proceed to third level education. The school has taken many children with disadvantages and special needs through to junior and leaving certificate level, and some of these have continued to third level. Will the Minister for Education and Science re-examine the effects of these cutbacks on the school? I believe if the cutbacks proceed as intended, they will threaten the very existence of the school.

I draw the Minister of State's attention to a decision in 2006 to withdraw the disadvantaged status from the school. This was later reversed by the then Minister for Education and Science, Deputy Mary Hanafin. The school was allowed to retain some staff, as well as the home school liaison person. It was vital that the school retained such assistance and the financial support.

Will the Minister of State bring to the attention of the Minister for Education and Science the message that this school should retain its status for the lifetime of the delivering equality of opportunity in schools, DEIS, action plan, which was the intention of the reversal of the original decision in 2006?

Deputy Noel Treacy: I support my colleague, Deputy Burke, and I endorse his comments. We come from the constituency of Galway East where there are both urban and rural disadvantaged areas. The only positive aspect of an urban disadvantaged area is that the affected children have a choice of schools and some opportunity. However, in a rurally disadvantaged area there is no such choice and only one school. This is especially the case in mid and south County Galway along the Slieve Aughty mountain range and near the border with County Clare. In this area only one third of the population is employed and two thirds are unemployed. There is an outstanding school with an outstanding, positive attitude to all children. There are 30 special needs children in the school population. There is in place a whole school evaluation and performance system which also addresses the curriculum and subject choices. I appeal to the Minister for Education and Science to allow for the continuation *ad infinitum* of the DEIS programme, in line with the Departmental circular of May 2007.

Mercy College, Woodford is in a critical location. If there is to be any diminution of the services there will be a serious reduction in the numbers attending second level education, resulting in difficulties and social disadvantages. This will compound the existing situation, whereby the people are already playing against the wind and require every possible State support. These are necessary to sustain this outstanding centre of educational excellence in South Galway, an area which Deputy Burke and I are proud to represent and support.

We depend on the Minister of State and the Minister for Education and Science, Deputy Batt O’Keeffe. We realise the Department will treat each school on a case by case basis and take into account the mix of students, the disadvantages and the fact that the school population is multicultural. There were people of many nationalities living in the parish before the advent of the Celtic tiger. We appeal to the Minister of State to ensure the school receives special attention and that the provision of specialist supports continues.

Deputy Seán Haughey: I am pleased to have the opportunity to address the Deputies on behalf of the Minister for Education and Science, Deputy Batt O’Keeffe.

Notwithstanding the increase of €302 million in the education budget for 2009, which is a real achievement in the current economic climate, several tough and difficult decisions had to be taken in framing the 2009 budget. These decisions were taken to control expenditure and to ensure sustainability in the long term. In this respect education, 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 several areas, including at school level. However, these are the inevitable result of the current challenging economic environment and the need to manage Exchequer resources prudently.

The DEIS plan for educational inclusion provides for a standardised system for identifying levels of disadvantage and an integrated school support programme. DEIS brings together and builds upon a number of interventions in schools with concentrated levels of disadvantage. There are 876 schools in the DEIS plan. These comprise 673 primary schools and 203 second-level schools.

The process of identifying schools for participation in DEIS was managed by the Educational Research Centre on behalf of the Department of Education and Science and supported by quality assurance work co-ordinated through the Department’s regional offices and the inspectorate. Some 73 post primary schools, 27 urban primary schools and 123 rural primary schools that were not identified for inclusion in DEIS retained resources, including teaching posts and

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financial supports, under pre-existing schemes and programmes for addressing educational disadvantage.

When DEIS was introduced, a commitment was given, as a concessionary measure to these schools, that they would retain a level of support for the duration of the current DEIS initiative which is scheduled to end in 2010. While it is appreciated that the discontinuation of these resources will impact on these schools, given the current challenging economic climate, the Department considered that it was prudent to advance the withdrawal of such supports from non-DEIS schools to the beginning of the next school year.

The main focus of social inclusion measures will be to retain resources in DEIS schools. There is a need to target resources on the schools in most need and this approach is in line with the broad thrust of the recommendations of the Comptroller and Auditor General, set out in his report on primary disadvantage of 2006, which recommended that the Department should focus its educational disadvantage measures on those schools serving the most disadvantaged communities.

Taken in combination, the impact of the staffing schedule changes, as well as the withdrawal of historic DEIS posts and language support, weighed off against increases expected in the numbers of teachers for demographics and resource teachers for special needs, will mean an overall net reduction of 200 posts at primary and post primary levels.

As the processing of the September 2008 enrolment returns for primary and post-primary schools is not yet finalised, it is not possible at this time to outline to the House the impact these changes will have on the allocation of mainstream teaching posts for the school year 2009-10. This includes Mercy College, Woodford. The Department will be advising individual schools in the normal way on staffing allocations for the school year 2009-10 and at that time, a more accurate indication of the mainstream staffing levels will be available.

The allocation processes include appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. This is particularly relevant at post-primary level where the appellate process especially considers any specific curricular needs of the school concerned. At primary level, the normal redeployment arrangements apply. However, at post-primary there is no effective system-wide redeployment scheme at present and this can mean that schools retain teachers, though over quota. I remind the Deputies that the ceiling of two on the number of language support teachers per school is being re-imposed, with some alleviation for the position of those schools where there is sufficient concentration of newcomer pupils as a proportion of the overall pupil enrolment.

I again thank the Deputies for providing me with the opportunity to address the House on this matter and to outline the current position here.

Deputy Ulick Burke: Will the Minister of State bring this matter to the attention of the Minister for Education and Science?

Deputy Seán Haughey: The specific school was not mentioned in the notice on the Adjournment.

Deputy Ulick Burke: I raised the matter last week.

Deputy Seán Haughey: I will bring the comments of both Deputies to the attention of the Minister.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 17 December 2008.

Written Answers.

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

Questions Nos. 1 to 8, inclusive, answered orally.

Questions Nos. 9 to 66, inclusive, resubmitted.

Questions Nos. 67 to 72, inclusive, answered orally.

Cancer Screening Programme.

73. **Deputy Michael D. Higgins** asked the Minister for Health and Children when she will introduce a cervical cancer vaccine programme for schoolgirls; if she has had further discussions on the cost and feasibility of introducing the scheme in Autumn 2009; and if she will make a statement on the matter. [45502/08]

Minister for Health and Children (Deputy Mary Harney): As I have already indicated, I accept fully the expert advice provided to me in support of the introduction of a cervical cancer vaccination programme. However, I also have a responsibility as Minister to consider this and many other competing priorities within the overall resources available to the health services. My immediate responsibility in relation to cervical cancer is to women who have already been exposed to HPV and who may already have precancerous changes or undetected cervical cancer. Vaccination is a long-term investment which will deliver improved health outcomes and treatment savings in 15 to 30 years. All of the clinical advice available to me indicates that the national roll-out of a cervical screening programme should be my number one priority. The National Cervical Screening Programme, CervicalCheck, is being implemented with effect from September of this year. The full year cost of this programme is €35m.

In relation to the cost of the vaccine, it is a matter for the Health Service Executive to go through the normal procurement procedures to select an appropriate supplier who can make the vaccine available at the most advantageous price. The actual purchase price in Ireland can only be established when the HSE has completed the procurement process. I have no role in the procurement process.

I am fully committed to keeping the introduction of a HPV vaccination programme under active review as we proceed to implement the National Cancer Programme.

Hospital Services.

74. **Deputy Pat Breen** asked the Minister for Health and Children if she will have the Strategic Review of Neurology and Clinical Neurophysiology Services, carried out by the Health Service Executive and completed in 2007, published; and if she will make a statement on the matter. [45588/08]

Minister for Health and Children (Deputy Mary Harney): I have identified the development of neurology services as a policy priority for some time. I allocated additional revenue funding of €7m to the HSE in 2006 and 2007 for the development of services in the area of neurosciences, which comprises neurology, neurophysiology and neurosurgery.

This investment has helped to increase substantially the number of approved consultant neurology posts. There are now 24 such posts, an increase of 10 since 2003. In addition, there are currently 7 approved consultant clinical neurophysiologist posts, an increase of 4 approved posts since 2003. The HSE has set aside extra revenue funding of €850,000 in 2009 to support the further development of neurosciences.

The HSE has undertaken a national review of Neurology Services to improve integration of services and optimise patient outcomes. It took particular account of likely future levels of demand and rapid technological advances in the area. The review was completed some time ago and submitted to the National Hospitals Office. Following consideration of the report, the HSE decided to seek an external expert opinion on the model of care proposed to ensure that the recommendations were properly aligned with the HSE Transformation Programme. The expert panel expects to conclude its work within the next three months after which time the HSE can proceed to the implementation phase and arrange for publication.

Nutritional Supplements.

75. **Deputy Kathleen Lynch** asked the Minister for Health and Children if new guidelines on the prescribing of nutritional supplements have been finalised; the consultation that has been undertaken on this matter with the dietetics and human nutrition profession; and if she will make a statement on the matter. [45505/08]

Minister for Health and Children (Deputy Mary Harney): Clinical nutritional products cost the HSE €46 million a year, over €27 million of which is spent on oral nutritional products. Clinical nutritional products include oral nutritional supplements as well as tube feeds, products for metabolic conditions and gluten free foods. The types of oral nutritional supplements most commonly prescribed in the community are ready-made drinks called 'sip feeds'. Audits suggest that up to 50% of prescribed oral nutritional supplements may not be consumed by patients.

The HSE are taking steps to reduce the wastage and inappropriate prescribing of these products while ensuring that patients can access them as required. Savings of €10 million are expected in 2009; €7 million by reducing wastage and inappropriate prescribing and €3 million from competitive tendering arrangements for agreed non-drug items where appropriate.

An initial guidance document has been developed by the HSE and will be circulated in January to prescribers. The HSE will develop a more substantial information pack early in the new year. Further educational initiatives are anticipated in 2009.

The HSE met separately with both the professional body of dieticians, the Irish Nutrition and Dietetic Institute, and representatives of the human nutrition industry in the past fortnight. The Executive will work with all relevant stakeholders in the coming months to develop a more substantive support pack for GPs, which will enable more targeting prescribing of these products in 2009.

Cancer Screening Programme.

76. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she will confirm that money has been allocated to commence the process of establishing a bowel cancer screening programme to be rolled out in 2010; the money that has been allocated in Budget 2009 for this preparatory work; and if she will make a statement on the matter. [45503/08]

Minister for Health and Children (Deputy Mary Harney): The 2009 budget for the National Cancer Screening Service is being considered at present and the question of funding for colorectal screening will be examined in that context.

The Service established an Expert Group on Colorectal Screening to prepare advice on the introduction of a national colorectal cancer programme, specifically on the population to be screened, at what intervals screening should take place, the type of test required and the requirements for a quality assured and well organised cost effective symptomatic service. The report of the Expert Group was submitted to me last week.

The Service has also requested the Health Information & Quality Authority to conduct a Health Technology Assessment on a colorectal screening programme. I expect this to be completed early next year, at which stage I will consider the matter further.

Question No. 77 answered with Question No. 72.

Hospital Staff.

78. **Deputy Enda Kenny** asked the Minister for Health and Children if she is satisfied that the new consultants' contract sufficiently deals with issues of consultant work practices in co-located hospitals or if she expects that the contract will have to be renegotiated to deal with this; and if she will make a statement on the matter. [45639/08]

Minister for Health and Children (Deputy Mary Harney): The Deputy will be aware that new contractual arrangements for medical consultants were agreed with their representative organisations earlier this year following more than four years of protracted negotiations. I am satisfied with the provisions in the contract dealing with consultants working in co-located hospitals and I have no plans to renegotiate any aspect of the contract. However, in accordance with the recommendation of Mr Mark Connaughton SC, independent chairman of the consultant contract talks, discussions will take place between health service employers and the consultants representative organisations on the practical issues arising from co-location, when appropriate.

The entitlement of consultants to engage in private practice in co-located hospitals is dependent on their contract type. Consultants with Type A contracts will not engage in any private practice. Consultants who hold types B, B* and C contracts may engage in private practice in co-located hospitals up to a maximum of 20% of total clinical throughput (30% for existing consultants).

Under the contract the ratio of public to private practice will be implemented through the Clinical Directorate structure and the implementation of this ratio will be the subject of audit, including audit by my Department.

Clinical Directors will have a pivotal role in monitoring compliance by individual consultants with the ratio of public to private practice stipulated in their contracts, taking corrective action if the private practice limit is being exceeded.

The new contract also provides for the introduction of Clinical Directorate Service Plans. These will cover the organisation and delivery of front-line services and will incorporate indi-

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vidual consultant's work schedules. In developing the Directorate Service Plan, the Clinical Director will determine the monthly work schedule for consultants and how each consultant's commitment will be discharged to achieve the planned level of output.

Nursing Homes Repayment Scheme.

79. **Deputy Noel J. Coonan** asked the Minister for Health and Children her views on whether it is acceptable that appellants of the nursing home repayment scheme have to wait more than six months for a decision on their appeal; if she will see that priority is given to elderly people who are alive and in need of the money; and if she will make a statement on the matter.

[45602/08]

Minister for Health and Children (Deputy Mary Harney): The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006.

Up to 5 December 2008, the Appeals Office had received just over 5,000 appeals. Decisions have issued in 2,614 cases and a further 740 appeals have been withdrawn.

The decisions issued have upheld the earlier decision of the Scheme Administrator in 2,188 cases, resulted in claimants being deemed eligible under the Scheme in 235 cases, and resulted in an increased offer in 191 cases.

The Appeals Office must investigate each appeal independently. These investigations can require additional reviews by the HSE and the Scheme Administrator. In many cases, the appellants have asked for an oral hearing with an Appeals Officer.

However, I am anxious to ensure that all appeals are dealt with as quickly as possible. To that end, a second Appeals Officer was appointed in September 2008 and the need for additional Appeals Officers will be kept under review.

The Appeals Officers are committed to prioritising the determination of appeals against decisions of the Scheme Administrator which concern amounts due and, in particular, those lodged by or on behalf of living patients.

Question No. 80 answered with Question No. 72.

Health Service Staff.

81. **Deputy Joe McHugh** asked the Minister for Health and Children the position regarding the proposed voluntary retirement scheme for Health Service Executive staff; and if she will make a statement on the matter. [45645/08]

Minister for Health and Children (Deputy Mary Harney): In July of this year the Government decided that a targeted voluntary redundancy/early retirement scheme would be introduced for the HSE. This was reaffirmed by the Minister for Finance in his Budget Statement of 14 October.

More recently, on Wednesday 26 November, the Taoiseach and the Minister for Finance announced a series of measures aimed at transforming the public service. These included the establishment of a Special Group on Public Sector Numbers and Expenditure. One of the core objectives of this Group will be to identify and report on the scope for reducing public service numbers. The Group is to report regularly to the Minister for Finance with a final report due by end-June 2009.

I have previously made it clear that a managed voluntary redundancy scheme will have an important role to play in helping to improve the delivery of health services to patients by streamlining management and administration within the HSE.

The scheme will focus initially on surplus senior and middle management staff but will, as appropriate, be extended to other staff working in corporate, hospital and community services.

It will, for example, support the development of shared services in functions such as financial, management, payroll, human resources and procurement. It has been estimated by some of the Dublin hospitals that the elimination of duplication in areas such as these would lead to efficiencies of between 10% — 20% in administration costs. The Task Force on the Public Service also highlighted the potential of shared services to improve both value for money and standards of service to the public.

The development of primary care teams provides further opportunities to reduce the levels of administration and to facilitate more clinician to clinician engagement about the care of patients.

Work is ongoing at present within the HSE, my Department and the Department of Finance to examine the parameters of a voluntary redundancy scheme/early retirement scheme. This will include a business case for the numbers and grades to be covered along with an indication of its expected scale and timing.

Mental Health Services.

82. **Deputy Ciarán Lynch** asked the Minister for Health and Children if she has received the detailed implementation plan for 2009 in relation to A Vision for Change; the funding ring-fenced for this purpose; and if she will make a statement on the matter. [45504/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The HSE's implementation plan for a Vision for Change for the period 2000-2013 is currently being finalised.

I would emphasise, however, that implementation of the recommendations in A Vision for Change is dependent to a much greater extent on the remodelling of existing resources than on new additional funds.

Instead of focusing on inputs, such as extra funding and extra staff, we need to concentrate on making better use of the existing resources being devoted to health services, including mental health services. We need to define the type of outcomes we want to achieve such as achieving the best possible recovery for individuals with mental health problems. We then need to identify the outputs which will best deliver these outcomes such as more community based mental health services which build on the supports available from family and friends. It is against this background that A Vision for Change recommends, for example, the closure of all psychiatric hospitals and the reinvestment of the resources released by these closures in community mental health services.

My Department will continue to work with the HSE to provide the best possible services to people with mental health problems within whatever resources are made available by the Government each year.

Medical Cards.

83. **Deputy Eamon Gilmore** asked the Minister for Health and Children when she expects to be able to implement the promises in the programme for Government on increasing the threshold for qualification in respect of parents of children under six years and parents of

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children with an intellectual disability under 18 years of age; and if she will make a statement on the matter. [45511/08]

Minister for Health and Children (Deputy Mary Harney): In conjunction with the development of a new legislative framework to provide for clear statutory provisions on eligibility for health and personal social services, my Department is currently reviewing the assessment criteria for medical cards in the context of financial, medical and social need in line with the commitment in Towards 2016. A Steering Group has been established to undertake this review and is expected to complete its work and report to me within the next few months. Upon completion of this report, it is my intention to then consider how best to progress the commitments in the Programme for Government in relation to medical card eligibility.

Hospital Accommodation.

84. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she is satisfied that sufficient bed accommodation at all hospitals throughout the country will be provided to meet expected requirements over the winter period; and if she will make a statement on the matter. [45562/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive is constantly working to ensure that sufficient bed capacity is available in the acute hospital system.

Findings from a recent second National Bed Utilisation Review indicate some improvements with regard to bed utilisation in hospitals during 2008. However, there is still significant scope to improve the way in which beds in the acute hospital system are managed. The Review shows a slight reduction in the number of patients admitted who could have been cared for elsewhere (13% down to 12%). There has been a more significant reduction in the number who could have been cared for in an alternative care setting (down from 39% to 34%). There has been a significant increase reported in the number of elective surgical patients admitted on the day of surgery (up from 25% to 41%). While there was an 8% increase in evidence of discharge planning, there has been no change in predicted dates of discharge.

Hospitals need to improve their admission and discharge processes to ensure that people are appropriately admitted and that their care is efficiently managed both during their hospital stay and their follow up care in the community. Each patient should have an expected date of discharge within 24 hours of admission, patients need to be discharged in a more proactive manner at weekends and communication between the hospital system and primary care services needs to be improved. These measures are reflected in a new Code of Practice on Discharge Planning which has been issued by the HSE with a view to effecting further improvements in overall bed utilisation.

As part of the HSE Winter Initiative, hospital managers have been asked to develop an action plan to reduce the average length of stay in hospital of patients, based on the findings of the Bed Utilisation Study and to increase the rate of day surgery in line with best international practice.

The HSE is also increasing long-stay capacity to free up beds in acute hospitals over the Winter period. By the end of this year, 279 additional long-stay beds will have been made available to patients. A further 503 new long-stay beds will be provided in 2009. In addition, in early 2009 the HSE will provide 245 additional contract beds to alleviate delayed discharges pressure on the acute hospital system.

General Medical Services Scheme.

85. **Deputy Andrew Doyle** asked the Minister for Health and Children when she will publish the finding of the group report, chaired by Dr Michael Barry, to achieve cost savings in the prescribing of drugs and medicines under the GMS; the impact this will have on cost-saving oral nutritional supplements; and if she will make a statement on the matter. [45619/08]

108. **Deputy Ruairí Quinn** asked the Minister for Health and Children if discussions have been held with doctors' representatives on the use of generic drugs in view of recommendations (details supplied); if the use of more generic drugs in hospitals will also be pursued; and if she will make a statement on the matter. [45509/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 85 and 108 together.

Three representatives from the Irish Medical Organisation were appointed to the group established under the chairmanship of Dr. Michael Barry to develop recommendations for good practice which aim to secure safe and effective prescribing for patients while maximising the potential for economy in the use of public funds.

Hospital prescribing and the use of oral nutritional supplements, amongst other matters, were considered as part of the process.

I have received the report from Dr. Barry, and I am having it examined in my Department. It is my intention to publish the report on completion of this examination.

Health Service Expenditure.

86. **Deputy Róisín Shortall** asked the Minister for Health and Children her views on the recent report of the Committee of Public Accounts on aspects of the delivery of health services; if she will, in particular, ensure more transparency in the operations of the National Treatment Purchase Fund in order that its value for money can be properly assessed; and if she will make a statement on the matter. [45500/08]

Minister for Health and Children (Deputy Mary Harney): I welcome the Third Interim Report on the 2006 Report of the Comptroller and Auditor General — Expenditure on Health Services — recently published by the Committee of Public Accounts. A number of the Report's recommendations relating to matters such as the hospital consultants' contract, the HSE's utilisation of assets and its financial management systems are already the subject of action by my Department, the HSE or other relevant bodies. The other recommendations will be the subject of examination and follow-up as appropriate.

The Report commented on certain aspects of the operation of the National Treatment Purchase Fund (NTPF), including value for money. The Fund compares the prices which it pays with treatment costs in public hospitals and, where known, the prices being paid by health insurers to private hospitals. The financial statements of the Fund are subject to audit by the Office of the Comptroller and Auditor General (C&AG) on an annual basis. The Committee of Public Accounts noted that the C&AG has access to information (which cannot be disclosed publicly because it is commercially sensitive) about the prices paid by the NTPF for procedures undertaken in private hospitals. The Committee noted also that the C&AG has agreed to carry out a review of these areas as part of his continuing audit of the NTPF's expenditure.

I am committed to ensuring that the NTPF achieves maximum value for money so that as many public patients as possible can benefit from treatment through the Fund. This issue will therefore continue to be the subject of attention in the context of my Department's oversight and monitoring role in relation to the NTPF.

Ambulance Service.

87. **Deputy Denis Naughten** asked the Minister for Health and Children the steps she will take to ensure adequate ambulance cover at the three ambulance bases serving County Roscommon; if her attention has been drawn to the recent concerns expressed regarding the lack of adequate cover; and if she will make a statement on the matter. [45399/08]

Minister for Health and Children (Deputy Mary Harney): The HSE's National Ambulance Service directs its resources to those areas where the need is greatest at any given time. This principle also applies within the HSE West region. To ensure the highest-quality emergency ambulance service when ambulance personnel are absent from duty for reasons such as sick leave, annual leave or for training purposes, service delivery across the region draws on the full range of ambulance resources.

Ambulance services for County Roscommon are provided primarily by ambulances from Boyle, Roscommon town and Ballinasloe. These stations are, when necessary, supported by the deployment of crews based in Carrick-on-Shannon, Longford, Athlone and Loughrea and Donegal. In addition, some stations with low volume call-outs may be covered from another station.

Medical Cards.

88. **Deputy Mary Upton** asked the Minister for Health and Children the plans in place to provide funding in 2009 for the expected increase in the number of people and families who will qualify for a medical card due to the downturn in the economy and growing rate of unemployment; and if she will make a statement on the matter. [45517/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has projected that the number of persons covered by medical cards will increase to 1,423,830 and GP visit cards to 142,148 (total 1,565,978) in 2009 and it is making a total provision of €1.888 billion in 2009 for this purpose. These projections and this provision are subject to review in the light of the latest emerging relevant information.

Long-Term Illness Scheme.

89. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if there have been changes made in the operation of the long-term illness scheme; if those who hold a long-term illness book are required to go to their general practitioners on a monthly basis for a prescription for the medication they require in relation to their long-term illness and to subsequently have this prescription filled by their pharmacist; her views on whether such a change would cost time and money to the health services; and if she will make a statement on the matter. [45490/08]

Minister for Health and Children (Deputy Mary Harney): There have been no changes to the operation of the Long-Term Illness (LTI) Scheme. Under the scheme, people with one or more of a list of specified long-term illnesses are entitled to obtain, without charge, and irrespective of income, necessary medicines and/or appliances for the treatment of that illness.

Some people who are eligible for the Long-Term Illness Scheme also hold a medical card, which means that they are entitled to access all their medications free of charge rather than just those required for the treatment of the long-term illness. In these instances, patients are expected to use the most cost-efficient way to access their medication needs, i.e. on a GMS prescription. Medication obtained with a GMS prescription is reimbursed by the HSE at the

ingredient cost plus a dispensing fee, whereas medication obtained with an LTI prescription is reimbursed at the ingredient cost plus a 50% retail markup.

A GMS prescription can be repeated for a period of three months. Medical card holders do not incur any cost by returning to the GP for a new prescription, if necessary, every three months. As GPs are paid an annual capitation fee for medical card patients, no additional cost is incurred by the HSE.

In the case of persons eligible under the LTI scheme who do not hold a medical card, any prescription by their GP remains valid for a maximum of six months.

Hospital Services.

90. **Deputy Arthur Morgan** asked the Minister for Health and Children the timetable for the implementation of the transformation plan for hospital services in the north east region; and if she will make a statement on the matter. [45575/08]

Minister for Health and Children (Deputy Mary Harney): The immediate focus of the North East Transformation Programme is to have acute and complex care concentrated on two hospital sites and to ensure that services in the region are organised to optimise patient safety.

Planned changes include the transfer of acute in-patient services from Monaghan to Cavan and the development of additional services at Monaghan. Specific measures need to be put in place prior to this transfer of acute care to Cavan General Hospital, including the establishment of a new Medical Assessment Unit at Cavan and significant enhancements to the ambulance and pre-hospital care service. The transfer which is scheduled for early next year will be formally announced once various dependencies are in place.

In Louth/Meath the immediate focus is on strengthening existing medical services, enhancing emergency department capacity, developing appropriate ambulance protocols, completing surgical reconfiguration, transferring acute services to Drogheda and providing additional community packages of care. The sequence and timing of these changes is subject to detailed planning by the HSE and will require significant engagement and extensive communication with stakeholders.

91. **Deputy Dinny McGinley** asked the Minister for Health and Children if there are plans to establish a radiotherapy cancer treatment unit in the north west; the meetings held with her Northern Ireland counterpart to discuss this matter; when it is expected that such a centre will be established; the location of same; and if she will make a statement on the matter. [45437/08]

Minister for Health and Children (Deputy Mary Harney): The Government decided in July 2005 that the best option for improving geographic access for patients in the North West to radiation oncology services in the short term was to facilitate access to Belfast City Hospital. It also decided to explore the scope in the medium term for developing a joint venture based on a satellite centre in the North West linked to Belfast City Hospital.

Cancer patients in the North West requiring radiation oncology treatment are referred to either St. Luke's Hospital Dublin or University College Hospital Galway. A Service Level Agreement is also in place for the referral of radiation oncology patients from Donegal to Belfast City Hospital.

In April this year, Minister Michael McGimpsey of the Department of Health, Social Services and Public Safety (DHSS&PS), Northern Ireland announced the provision of a satellite centre (linked to Belfast City Hospital) to be located in Altnagelvin. It will provide the additional radiotherapy capacity needed to meet an anticipated increase in cancer in Northern Ireland. It also recognises the potential for cross border co-operation in the development of this resource.

[Deputy Mary Harney.]

Officials from my Department and their counterparts in Northern Ireland continue to hold discussions in this regard. I understand that this facility is expected to be operational by 2015.

General Practitioner Co-Operatives.

92. **Deputy Dan Neville** asked the Minister for Health and Children the status of the primary care centre for Athlone, promised since 2004; the number of general practitioners contracted for this centre; and if she will make a statement on the matter. [45648/08]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to a service matter it has been referred to the HSE for direct reply.

Hospital Services.

93. **Deputy John Perry** asked the Minister for Health and Children when she will publish the report commissioned to review maternity hospitals in Dublin; and if she will make a statement on the matter. [45658/08]

Minister for Health and Children (Deputy Mary Harney): In May 2007 the HSE commissioned KPMG consultants to undertake an independent review of maternity and gynaecology services in the Greater Dublin area.

KPMG were asked to focus on four key areas:

- to build on the strengths of the current service configuration and model of care;
- to define the optimal configuration of maternity, gynaecology and neonatology services for the Greater Dublin Area;
- to identify the optimal location of services; and
- to provide a roadmap for the future, outlining the steps required to get from where the service is now to the vision for the future.

The review was informed by a detailed analysis of current service delivery, an extensive stakeholder interview programme and a series of workshops with a wide range of stakeholders. It also included international analysis of maternity and gynaecology service configurations and best practice models of care.

The Report was presented to the HSE Board for information on 13th November. The findings have also been presented to the Joint Standing Committee of the Dublin Maternity Hospitals and to the Chief Executive Officers of the Mater, St Vincent's and Tallaght Hospitals in the context of the recommendation in the Report that services at the three existing maternity hospitals should transfer to these sites. Representatives from the HSE also met with the Institute of Obstetricians and Gynaecologists to discuss the findings of the Report.

The HSE held a further feedback session recently with representatives of the maternity hospitals and the wider group of stakeholders who had engaged with KPMG during the review, including consumer groups. The report will be published on the HSE website shortly.

94. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if and when she will ensure that the same quality standards that are required of public hospitals are also applied to private hospitals; and if she will make a statement on the matter. [45488/08]

Minister for Health and Children (Deputy Mary Harney): A core function of the Health Information and Quality Authority (HIQA) is to set standards on safety and quality of health

services and to monitor enforcement of those standards in an open and transparent way. The Health Act 2007 gives HIQA strong powers in this area in relation to services provided by the Health Service Executive (HSE) and bodies funded by the HSE to provide services on their behalf. The process by which such a regulatory regime is introduced first in the public sector is a feature of similar developments in other jurisdictions.

HIQA has developed National Quality Standards in areas such as: Symptomatic Breast Disease Standards, National Hygiene Standards and National Standards for Infection Prevention and Control and have commenced work on the development of National Quality Standards for acute hospitals in the public acute hospital sector. In addition, there is already in existence extensive legislation governing the activities of healthcare professionals which includes those operating in the private sector.

In January 2007, as part of the Government's commitment to ensuring patient safety and quality in our health services, I established a Commission on Patient Safety and Quality Assurance to develop clear and practical recommendations to ensure that quality and safety of care for patients is paramount within the healthcare system. The Commission's Report — 'Building a Culture of Patient Safety' — was published in August 2008.

The most significant recommendation of the report is the introduction of a licensing system for all health services providers both public and private and such a system should commence with application to the acute hospitals. I am currently considering the Commission's recommendations in detail and I intend to bring the report, together with a proposed implementation strategy, to Government soon.

Hospital Staff.

95. **Deputy Joe Costello** asked the Minister for Health and Children the level of salary that has been agreed for medical consultants who also serve as professors in university medical schools; the way those salaries compare with those paid to professors in other disciplines; and if she will make a statement on the matter. [45493/08]

Minister for Health and Children (Deputy Mary Harney): Arising from the successful conclusion of the Consultants' Contract negotiations earlier this year, the current salary scales applicable to newly appointed Academic Consultants are as follows:

- Professor Type A Contract — €273,000 to €284,000
- Professor Type B Contract — €255,000 to €265,000
- Professor Type C Contract — €231,000 to €241,000

As part of their teaching commitment to a public hospital:

- Type A contract holders will be remunerated solely by way of salary and may not engage in private practice;
- Type B contract holders may engage in limited private practice on the public hospital campus (including in a co-located hospital);
- Type C contract holders, who will be appointed in exceptional circumstances where there is a demonstrable benefit to the public health system, will be entitled to treat private patients outside the public hospital campus.

The Department of Education and Science has advised that the current salaries of professors in teaching institutions range from €117,000 to €159,000.

[Deputy Mary Harney.]

Academic Consultants have a teaching commitment to both public hospitals and universities. They also have a national leadership role in curriculum reform and development, research network co-ordination and administrative links in their particular field of specialisation.

Health Services.

96. **Deputy Seán Sherlock** asked the Minister for Health and Children if a similar service to that offered by the Health Service Executive south that is the farm and rural area stress-line is in operation in other counties; and if she will make a statement on the matter. [43988/08]

131. **Deputy Seán Sherlock** asked the Minister for Health and Children the number of calls per month recorded to the Health Service Executive southern area's farm and rural stress helpline since January 2008; and if she will make a statement on the matter. [43987/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): I propose to take Questions Nos. 96 and 131 together.

As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services.

97. **Deputy Alan Shatter** asked the Minister for Health and Children if she will take the necessary steps to ensure that the Health Service Executive and all maternity hospitals in the State co-operate with parents who request the collection of cord blood upon the birth of a child for the purpose of storage; if her attention has been drawn to the fact that an association (details supplied) has ruled that cord blood banking should be discussed with all prospective parents; the reason the HSE and hospital management are refusing to co-operate with a company to carry out the procurement of cord blood here; if her attention has further been drawn to the potential of stem cell treatment derived from cord blood in the health service; and if she will make a statement on the matter. [45670/08]

195. **Deputy Alan Shatter** asked the Minister for Health and Children if she will take the necessary steps to ensure that the Health Service Executive, all maternity hospitals and hospitals with maternity units in the State co-operate with parents who request the collection of cord blood upon the birth of a child for the purpose of storage; if her attention has been drawn to the fact that the American Medical Association has ruled that cord blood banking should be discussed with all prospective parents; the reason the HSE and hospital managements are refusing to co-operate with a company (details supplied), the only company licensed by the Irish Medicines Board to carry out the procurement of cord blood here; if her attention has further been drawn to the potential of stem cell treatment derived from cord blood in the health service here; and if she will make a statement on the matter. [45729/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 97 and 195 together.

I am aware that research on the range of conditions which may be treated by stem cells is gathering pace and offers promise for the future. I am also aware that the association referred to in the Deputy's question recognises cord blood as useful for some therapeutic purposes. However, the Deputy may wish to note that the association in question does not recommend private banking of cord blood for low-risk families.

Access for the Irish population to cord blood is principally mediated through a network of national and international stem cell banks and registries which is facilitated by the Irish Blood

Transfusion Service. These international banks, to which the Irish population have access, include stem cells sourced from cord blood. In addition, “directed” harvesting of cord blood for medically indicated and predetermined use is facilitated in HSE hospitals in collaboration with the Irish Blood Transfusion Service. The Irish Blood Transfusion Service is licensed for this purpose by the relevant competent authority, the Irish Medicines Board, and procurement of stem cells taken on their behalf at HSE operated or funded hospitals is indemnified by the Clinical Indemnity Scheme.

“Undirected” harvesting of cord blood stem cells is harvesting of cord blood stem cells at the time of birth for potential use in the future which is undetermined at the time of harvesting, including potential future applications not currently established. There is no public service for banking in this scenario. However, there is one private company operating in the Irish market which is authorised to offer this service to members of the public. While this company is licensed under appropriate legislation by the Irish Medicines Board for the procurement of stem cells, they may not themselves always undertake the actual procedure of harvesting the cord blood at the time of birth. Instead they have approached staff employed at hospitals operated or funded by the HSE to enter into a private contract with the commercial company to undertake harvesting on behalf of the company. The State Claims Agency, which provides an indemnity under the Clinical Indemnity Scheme to cover clinical risks in hospitals operated or funded by the HSE, considers that undirected harvesting does not come within the scope of the statutory definition of “professional medical services” as set out in the Order establishing the scheme. Their statement on the matter is publicly available.

At this point, the HSE has not issued a direction to hospitals or staff with regard to the undertaking of undirected harvesting of cord blood under contract with private companies. However, in response to enquiries, the position of the Clinical Indemnity Scheme has been indicated to hospital or staff.

The HSE is currently examining the issues surrounding the undirected harvesting of cord blood at hospitals operated or funded by the HSE to facilitate processing and banking by private companies under contract with patients. It will be corresponding with hospitals once this examination is complete. At the heart of this examination is the need for the HSE to ensure that evidence-based, safe, effective and high quality care is provided to patients and their families. However, it raises broader questions around the entry by staff employed at hospitals operated or funded by the HSE into private contracts with commercial companies to provide products or services not provided by the HSE itself.

Hospitals Building Programme.

98. **Deputy Willie Penrose** asked the Minister for Health and Children if she has had recent discussions on funding issues with the companies that have been selected to provide co-located private hospitals on public grounds; if they have identified problems on securing capital for such projects; and if she will make a statement on the matter. [45508/08]

Minister for Health and Children (Deputy Mary Harney): The aim of the acute hospital co-location initiative is to make available 1,000 additional public acute hospital beds for public patients by transferring private activity, with some limited exceptions, from public acute hospitals to co-located private hospitals.

Significant progress has been made on the co-location initiative. The Board of the HSE has approved preferred bidder status for the development of co-located hospitals at Beaumont, Cork University, Limerick Regional, St James’s, Sligo and Waterford Regional Hospitals. Project Agreements for the first four of these projects have been signed. Planning permission was granted by An Bord Pleanála for the Beaumont project in November 2008. The decision of An

[Deputy Mary Harney.]

Bord Pleanála is awaited in the case of the Cork and Limerick projects, where planning has been granted and appealed. An application for planning permission in respect of the St James's project is expected to be made shortly. Preparatory work in relation to the Project Agreements for the two remaining projects is proceeding.

A tender in respect of Connolly Hospital has been received and is under consideration. Work is being undertaken to finalise the Invitation to Tender (ITT) for Tallaght Hospital.

It is a matter for each of the successful bidders to arrange to finance the projects in accordance with the terms of the relevant Project Agreement. Although it is certainly the case that the funding environment has changed radically in the last six months, in relation to both public and private sectors, the co-location initiative like other major projects has to deal with this. The successful bidders are working on the details of contractual terms with banks and other arrangers of finance in the very difficult and changed credit environment. I have not met the successful bidders to discuss the financing of the projects, as this is an operational matter. However the HSE is continuing to work with them to ensure that the co-located hospitals can be built and brought into operation as soon as possible, and that the goal of achieving new public acute bed capacity at value for money to the State is achieved.

Hospital Waiting Lists.

99. **Deputy Jan O'Sullivan** asked the Minister for Health and Children her views on the proposals from a society (details supplied) which contain a number of practical measures to reduce the time public patients have to wait for colonoscopies, which include running clinics in the evenings and at weekends and employing extra expert staff; her further views on whether waiting times of up to nine months are acceptable; and if she will make a statement on the matter. [45485/08]

Minister for Health and Children (Deputy Mary Harney): Patients who require colonoscopies are prioritised on the basis of information about their symptoms provided by their GP. Those where cancer is suspected are dealt with on an urgent basis. Accordingly, longer waiting times apply only to patients in which an urgent clinical need has not been identified by their GP.

Waiting times for colonoscopies have improved in the last 12 months but I accept there is need for further improvement. In the year to November 2008, there has been a reduction of two thirds in the number of patients waiting for longer than 12 months, and a 31% reduction in the overall number of patients waiting longer than three months. The pattern of lengthy waiting times is confined to a small number of hospitals.

I have discussed this with the CEO of the HSE who last month instructed all hospitals where patients are waiting over three months for a colonoscopy to refer these patients to the National Treatment Purchase Fund (NTPF). The NTPF has said that it will quickly arrange colonoscopies for patients who are referred to them and I expect to see a substantial improvement over a short period of time.

I have also informed the HSE that it will be required to report under Section 10 (2) of the Health Act 2004 on compliance with a target of 4 weeks for urgent colonoscopies from date of referral.

Services for People with Disabilities.

100. **Deputy David Stanton** asked the Minister for Health and Children the impact the deferral of the implementation of the Education for Persons with Special Educational Needs Act, 2004 will have on the implementation by her Department of Part 2 of the Disability Act,

2005 for children of school-going age; and if she will make a statement on the matter. [45570/08]

223. **Deputy David Stanton** asked the Minister for Health and Children if assessments are being carried out under the Disability Act 2005; if such assessments will continue to be carried out; and if she will make a statement on the matter. [46176/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): I propose to take Questions Nos. 100 and 223 together.

The National Disability Strategy, which was launched in September 2004, provides for a framework of new supports for people with disabilities. Among the principal elements of the Strategy are both the Disability Act 2005 and the Education for Persons with Special Educational Needs (EPSEN) Act 2004.

The Disability Act 2005 remains the central component of the National Disability Strategy. Part 2 of the Act provides people with disabilities with an entitlement to:

- an independent assessment of their health and education needs;
- a statement of the services it is proposed to provide;
- pursue a complaint through the HSE complaints process if necessary;
- make an appeal to the independent Disability Appeals Officer.

Part 2 of the Disability Act 2005 commenced for children aged under 5 years with effect from 1 June 2007. This prioritisation reflects the importance of intervention early in life, which can have a significant impact on the disabling effects of a condition or impairment. In addition, a number of sections of the EPSEN Act 2004 have also been commenced, principally those establishing the National Council for Special Education and those promoting an inclusive approach to the education of children with special needs. Unlike the Disability Act, the EPSEN Act does not provide for phased commencement by age cohort. Consequently, the education sector must be in a position to provide the required services to all children before the relevant provisions are commenced.

At the end of November 2008, 3,508 applications for an assessment of need under the Disability Act 2005 have been received and have been completed or are in train by the HSE. This process will continue in respect of children under 5.

It had been intended to have the EPSEN Act fully implemented by 2010, and to commence Part 2 of the Disability Act 2005 for 5 to 18 year-olds in tandem and to extend the provisions to adults the following year. This would have required significant additional investment in 2009 and 2010 to prepare the education and health sectors for the operation of the legislation and to support the statutory processes that would be required. In the light of the current financial circumstances, it is unfortunately necessary to defer the implementation of the above legislation.

However, this does not in any way dilute the Government's commitment in the areas of disability and mental health. Deputies will be aware of the greatly increased funding base for disability and mental health services that has been built up over recent years. Additional monies amounting to more than €550 million have been allocated to the HSE, under the Multi-Annual Investment Programme, to continue to enhance and develop services to people with disabilities and mental health difficulties.

[Deputy John Moloney.]

The Government further emphasised its commitment to children with disabilities by allocating an additional €20 million in the recent Budget for health and education services for children with special educational needs. €10 million of this allocation will be to the Health Service Executive for the provision of 125 additional therapy posts in the disability and mental health services, targeted at children of school-going age, and €10 million to the Department of Education and Science, to enable the services provided to children with special educational needs to be enhanced and strengthened.

The challenge facing us now is to use available resources to best effect in the period ahead. My Office for Disability and Mental Health will be actively working to improve coordination and cooperation between relevant Departments and agencies and to continue to achieve as much progress and service development as possible in the more constrained resource environment that now applies.

Pharmacy Services.

101. **Deputy Dinny McGinley** asked the Minister for Health and Children if her attention has been drawn to the burden being placed on pharmacists throughout the country in having to pay a fee of €2,500 to have their premises registered with a group (details supplied) in view of the fact that the same registration in the United Kingdom and Northern Ireland can be obtained for less than €200; her views on reducing the fee to bring it in line with Northern Ireland; and if she will make a statement on the matter. [45465/08]

Minister for Health and Children (Deputy Mary Harney): I commenced further sections of the Pharmacy Act 2007 on 28th November 2008. Among the sections commenced were those dealing with the setting up of a regulatory regime by the Pharmaceutical Society of Ireland for the registration of retail pharmacy businesses. Each retail pharmacy business will now have to meet certain minimum criteria regarding the facilities, storage and sale of medicinal products on their premises. Registration will be required on an annual basis and inspections can be carried out by the Society. The Society, has been, and continues to be, a self-financing body. These new functions will place additional costs on the Society and it is charging a fee of €2,500 for the registration of pharmacy businesses.

In arriving at a fee for retail pharmacy businesses, the Society engaged consultants to develop an evidence-based methodology for the determination of registration fees on a viable and sustainable self-financing basis. The process included a comparative analysis of comparable international pharmacy regulators. I am informed by the Society that the arrangements for registration in Northern Ireland and the UK are substantially different to what is being introduced here. In particular, the range of duties of regulatory bodies in the UK, in terms of statutory obligations and their role in public safety, is not as extensive as those required of the Society under the Pharmacy Act 2007. The UK is currently establishing an independent pharmacy regulator and once this regulator is in place, the situation in the UK in terms of regulation and funding of such, may change.

The Pharmaceutical Society of Ireland has undertaken to keep the fees for the registration of retail pharmacy businesses under review throughout 2009 and update me as to their appropriate level when submitting its 2010 fee submission. I would also point out that the main fees for registration of pharmacists and pharmaceutical assistants are not increasing for 2009.

Hospital Services.

102. **Deputy Denis Naughten** asked the Minister for Health and Children the timetable for

the delivery of her commitment announced in July 2008 on the retention of services at Roscommon County Hospital; and if she will make a statement on the matter. [45398/08]

Minister for Health and Children (Deputy Mary Harney): The Government is committed to ensuring the delivery of the best quality health services possible in an effective and efficient way. Ensuring patient safety is of paramount importance so that people can have confidence in the services and that the best possible patient outcomes can be achieved. It is essential that we prioritise patient safety and quality and that we organise and manage services accordingly. The priority is to provide safe services as close as possible to where people live.

In the past, Roscommon County Hospital and Portiuncula Hospital Ballinasloe have operated independently, with two consultant general surgeons in each hospital. The difficulties faced by Roscommon and Portiuncula in maintaining surgical services independently, and the need for closer co-operation between them, were highlighted by the former Comhairle na nOspidéal in March 2006. Advances in clinical care and ever-increasing levels of specialisation mean that the present model of care faces important practical difficulties, which must be addressed.

In the light of these factors, the best way of retaining and developing services at Roscommon and Portiuncula hospitals is for these hospitals to work closely together. The Health Service Executive has advised that it is proceeding with the proposal for a Joint Department of Surgery and Anaesthesia at Roscommon County Hospital and Portiuncula Hospital, Ballinasloe.

My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the detailed information sought provided directly to the Deputy.

Services for People with Disabilities.

103. **Deputy David Stanton** asked the Minister for Health and Children her policy in relation to assisted living supports for people with disabilities; the resources she has allocated to assisted living in 2008; and if she will make a statement on the matter. [45569/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): Assisted living services are provided to people with disabilities in a number of ways, personal assistant services and home support services.

The personal assistant service involves the employment of personal assistants (PAs) to enable people with physical or sensory disability to live as independent a life as possible. The PA provides assistance at the direction of the person with the disability and may involve providing assistance with tasks of everyday living such as personal care, household tasks and outside the home, whether in a work or social situation, thus promoting choice and independence for the person with the disability. The PA works on a one to one basis, in the home and/or in the community, with a person with a physical or sensory disability, with the aim of assisting that person to achieve independence.

The Home Support service provides domestic and or personal care inputs at regular intervals on a weekly basis. It differs from the role of a PA in that it focuses more on the necessary domestic and personal care inputs of those based mainly in the home but can occasionally include community activities. Home supports can be provided through a dedicated home support service or through the generic home help service. Home supports can be an alternative to residential care, where support to individuals in daily living can avoid the need for full time residential services.

All assisted living services, including PA services and home support, is provided through voluntary agencies or through the HSE.

[Deputy John Moloney.]

The assisted living service aims to:

- facilitate appropriate and effective inclusion and participation in their local community; and
- provide personal care when needed to facilitate community inclusion.

Services are accessed through an application process or through referrals from public health nurses or other community based staff. Individuals' needs are evaluated for the particular services and then decisions are made in relation to the allocation of resources. Resource allocation is determined by the needs of the individual, priorities and the level of resources available.

Under the Multi-Annual Investment Programme for people with a disability an additional 820,000 hours of PA/Home Support services has been put in place since 2005.

This year alone an additional €4.5m was allocated to provide 200,000 additional hours of PA/ Home support services.

The total level of assisted living service provided this year amounts to 3.2 million hours with a total cost of approximately €61m.

Hospitals Building Programme.

104. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if, in view of the further strains on Exchequer finances as highlighted in Revenue figures at the end of November 2008, it is still intended to proceed with the removal of the Central Mental Hospital from Dundrum and its co-location with the prison at Thornton Hall; and if she will make a statement on the matter. [45577/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): I can confirm that it is proposed to proceed with the development of a new national forensic mental health facility at Thornton Hall, Co. Dublin. The cost of developing the new facility will be met from the proceeds of the sale of the existing Central Mental Hospital in Dundrum. Any excess funds will be used to fund other mental health service physical infrastructure such as intensive care rehabilitation units, in line with the recommendations of 'A Vision for Change' — the Report of the Expert Group on Mental Health Policy.

I look forward to the development of the new hospital facility which will provide a therapeutic, forensic psychiatric service to the highest international standards in a purpose built building.

Health Services.

105. **Deputy Liz McManus** asked the Minister for Health and Children when she expects hospice care to be available to the people of Wicklow; and if she will make a statement on the matter. [45497/08]

125. **Deputy Brian O'Shea** asked the Minister for Health and Children if there will be a delay in the plans to provide a hospice in Waterford to serve the needs of the south east; the reason for this delay; if she will restore the original timeframe; and if she will make a statement on the matter. [45496/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): I propose to take Questions Nos. 105 and 125 together.

The Specialist Palliative Care In-Patient Unit for Waterford is currently included in the Development Control Plan (D.C.P) for Waterford Regional Hospital, which is nearing completion. It is anticipated that the appointed architects will commence design of the Hospital D.C.P in January 2009. The Design Team and HSE Estates Management will continue to liaise closely with relevant key stakeholders in Palliative Care in finalising this plan.

Palliative Care Services in Wicklow are currently provided by a multidisciplinary team including General Practitioners, Public Health Nurses, Community Registered General Nurses, Health Care Assistants and Clinical Nurse Specialists in Palliative Care. The planning and delivery of palliative care services are a matter for the Health Service Executive.

The HSE recently advertised for vacant posts for the Community Palliative Care Nursing Service in Wicklow and it is hoped to fill these posts towards the end of January next. The Public Health Nursing Service dealing with palliative care in Wicklow links closely with Blackrock Hospice to enable clients avail of respite care/hospice care and day care. The future development of Palliative Care Services in Wicklow envisages a specialist hospice to be built in Wicklow to support patients in that area.

The HSE are currently developing a Five year Capital Plan for Specialist Palliative Care services which will include all proposed capital developments nationally. The timeframes and costings associated with each development, including Waterford, will be included and prioritised in the context of this Plan and in line with overall capital and non-capital resources available to the Executive

I wish to stress that both of the proposed developments hope to be considered by the HSE in the context of its overall priorities for Palliative Care and in line with agreed capital revenue resources.

Obesity Levels.

106. **Deputy Liz McManus** asked the Minister for Health and Children if she will implement the recommendations of the Task Force on Obesity as a matter of urgency in view of the accumulated evidence that this is a growing problem that will be a major cost to the health services in years to come; and if she will make a statement on the matter. [45498/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): Implementation of the report of the National Taskforce on Obesity (NTFO) is ongoing. By its nature, implementation of many of the recommendations was going to take place in the medium term with some of the actions more long-term. A survey by the National Nutrition Surveillance Centre on the implementation of the NTFO Report shows that there has been action and progress on 60% of the recommendations. There is considerable evidence of action and delivery at local and community level.

Since becoming Minister of State with responsibility for Health Promotion, I have made tackling obesity one of my key priorities. In order to give a new impetus to this issue I am currently in the process of conducting a series of bilateral discussions with relevant Departments with regard to the implementation of the recommendations of the Taskforce.

I am also in the process of establishing a multi-sectoral group representative of key Government Departments, Non-Governmental Organisations and other key experts to oversee implementation of the Task Force's recommendations. Its first task will be to report before next Easter on the progress to date in the implementation of the report of the Task Force. I intend to Chair this Group and the first meeting will take place in January.

Inter-Country Adoptions.

107. **Deputy Jim O’Keeffe** asked the Minister for Health and Children the position regarding the bilateral agreement in relation to adoption between Ireland and Vietnam; and the steps being taken for its renewal from the expiry of the present agreement on 30 April 2009. [45400/08]

210. **Deputy Jack Wall** asked the Minister for Health and Children her views in relation to correspondence (details supplied) in regard to bilateral adoption agreements between Ireland and Vietnam; the reason that such an agreement may not be renewed when it expires in 2009; the efforts she is making to overcome the problems; if she has had meetings with the Department of Foreign Affairs in relation to the matter; if so, the results of such meetings; if she has had meetings with the WHO in relation to the matter; if so, the results of such meetings; and if she will make a statement on the matter. [46042/08]

211. **Deputy Brian O’Shea** asked the Minister for Health and Children if the bilateral agreement for the purpose of adoption between Ireland and Vietnam will be renewed when it expires on 30 April 2009 (details supplied); and if she will make a statement on the matter. [46043/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I propose to take Questions Nos. 107, 210 and 211 together.

My Office will shortly be publishing the Adoption Bill, 2008 which will ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. Under the new legislation, prospective adoptive parents will be able to adopt from countries which have also ratified the Hague Convention, and countries with which Ireland has a bilateral agreement which meets Hague standards.

While it is true to say that our current Agreement with Vietnam is based on Hague principles, as part of the preparations for our new legislation we need to ensure that our Agreement reflects the Hague Convention as comprehensively as possible. A new Agreement allows the opportunity to elaborate and strengthen some existing provisions to meet the standards which it is anticipated will be set in draft legislation. There have been considerable developments in intercountry adoption in Vietnam since the Agreement was signed 5 years ago. This progress also needs to be reflected in any new Agreement.

There is a clause in the current Agreement which states that the Agreement will be automatically extended for another 5 year term unless one State notifies the other State to the contrary. Because of the proposed changes to our adoption legislation, the Agreement cannot ‘roll over’ in its present form for another 5 years. As a result, the Irish Government was obliged to formally notify Vietnam that there can be no automatic renewal of the Agreement when the five year term expires on 1 May, 2009.

I am aware of the concerns of those parents who have already adopted and those who hope to adopt from Vietnam in the future. I would like to assure the Deputy that officials from my Office and the Adoption Board have been continuously monitoring the situation and liaising closely with colleagues in the Department of Foreign Affairs and our embassy in Hanoi over recent months. In November, a senior official from my Office led a delegation to Vietnam accompanied by the Chairman and CEO of the Adoption Board. While the purpose of this visit was to commence discussions with the Vietnamese Authorities on the possibility of negotiating a new Agreement, the delegation also availed of the opportunity to meet with officials from various embassies and with UNICEF to discuss the their views on intercountry adoption from Vietnam.

The Irish Government has issued a formal request to the Vietnamese Authorities stating that we wish to enter into discussions immediately for the purpose of negotiating a new Agreement to follow on from the existing Agreement. We are currently awaiting the response of the Vietnamese authorities.

Question No. 108 answered with Question No. 85.

Pharmacy Services.

109. **Deputy Charles Flanagan** asked the Minister for Health and Children the additional penalty the High Court judgment (details supplied) will have on the taxpayer; and if she will make a statement on the matter. [45627/08]

Minister for Health and Children (Deputy Mary Harney): Following the High Court judgment concerning payments made to community pharmacists in September this year, the HSE have reinstated the previous level of payment to pharmacists from October 2008 onwards. Ms Justice Finlay Geoghegan has not yet ruled on the amount of arrears payable and possible damages arising from the judgment but indicated on 5th of December that she may do so before Christmas. Until this ruling is given I am not in a position to determine the full financial implications of the judgment.

Health Services.

110. **Deputy Bernard Allen** asked the Minister for Health and Children the reason the screening programme to prevent against sight loss associated with diabetes will not be rolled out in view of a promise in July 2008 that it would go ahead in 2008; if the Health Service Executive is allowed to defer development funds for budgetary reasons; and if she will make a statement on the matter. [45583/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Staff.

111. **Deputy P. J. Sheehan** asked the Minister for Health and Children the number of new consultant posts that will be filled in 2009 as opposed to replacement posts; and if she will make a statement on the matter. [45663/08]

126. **Deputy Joe Costello** asked the Minister for Health and Children if she will estimate the approximate number of extra hospital consultants that will be recruited in 2009 following the agreement on a new contract for medical consultants; and if she will make a statement on the matter. [45494/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 111 and 126 together.

Government policy is to increase substantially the number of consultants in the public health service in order to rebalance the ratio between consultant and non-consultant hospital doctors subject to the full implementation of reformed work practices.

The finalisation of the new consultants' contract facilitated the recommencement of the Health Service Executive (HSE) consultant recruitment process. The Executive has advised that its Consultants Appointment Unit has approved 245 consultant posts since April, of which 115 are new posts. To date, 154 posts have been advertised.

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The creation and funding of further consultant posts will be driven by service priorities, as reflected in the HSE's Annual Service Plan, and the policy of achieving a better balance between the numbers of consultant and non-consultant hospital doctors.

Health Service Staff.

112. **Deputy Mary Upton** asked the Minister for Health and Children if she has plans to retain qualified physiotherapists in this country; and if she will make a statement on the matter. [45513/08]

Minister for Health and Children (Deputy Mary Harney): There has been a growing demand for, and investment in, physiotherapy services over the last number of years.

There were a number of issues contributing to difficulties accessing therapy services, one of which had been the supply of qualified personnel available to fill vacant posts. A particular priority for my Department and the Department of Education and Science in recent years has been the expansion of the supply of therapy graduates. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future. In this regard, since 1997, the number of training places for physiotherapy has been increased from 64 to 145 which represents an increase of 127%.

Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The numbers of physiotherapists employed has also grown significantly, with 593 whole time equivalents employed in December 1997 compared to 1,429 whole time equivalents employed in September 2008, which represents an increase of 141%.

The Government is committed to ensuring continued adequate recruitment of professional staff across a range of community settings to ensure the continued development of community services. Additional funding of €20 million has been provided in 2009 for health and education services for children with special educational needs. This funding will provide a total of 125 additional therapy posts in the HSE targeted at children of school-going age. 90 of these will be in the disability services, including speech and language therapists, occupational therapists and physiotherapists, with an additional 35 posts being provided for child and adolescent mental health services.

In addition, certain key health and social care professional posts, including physiotherapists, are to be protected by setting employment floors for these grades within the Health Service Executive (HSE) in 2009. These posts are essential to the development of a number of services areas such as disability, child and adolescent mental health services and child protection services. In order to protect these posts, my Department will be writing to the HSE setting out the minimum employment levels to be maintained within each of these occupations in the health sector in 2009. The recruitment and retention of these key front line professional posts is vital to ensure continued progress in the development of community settings.

Private Health Insurance.

113. **Deputy Ciarán Lynch** asked the Minister for Health and Children when she expects to receive a decision from the EU Commission with regard to her proposal to impose a levy on

health insurance companies along with tax breaks for their older clients; and if she will make a statement on the matter. [45487/08]

Minister for Health and Children (Deputy Mary Harney): I expect to have a response early in the New Year to our notification of the measures to the Commission.

Health Service Expenditure.

114. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the action she proposed to take in response to the recent report of the Committee of Public Accounts on health expenditure; and if she will make a statement on the matter. [45574/08]

Minister for Health and Children (Deputy Mary Harney): The Report of the Committee of Public Accounts on the Third Interim Report on the 2006 Report of the Comptroller and Auditor General — Expenditure on Health Services was published on the 18th November 2008 and its findings and recommendations are currently being examined by my Department and the HSE.

Mental Health Services.

115. **Deputy Arthur Morgan** asked the Minister for Health and Children the manner in which the money raised from the sale of psychiatric hospitals and lands will be ring-fenced to fund mental health services; and if she will make a statement on the matter. [45576/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): ‘A Vision for Change’ the Report of the Expert Group on Mental Health Policy, recommends *inter alia* that a plan to bring about the closure of all psychiatric hospitals should be drawn up and implemented and that the resources released by these closures should be protected for reinvestment in the mental health service. ‘A Vision for Change’ has been accepted by Government as the basis for the future development of our mental health services.

Following the sale of land, the HSE is required to lodge the proceeds to the Exchequer as Exchequer Extra Receipts; proceeds from the sale of psychiatric hospitals and lands will then be ringfenced for reinvestment in mental health services. Going forward the funds will be drawn down by the Health Service Executive to finance the mental health physical infrastructure programme envisioned in ‘A Vision for Change’.

HSE Service Plan.

116. **Deputy Kathleen Lynch** asked the Minister for Health and Children when she will publish the Health Service Executive’s National Service Plan for 2009; and if she will make a statement on the matter. [45514/08]

Minister for Health and Children (Deputy Mary Harney): I approved the HSE National Service Plan 2009 last Tuesday, 9 December 2008 under Section 31(8) of the Health Act, 2004. In approving the Plan, I highlighted to the HSE certain critical performance issues in overseeing its implementation. I also emphasised the necessity for the HSE to operate within the limits of its Voted allocation in delivering at a minimum, the levels of service which are provided for in the Plan.

In broad terms, the Plan outlines that the HSE will deliver the same activity in 2009 as in 2008. In order to deliver the level of services it is committing to, the HSE will be reconfiguring many front line services. This is in keeping with the overall strategic direction as set out in the HSE Corporate Plan 2008 — 2011 and includes conversion of in-patient work to day case work, a focus on reducing in-patient length of stay in acute hospitals, reduction of in-patient bed

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numbers and associated costs and the provision of more services in community settings, thus reducing the dependency on in-patient beds. The 2009 allocation includes €120m to meet service pressures arising from demographic changes and also includes €55m for the implementation of the Fair Deal Scheme, an additional €15m for the Cancer Control Programme and €10m for therapy supports for children of school going age.

Clearly, the current fiscal position demands the most careful control of public expenditure and I am strongly of the view that account needs to be taken of all emerging potential cost pressures. In this context, I have asked the HSE to review the latest information relevant to the management of Demand Led Schemes expenditure and to formulate and submit a contingency plan to address any pressures in this area over and above those provided for in the Plan. During 2009, the HSE will provide me with detailed information relating to service activity levels by way of monthly Performance Monitoring Reports against the Plan.

The Plan was laid before both Houses of the Oireachtas on 10 December in line with Section 31(13) of the Health Act 2004 and the HSE has been asked to make arrangements to publish the Plan on their website as soon as possible in line with Section 31(14) of the Act.

Hospital Staff.

117. **Deputy Emmet Stagg** asked the Minister for Health and Children the progress that has been made in addressing the shortage of midwives as a result of the increasing birth rate; when the report on maternity services will be published; the proposals that have been put forward from the Health Service Executive's Maternity Services Expert Advisory Group; and if she will make a statement on the matter. [45516/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Child Protection.

118. **Deputy Alan Shatter** asked the Minister for Health and Children if a report was received by her in July 2008 regarding the child protection policies practised in the Cloyne Diocese; if the report contains criticism of the way the Diocese of Cloyne dealt with allegations of child abuse; if she will detail those criticisms; the action taken by her to date on foot of the report; and if the report will be published. [45397/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): My office was sent a report by the National Board for Safeguarding Children in the Catholic Church (NBSCCC) relating to the Catholic diocese of Cloyne in July, 2008. As soon as the report was received officials from my office requested the NBSCCC to forward the report to the HSE. As it later became clear that the NBSCCC had not forwarded the report to the HSE, and did not intend doing so, the report was sent by the OMCYA to the HSE.

Legal advice has been sought by my office in relation to the status of the report and possible publication of its contents therefore it is inappropriate to provide any details from the report.

My office acted by passing on the report to the HSE as the agency statutorily responsible to promote the welfare of children not receiving adequate care and protection and for consideration by HSE in the formulation of a report to advise me in relation to possible notification of a diocese to the Dublin Archdiocese Commission of Investigation under the terms of reference of that Commission in relation to current child protection practices and policies in a diocese. The report referred to from the HSE has been received in my office and is under consideration.

Medical Cards.

119. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of those over 70 years who on the basis of current calculations are expected to lose their eligibility for a full medical card; the basis on which this calculation has been reached; and if she will make a statement on the matter. [45561/08]

Minister for Health and Children (Deputy Mary Harney): Following the Government decision to withdraw automatic entitlement to a medical card for persons aged 70 and over and to raise the means assessment threshold for persons in that age cohort, it is estimated that approximately 5% (20,000) of the current medical card holders aged 70 and over will no longer qualify for a medical card.

The estimated 5% figure of persons aged 70 and over, who will lose automatic entitlement to a medical card, was based on the best available information from the Central Statistics Office (CSO) and the EU wide survey on Income and Living Conditions (EU-SILC), which is conducted by the CSO to obtain information on the income and living conditions of different types of households. These EU-SILC tables have been made available to Opposition parties.

Health Service Expenditure.

120. **Deputy Ruairí Quinn** asked the Minister for Health and Children her views on the recommendations in the third interim report on the 2006 report of the Comptroller and Auditor General of the Committee of Public Accounts in relation to the need for performance indicators and effective deployment of resources in the Health Service Executive; if she will ensure that the recommendations are implemented; and if she will make a statement on the matter. [45510/08]

Minister for Health and Children (Deputy Mary Harney): I welcome the ‘Third Interim Report on the 2006 Report of the Comptroller and Auditor General — Expenditure on Health Services’ which was recently published by the Public Accounts Committee. A number of the Report’s recommendations relating to matters such as the Hospital Consultants contract, the HSE’s utilisation of assets and its financial management systems are already the subject of action by my Department, the HSE or other relevant bodies.

With reference to the specific recommendations on effective deployment of resources and the need for performance indicators, I am committed to further developing the measurement of performance within the health system. Significant progress has been made in the HSE Service Plan 2009 in terms of incorporating more explicit links between funding, staffing and services and the development of an improved set of activity measures, performance indicators and deliverables in key service areas, which are matched with timescales. The HSE will report monthly to my Department on the performance of the health system against the agreed targets. The improvements in the National Service Plan will form a framework for achieving greater clarity at an individual service unit level within the HSE on performance expectations regarding service delivery, staffing levels and funding.

The first recommendation in the report refers to the need for the HSE to establish benchmarks to underpin decision making on the allocation of human resources. The HSE has operational responsibility to determine the number and type of staff required to deliver particular services. The financial constraints applying mean that there must be flexibility to deploy staff to areas of greatest service need. The HSE has already initiated discussions with health service unions to facilitate this approach during 2009.

The second recommendation refers to the need for decisions on resource allocation to be based primarily on activity levels, with incentives being put in place to improve performance.

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Hospital funding is currently linked with performance through the National Casemix Programme which compares costs and activity between 37 hospitals that participate in the Casemix Budget Model, and reviews how over €4.5 billion in acute hospital funding is allocated. This Programme continues to be developed and rolled-out, both within hospitals already within the Programme, and to new hospitals. Internationally, performance based funding models are less well developed outside of the hospital sector. My Department and the HSE continue to keep opportunities in this area under review.

The third recommendation refers to the use of data collected through Healthstat to inform allocation decisions and to the need for it to be made more readily available to key stakeholders. Healthstat creates information at the level of hospital/hospital network and local Health Office. This information is provided to hospitals and local Health Offices in advance of the monthly HealthStat forum meeting chaired by the CEO of the HSE and these meetings demand accountability from hospitals and local Health Offices for their individual performances. The HSE intends to publish elements of HealthStat data on their website from March of next year. In addition, work is progressing under the auspices of the Joint HSE/Department Performance Information Group to incorporate relevant information from HealthStat into the performance management framework for the Health Services at national level.

The final recommendation relates to the need for major health development projects to be planned on the basis of whole life cost. Procedures currently in place require the HSE to identify the life cycle costs, including revenue and staffing costs, of proposed capital projects prior to their submission as part of the Executive's proposed Capital Plan. These costs are a key criterion against which such proposals are evaluated. In conclusion, I welcome the Report of the Committee of Public Accounts. Progress is already being achieved on many of the recommendations and work will continue in both my Department and the HSE in relation to the Report's findings.

Private Health Insurance.

121. **Deputy Tom Hayes** asked the Minister for Health and Children her views on whether the VHI will not meet the requirement to achieve solvency of 40% by the end of 2008; and if she will make a statement on the matter. [45632/08]

Minister for Health and Children (Deputy Mary Harney): The Voluntary Health Insurance Board (Amendment) Act, 2008 imposed an obligation on the VHI to acquire a reserve fund sufficient to allow it to submit an application for authorisation to the Financial Regulator by 31 December 2008. Any decision on whether to grant authorisation or not is entirely a matter for the Regulator. The VHI submitted an application in June. However, before any decision on the application had been taken by the Regulator the Supreme Court found the 2003 Risk Equalisation Scheme to be *ultra vires* on 16 July. One consequence of the Court's decision was that VHI would not receive the transfers due to be paid to it under the scheme. This development had an adverse impact of the financial projections submitted to the Regulator in June as part of the application. The Regulator has asked the VHI to submit revised projections. These will reflect the anticipated impact of the measures announced by the Government on 19 November. The company is exploring all the options open to it under the 2008 Act that would help satisfy the Regulator's solvency requirements.

Health Services.

122. **Deputy Martin Ferris** asked the Minister for Health and Children if her attention has been drawn to the fact that there is still a shortage of speech and language therapy services

while trained speech and language therapists are having to emigrate to find work; if she will address this problem; and if she will make a statement on the matter. [45580/08]

Minister for Health and Children (Deputy Mary Harney): There has been a growing demand for, and investment in, speech and language therapy services over the last number of years.

There were a number of issues contributing to difficulties accessing therapy services, one of which had been the supply of qualified personnel available to fill vacant posts. A particular priority for my Department and the Department of Education and Science in recent years has been the expansion of the supply of therapy graduates. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future. In this regard, since 1997, the number of training places for speech and language therapy has been increased from 25 to 105 which represents an increase of 320%.

Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The numbers employed in speech and language therapy has also grown significantly from 282 whole time equivalents employed in December 1997 rising to 736 whole time equivalents employed in September 2008, which represents an increase of 161%.

The Government is committed to ensuring continued adequate recruitment of professional staff across a range of community settings to ensure the continued development of community services. Additional funding of €20 million has been provided in 2009 for health and education services for children with special educational needs. This funding will provide a total of 125 additional therapy posts in the HSE targeted at children of school-going age. 90 of these will be in the disability services, including speech and language therapists, occupational therapists and physiotherapists. 35 additional posts will be provided for child and adolescent mental health services, including clinical psychologists, occupational therapists and speech and language therapists for new and existing multi-disciplinary teams.

In addition, certain key health and social care professional posts, including speech and language therapists, are to be protected by setting employment floors for these grades within the Health Service Executive (HSE) in 2009. These posts are essential to the development of a number of services areas such as disability (including speech and language therapy), child adolescent mental health services and child protection services. In order to protect these posts, my Department will be writing to the HSE setting out the minimum employment levels to be maintained within each of these occupations in the health sector in 2009. The recruitment and retention of these key front line professional posts is vital to ensure continued progress in the development of community settings.

Medical Cards.

123. **Deputy Lucinda Creighton** asked the Minister for Health and Children the general practitioner take-up rate of the single capitation fee of €290 in respect of all persons aged 70 years and over who will have a medical card; and if she will make a statement on the matter. [45611/08]

Minister for Health and Children (Deputy Mary Harney): The Government appointed Mr. Eddie Sullivan to make recommendations on a new single annual capitation fee to be paid to general practitioners in respect of medical card holders aged 70 and over in the community. Having considered in excess of seventy submissions from interested parties, including the rep-

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representative body of GPs, the Irish Medical Organisation and taking into account the existing fees and cost structure, Mr. Sullivan recommended a single capitation fee of €290, which would come into effect, subject to the proposed legislative changes, from 1st January 2009. Mr. Sullivan's recommendations were accepted by Government on 29th October 2008.

The necessary legislative provisions were contained in the Health Bill 2008 which passed all stages in the Oireachtas and was signed into law on 12th December 2008. The Health Service Executive, which has the operational and funding responsibility for the General Medical Services (GMS) Scheme, will notify all General Practitioners contracted to provide services under the scheme of the new capitation fee arrangements.

Suicide Prevention.

124. **Deputy Pat Rabbitte** asked the Minister for Health and Children the initiatives that have been taken to target those most at risk of suicide in order to take measures to prevent such an outcome; and if she will make a statement on the matter. [45512/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): 'Reach Out' — A National Strategy for Action on Suicide Prevention, provides a policy framework for suicide prevention activities in Ireland. Implementation of the strategy is the responsibility of the Health Service Executive.

Initiatives funded by the HSE's National Office for Suicide Prevention include developing and implementing national training programmes, completing the availability of self-harm services through A&E departments, implementing recommendations arising from a review of bereavement services, dedicated suicide officers, supporting voluntary organisations working in the field of suicide prevention and developing mental health awareness campaigns. It should also be emphasised that a range of services such as mental health and primary care services are important in helping to prevent suicide.

Once-off funding of €1m will be provided in 2009 for further suicide prevention initiatives. The funding will be used to develop campaigns aimed at young people and to further develop services for those bereaved by suicide.

Question No. 125 answered with Question No. 105.

Question No. 126 answered with Question No. 111.

Hospital Accommodation.

127. **Deputy Brian O'Shea** asked the Minister for Health and Children the basis on which a decision was made to reduce the number of beds in the Waterford specialist cancer centre; if she is satisfied that the necessary supports will be available in the community for the needs of cancer patients who would otherwise be treated in the hospital setting; if this change has cost-saving implications; and if she will make a statement on the matter. [45495/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Pharmacy Services.

128. **Deputy Joan Burton** asked the Minister for Health and Children if, in view of the High Court's decision (details supplied), her Department and the Health Service Executive can negotiate with professional representative bodies in order to advance proposed changes within the services; and if she will make a statement on the matter. [45491/08]

Minister for Health and Children (Deputy Mary Harney): I am considering the legal, financial and service implications of the judgment of Justice Finlay-Geoghegan in the Hickey Pharmacy case. The judgment confirms that, under the terms of the Community Pharmacy Contract or Agreement, I have the power to alter the payments to pharmacists after consultation with the Irish Pharmacy Union. I intend, very shortly, to begin a consultation process, in order to achieve significant savings in the pharmaceutical distribution chain.

To my knowledge there is no suggestion that the judgment has any wider implications for negotiations with professional representative bodies in general.

Hospital Staff.

129. **Deputy Joan Burton** asked the Minister for Health and Children the extra value for money she expects to be delivered to the health services as a result of the new consultants' contract; the mechanism in place to ensure that the work practices that underpin salary increases for consultants will be adhered to; and if she will make a statement on the matter. [45492/08]

Minister for Health and Children (Deputy Mary Harney): The introduction of the working arrangements agreed under the new consultants' contract will result in the increased availability of senior clinical decision makers to treat and discharge patients as part of the transition to a consultant-delivered service from the present consultant-led service. The successful implementation of the new contract will improve the position of public patients in terms of their access to the public health system.

Under the contract consultants will work a 37 hour week in an extended span of the working day from 8 am to 8 pm, where appropriate, Monday to Friday; and a scheduled attendance of up to five hours where required on Saturday, Sunday and Public Holidays. Other benefits of the new contract include:

- New private practice provisions range from a total prohibition on such practice to an upper limit of 20% for newly appointed consultants (30% for existing consultants).
- The introduction of Clinical Director posts across the health service.
- Consultants working in teams under the leadership of Clinical Directors.
- A common waiting list for outpatient diagnostics. In addition, such services are subject to the permitted ratio of public:private practice and the employer must be satisfied that billing for such services reflects the permitted ratio.
- The Consultant, while clinically independent, is subject to statutory and regulatory requirements and corporate policies and procedures.

Under the contract the ratio of public to private practice will be implemented through the Clinical Directorate structure and the implementation of this ratio will be the subject of audit, including audit by my Department.

Clinical Directors will provide clinical leadership in the context of implementation and they will have a pivotal role in monitoring compliance by individual consultants with the ratio of public to private practice stipulated in their contracts, taking corrective action if the private practice limit is being exceeded.

The new contract also provides for the introduction of Clinical Directorate Service Plans. The Directorate Service Plans will cover the organisation and delivery of services at the front-line at operational level. Individual consultant's work schedules will be incorporated into the

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Directorate Service Plan. In developing the Directorate Service Plan the Clinical Director will determine the monthly work schedule for consultants and how each consultant's commitment will be discharged to achieve the planned level of output.

Accident and Emergency Services.

130. **Deputy Emmet Stagg** asked the Minister for Health and Children if consideration is being given to changing the way the Health Service Executive data on waiting times in hospital accident and emergency departments is compiled; if it is intended in the future to count time waiting before, as well as after, a decision to admit the patient; and if she will make a statement on the matter. [45515/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has developed a number of systems for measuring performance within the hospital system, including those related to the presentation and treatment of patients at Emergency Departments. However, it is accepted that the current systems in a number of hospitals cannot capture the full waiting time experience of all patients attending Emergency Departments.

I believe that setting clear targets for improvement and measuring performance against these targets helps to drive further improvements in services. I have asked the HSE to set a revised maximum waiting time target of no more than 6 hours from registration to admission or discharge in 2009 for all patients attending Emergency Departments, and to introduce a measurement system in 2009 to record the total waiting time for all such patients. The HSE has committed to introducing these measures in its National Service Plan, 2009.

Question No. 131 answered with Question No. 96.

Health Services.

132. **Deputy Róisín Shortall** asked the Minister for Health and Children if she will publish the five year implementation framework for the Report of the National Advisory Committee on Palliative Care 2001; and if she will make a statement on the matter. [45501/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): Under the Programme for Government, the Government has committed to removing the regional disparities in the provision and funding of palliative care, and to ensuring that the needs of all those who require palliative care are met. The Department of Health and Children is committed to working with the HSE and other key stakeholders in developing palliative care services throughout Ireland.

Funding is being provided for the development of palliative care services in line with the recommendations in the Report of the National Advisory Committee on Palliative Care (2001) and in the context of available resources and workforce planning across the health service. Additional funding totalling €18 million was provided by the Government in Budgets 2006 and 2007. A further €3 million was allocated under Budget 2008 to develop services. This funding is being used to improve palliative care services in consultation with the HSE Regional Development Committees and in line with the recommendations made in the 2001 Report.

The plan the Deputy is referring to is being developed by the HSE work is ongoing on the development of this plan and good progress has been made to-date.

Hospital Staff.

133. **Deputy Eamon Gilmore** asked the Minister for Health and Children the way she will

ensure that hospital consultants who continue to work under their existing contract spend the appropriate time caring for their public patients and use only the appropriate percentage of beds in public hospitals for their private patients; and if she will make a statement on the matter. [45499/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has responsibility for implementing, monitoring, and ensuring compliance with the terms of the consultants' contracts. The HSE has issued guidance to health service management regarding the need to ensure consistency in the application of contractual arrangements with regard to consultants. Consultants who choose to remain on the 1997 contract are contractually obliged to comply with the relevant sections of the contract and its associated Memorandum of Agreement which relate to scheduling and organisation of work and the conduct of private practice.

Clinical Directors will be appointed and will have a pivotal role in managing and monitoring consultants' contractual arrangements, including monitoring the ratio of public/private practice undertaken by individual consultants. In addition, measurement systems in relation to the public/private mix are being put in place.

Inter-Country Adoptions.

134. **Deputy Jim O'Keeffe** asked the Minister for Health and Children her views on the establishment of arrangements to encourage inter-country adoptions; and if she will make a statement on the matter. [45401/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): My Office is continuing to work to create the appropriate legislative, policy and administrative frameworks which will ensure a well regulated regime of adoption which reflects both the changing nature of adoption and the growth in intercountry adoption. The Government's aim is to support and protect prospective parents, and even more importantly, the children for whom adoption services are devised and provided.

The first priority is the ratification of the Hague Convention on the Protection of Children and Intercountry Adoption, 1993. I am pleased to inform the Deputy that the Adoption Bill, 2008, which will ratify the Convention, will be published at the earliest opportunity.

A core principle of the Hague Convention is that intercountry adoption should be child centred, that is, in all stages of the process the child's interests must be paramount. The Hague Convention has put in place the equivalent of a contract between states to regulate the standards that will apply in each jurisdiction. It is an additional safeguard for a receiving country like Ireland regarding the standards that are being applied in the sending country, over which we have no jurisdiction. As a receiving country it is especially important to have some confidence in the process of consent to the adoption, the status of the child as adoptable and a guarantee of no improper financial gain from the process. Legislation and specifically the regime of the Hague Convention is at least some assurance for individual children, their families, and the State, that appropriate procedures have been followed and that the adoption was affected in the best interests of the child.

Services for People with Disabilities.

135. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if she will ensure that the Health Service Executive reallocates, to services for people with disabilities, the estimated €70 million redirected from that sector by the HSE; and if she will make a statement on the matter. [45578/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to a service matter, I have arranged for the question to be referred to the Health Service Executive for direct reply.

Child Care Services.

136. **Deputy Martin Ferris** asked the Minister for Health and Children if she has received representations from people working in child care on the adverse effects of the child care subvention scheme; and if she will make a statement on the matter. [45579/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme 2006 -2010 (NCIP), which will invest €575 million over 5 years, with €358 million of this in capital grant aid for childcare services.

I am aware that concerns regarding the new Community Childcare Subvention Scheme (CCSS) have been expressed by some community childcare services and I have met with representatives of a number of service providers and discussed issues of concern to them. It is considered that the new scheme provides an effective framework for the continued targeting of additional resources towards disadvantaged parents and their children while continuing to support community childcare services generally. The CCSS was informed by and takes account of a number of enhancements recommended by the report of the Value for Money Review of the Equal Opportunities Childcare Programme. These include the fact that the subvention to services is more responsive to the level of service provided as well as the degree of parental disadvantage, and the ceiling for funding, which existed under the previous scheme, is removed. Account is also taken of all of the operational costs of the service rather than staffing costs alone. Services, including full-time, part-time and sessional ones, which were in some cases, inaccessibly priced for disadvantaged parents, are now available to them at more appropriate rates under the new scheme. In addition, transitional funding arrangements have been made to ensure that existing grant recipients are facilitated to adjust to the new scheme, including making any adjustments necessary to their fee structures.

As you may be aware the framework for the CCSS was originally announced in July 2007 and on the basis of information collected from the community childcare services, adjustments were made to the scheme by the Government in December of that year. These adjustments addressed many of the concerns expressed by childcare providers in relation to the CCSS. I am confident that the scheme is a fair and equitable way of supporting community childcare operators in the provision of an affordable and high quality service to parents, based on their means.

Nursing Education.

137. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she has received representations from SIPTU regarding cutbacks in nurse education; and if she will make a statement on the matter. [45573/08]

Minister for Health and Children (Deputy Mary Harney): I can confirm that my Department responded to a representation from SIPTU regarding expenditure savings on nursing education on 8th December last. The reply informed SIPTU that in 2009 a reduction of 310 places in the undergraduate degree programme would be implemented by the HSE under proposals to deliver economy savings of €115 million under Budget 2008.

The reduction means that from next year we will be providing 1,570 undergraduate places as follows:

	Number of Places
General Nursing	860 places
Intellectual Disability Nursing	180 places
Psychiatric Nursing	290 places
Midwifery	140 places (no reduction)
Children's and General Nursing Integrated	100 places (no reduction)
Total	1,570 places

The total cost of nurse education to the Health Services, both undergraduate and post-registration is currently in excess of €117 million per annum. The reduction in places will result in savings of €1.65 million approximately in 2009 and €3.3 million from 2010 onwards.

Nurses trained under the apprenticeship and diploma models undertaking part-time degree courses have been able to apply to their employer to have their course fees paid in return for a service commitment to the public health service. This initiative has been in operation since 2001 and was due for completion before now. It will no longer be available for new entrants from 1 January 2009, resulting in a saving of €2m next year and about €3.8m per annum from 2010 onwards.

Further savings of €1.35m in 2009 will be achieved by reducing places on the various post-registration courses in specialist clinical practice.

These three cost saving measures will produce savings of €5m in 2009 and €8.45m in future years.

Health Services.

138. **Deputy Pat Rabbitte** asked the Minister for Health and Children the arrangements that have been put in place to address the concerns of former patients of a person (details supplied); if there is an estimation of the number of people affected; the information and counselling available to them; and if she will make a statement on the matter. [45506/08]

Minister for Health and Children (Deputy Mary Harney): Counselling support has been made available by the HSE for former patients of the person concerned following the findings of a recent Medical Council Inquiry. The need for additional support will be monitored. The HSE has assigned co-ordinating responsibility for these matters to the Area Manager for Consumer Affairs in the North East who will liaise as required with former patients and support groups.

The HSE has been requested to reply directly to the Deputy in respect of the additional issues raised.

Medicinal Products.

139. **Deputy Willie Penrose** asked the Minister for Health and Children the plans in place to commence a new tender process for the supply of unlicensed medicines to Irish patients; and if she will make a statement on the matter. [45507/08]

Minister for Health and Children (Deputy Mary Harney): The supply of unlicensed medicines is a service matter and therefore this matter has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Expenditure.

140. **Deputy Leo Varadkar** asked the Taoiseach the number of staff in terms of whole time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45950/08]

The Taoiseach: Regulations coming within the remit of my Department and Bodies under its aegis have been examined in the context of the Government programme to measure and reduce administrative burdens which is being co-ordinated by the Department of Enterprise, Trade and Employment.

The Central Statistics Office (CSO) has identified a number of Regulations which impose burdens on business and in line with the overall effort to measure and reduce administrative burdens across Government, is devoting resources to the Government programme to measure and reduce administrative burdens.

The CSO has identified the most burdensome information obligations and plans are well advanced to move to the next phase of the project involving a detailed measurement of those information obligations representing 90% of the total burden. When the measurement has been completed (first half of 2009), a simplification plan will be prepared detailing how the burden on business can be minimised, thereby contributing to the Government's overall target of reducing administrative burdens on business by 25% by 2012.

In addition, in its Statement of Strategy 2008-2010, the CSO has identified as a corporate priority the minimising of response burden on CSO inquiry respondents. To achieve this the CSO is taking a number of additional actions, including increasing the use of electronic reporting methods, adopting better sampling techniques, increasing coordination between surveys and making greater use of administrative records. As a first step towards minimising response burden, it was necessary to measure the existing burden. CSO issued a report in June 2008 presenting an analysis of the burden imposed on Irish business by making CSO statistical returns for surveys issued in 2005, 2006 and 2007.

As the minimisation of response burden is a corporate priority, contributions have been made by a range of officials and it is not, therefore, possible to give the precise staff input into the above projects but it would equate approximately to the direct input of two staff members at professional statistician level. CSO anticipates that this level of input will be maintained in 2009 and expanded as resources permit with a view, in particular, to replacing surveys of smaller enterprises with administrative data.

141. **Deputy Leo Varadkar** asked the Taoiseach the number of staff in terms of whole time equivalents he has allocated within his Department to supporting the Better Regulation Group's work; the financial resources that have been spent in support of such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45952/08]

The Taoiseach: The Better Regulation Unit of my Department is tasked with co-ordinating and monitoring the implementation of the actions set out in the Government White Paper, 'Regulating Better'. In this context, the work of the Unit includes supporting the use of Regulatory Impact Analysis (RIA) across Government Departments in partnership with the RIA Network. In addition, the independent Review of the Economic Regulatory Environment will be completed shortly and the Unit will have responsibility for co-ordinating the response to

the Review. The Unit is also involved in advancing initiatives designed to modernise the Statute Book, including the Statute Law Revision Project for which the Office of the Attorney General has responsibility.

A total of €508,693 was spent on projects related to these areas of work in 2008. This includes the cost of the independent Review of the Operation of RIA and the Review of the Economic Regulatory Environment. There is no further expenditure planned for the remainder of this year. The projected cost for projects in support of the work of the Better Regulation Unit for 2009 is estimated at €92,000.

The Unit comprises one half-time Principal Officer, one full-time Assistant Principal Officer, one full-time Administrative Officer and one full-time Clerical Officer.

Private Rented Accommodation.

142. **Deputy Richard Bruton** asked the Taoiseach the number of rented properties identified in Dublin city and in each electoral district within the city in the last census; and the number of these rented properties which were bedsits. [45955/08]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): The following table provides the number of occupied rented properties (and the number of these rented properties which were bedsits) enumerated during the April 2006 census for each of the electoral districts in Dublin City.

Rented Dwellings in each Electoral Division in Dublin City classified by Bedsit and all accommodation types —
Census 2006

District	All rented accommodation types	Rented Bedsit
Dublin City North	32,838	1,814
001 ARRAN QUAY A	315	22
002 ARRAN QUAY B	900	30
003 ARRAN QUAY C	1,100	16
004 ARRAN QUAY D	825	81
005 ARRAN QUAY E	561	12
006 ASHTOWN A	442	6
007 ASHTOWN B	133	1
008 AYRFIELD	143	—
009 BALLYBOUGH A	796	49
010 BALLYBOUGH B	774	135
011 BALLYGALL A	231	—
012 BALLYGALL B	124	1
013 BALLYGALL C	156	10
014 BALLYGALL D	122	1
015 BALLYMUN A	270	1
016 BALLYMUN B	670	3
017 BALLYMUN C	1,130	5
018 BALLYMUN D	997	6
019 BALLYMUN E	27	—
020 BALLYMUN F	45	—
021 BEAUMONT A	55	1
022 BEAUMONT B	332	3
023 BEAUMONT C	140	7

[Deputy Pat Carey.]

District	All rented accomodation types	Rented Bedsit
024 BEAUMONT D	49	1
025 BEAUMONT E	77	1
026 BEAUMONT F	239	14
027 BOTANIC A	276	21
028 BOTANIC B	418	74
029 BOTANIC C	347	65
030 CABRA EAST A	1,047	251
031 CABRA EAST B	222	16
032 CABRA EAST C	647	142
033 CABRA WEST A	67	—
034 CABRA WEST B	259	6
035 CABRA WEST C	178	4
036 CABRA WEST D	352	1
037 CLONTARF EAST A	183	20
038 CLONTARF EAST B	480	11
039 CLONTARF EAST C	186	10
040 CLONTARF EAST D	216	47
041 CLONTARF EAST E	98	1
042 CLONTARF WEST A	255	5
043 CLONTARF WEST B	184	—
044 CLONTARF WEST C	665	84
045 CLONTARF WEST D	326	50
046 CLONTARF WEST E	112	5
047 DRUMCONDRA SOUTH A	430	41
048 DRUMCONDRA SOUTH B	234	20
049 DRUMCONDRA SOUTH C	215	6
050 EDENMORE	170	6
051 FINGLAS NORTH A	294	1
052 FINGLAS NORTH B	259	8
053 FINGLAS NORTH C	84	1
054 FINGLAS SOUTH A	160	1
055 FINGLAS SOUTH B	306	6
056 FINGLAS SOUTH C	233	1
057 FINGLAS SOUTH D	123	—
058 GRACE PARK	388	9
059 GRANGE A	194	—
060 GRANGE B	144	1
061 GRANGE C	95	—
062 GRANGE D	225	—
063 GRANGE E	160	5
064 HARMONSTOWN A	88	1
065 HARMONSTOWN B	122	1
066 INNS QUAY A	534	47
067 INNS QUAY B	726	77
068 INNS QUAY C	725	20
069 KILMORE A	226	1
070 KILMORE B	221	7

District	All rented accomodation types	Rented Bedsit
071 KILMORE C	145	—
072 KILMORE D	87	3
073 MOUNTJOY A	934	33
074 MOUNTJOY B	1,003	136
075 NORTH CITY	832	20
076 NORTH DOCK A	121	7
077 NORTH DOCK B	447	3
078 NORTH DOCK C	1,071	15
079 PHOENIX PARK	336	8
080 PRIORSWOOD A	54	—
081 PRIORSWOOD B	327	—
082 PRIORSWOOD C	605	1
083 PRIORSWOOD D	245	5
084 PRIORSWOOD E	78	—
085 RAHENY-FOXFELD	50	1
086 RAHENY-GREENDALE	161	6
087 RAHENY-ST.ASSAM	124	8
088 ROTUNDA A	1,129	46
089 ROTUNDA B	580	28
090 WHITEHALL A	328	13
091 WHITEHALL B	263	—
092 WHITEHALL C	120	1
093 WHITEHALL D	271	1
Dublin South	35,637	2,126
094 CHAPELIZOD	502	9
095 CHERRY ORCHARD A	273	—
096 CARNA	176	—
097 CHERRY ORCHARD C	591	2
098 CRUMLIN A	260	7
099 CRUMLIN B	249	5
100 CRUMLIN C	251	3
101 CRUMLIN D	341	8
102 CRUMLIN E	281	4
103 CRUMLIN F	174	1
104 DECIES	239	—
105 DRUMFINN	270	14
106 INCHICORE A	198	10
107 INCHICORE B	262	5
108 KILMAINHAM A	254	12
109 KILMAINHAM B	279	15
110 KILMAINHAM C	607	6
111 KIMMAGE A	149	—
112 KIMMAGE B	265	11
113 KIMMAGE C	467	25
114 KIMMAGE D	239	9
115 KIMMAGE E	407	12
116 KYLEMORE	218	—

[Deputy Pat Carey.]

District	All rented accomodation types	Rented Bedsit
117 MANSION HOUSE A	1,159	17
118 MANSION HOUSE B	129	1
119 MERCHANTS QUAY A	621	8
120 MERCHANTS QUAY B	1,052	12
121 MERCHANTS QUAY C	800	21
122 MERCHANTS QUAY D	209	2
123 MERCHANTS QUAY E	528	54
124 MERCHANTS QUAY F	563	36
125 PEMBROKE EAST A	770	15
126 PEMBROKE EAST B	401	19
127 PEMBROKE EAST C	428	3
128 PEMBROKE EAST D	538	10
129 PEMBROKE EAST E	614	10
130 PEMBROKE WEST A	690	11
131 PEMBROKE WEST B	514	20
132 PEMBROKE WEST C	917	60
133 RATHFARNHAM	605	35
134 RATHMINES EAST A	1,024	88
135 RATHMINES EAST B	876	39
136 RATHMINES EAST C	460	82
137 RATHMINES EAST D	525	70
138 RATHMINES WEST A	1,619	273
139 RATHMINES WEST B	978	125
140 RATHMINES WEST C	523	49
141 RATHMINES WEST D	808	90
142 RATHMINES WEST E	706	88
143 RATHMINES WEST F	722	100
144 ROYAL EXCHANGE A	922	19
145 ROYAL EXCHANGE B	448	12
146 ST KEVIN'S	1,219	146
147 SOUTH DOCK	1,368	23
148 TERENCE A	417	43
149 TERENCE B	369	59
150 TERENCE C	64	2
151 TERENCE D	23	—
152 USHERS A	502	4
153 USHERS B	369	5
154 USHERS C	784	6
155 USHERS D	316	29
156 USHERS E	518	15
157 USHERS F	452	32
158 WALKINSTOWN A	135	4
159 WALKINSTOWN B	64	1
160 WALKINSTOWN C	128	1
161 WOOD QUAY A	915	10
162 WOOD QUAY B	893	219
Total Dublin City	68,475	3,940

Consultancy Contracts.

143. **Deputy Joanna Tuffy** asked the Taoiseach the position regarding all contracts for the years 2007 and 2008 with consultants in relation to the preparation of reports of any kind; the name of the consultants; the cost for each report; and if he will provide this information in tabular form; and if he will make a statement on the matter. [45960/08]

The Taoiseach: The following tables detail Consultants engaged by my Department in 2007 and 2008 (up to the end of November) that involved the preparation of a report.

Details of payment made in 2008 (Jan-Nov 2008)

Name of Consultant	Report	Total Cost
		€
Goodbody	A Regulatory Impact Analysis of the Transposition of the Optional Pensions Provisions of the Transfer of Undertakings Directive	7,200
RA Consulting	Employee Opinion Survey	9,030
QTS Limited	Annual Risk Assessment — health and safety	1,694
Ipsos Mori	Quality customer Service Survey Report 2007	19,904*
Hudson Talent Management	Although not engaged to prepare a report the work contributed to the 'Report of the Organisational Review Programme (Pilot Phase)', which was published on 26 November.	45,552
PA Consulting Group	Although not engaged to prepare a report the work contributed to the 'Report of the Organisational Review Programme (Pilot Phase)', which was published on 26 November.	46,775

*50% paid in 2007 and 50% paid in 2008.

Change Management Fund, Department of Finance

Name of Consultant	Report	Total Cost
		€
The Economist Intelligence Unit	The Review of the Economic Regulatory Environment in Ireland is due to be completed shortly. It is expected that a Report will be produced on foot of the Review.	382,851**
Isolde Goggins and Gillian Lauder	Regulatory Impact Analysis: An Operational Review (Published July 2008)	85,305
Ipsos Mori	Civil Service Customer Survey 2008 (Published November 2008)	69,817

**This is the total paid to date by this Department. It is expected that a final payment will be made in 2009.

Details of payments made in 2007

Name of Consultant	Report	Total cost
		€
Indecon	A Review of the Irish Annuities Market (The Review was undertaken under the auspices of the Partnership Pensions Review Group which was established under the terms of Towards 2016).	133,166

[The Taoiseach.]

Name of Consultant	Report	Total cost
PA Consulting Group	Although not engaged to prepare a report the work contributed to the 'Report of the Organisational Review Programme (Pilot Phase)', which was published on 26 November.	€ 17,424
PA Consulting Group	Although not engaged to prepare a report the work contributed to the 'Report of the Organisational Review Programme (Pilot Phase)', which was published on 26 November.	6,534
QTS Limited	Safety Statement and Risk Assessment	2,541

Change Management Fund, Department of Finance

Name of Consultant	Report	Total Cost
RA Consulting	Employee Opinion Survey	€ 9,051
ESRI	Business Regulation Survey (Published March 2007)	20,278**
Fitzpatrick Associates	Evaluation of the Customer Charter Initiative in the civil Service	17,182**
Isolde Goggin and Gillian Lauder	Regulatory Impact Analysis: An Operational Review (Published July 2008)	23,595

**Payments were also made in 2006.

Regulatory Impact Analyses.

144. **Deputy Leo Varadkar** asked the Taoiseach the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46074/08]

145. **Deputy Leo Varadkar** asked the Taoiseach the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, Bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46089/08]

The Taoiseach: I propose to take Questions Nos. 144 and 145 together.

My Department has not been responsible for the production of any new Bills or the negotiation of any new EU Directives in the period since June 2008 and consequently has not produced any RIAs in relation to same in the given period.

Since June 2008, two Statutory Instruments relating to the work of the Central Statistics Office (CSO) have been produced. These Statutory Instruments specify technical requirements such as the contents and scope of statistical surveys and do not alter the regulatory framework. As RIA is only required in the case of significant SIs involving changes to the regulatory environment, it was not applicable in these cases.

Census of Population.

146. **Deputy David Stanton** asked the Taoiseach when he expects the next census will be

undertaken; the input he has into the formulation of questions included in the census; and if he will make a statement on the matter. [46177/08]

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): The next Census is due to take place in 2011.

The CSO has just concluded a wide-ranging public consultation in this regard. It has also established a Census Advisory Group, with input from all Government Departments, to support preparations for a Census Pilot Survey due to be held in selected sampled areas of the country in April 2009, testing new and re-formulated questions and new field procedures.

The Government will consider in due course the recommendations of the Director General of the CSO on foot of these preparations.

Companies Regulations.

147. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the procedure to be followed to deregister a company (details supplied); and if she will make a statement on the matter. [46207/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): As the term deregister is not used in the Companies Acts it is not clear what procedure the Deputy is referring to. The procedures for winding up and dissolution of a company are outlined in Part VI of the Companies Act 1963, as amended.

Redundancy Payments.

148. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position of an application for statutory redundancy by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [45933/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Payment of statutory redundancy is, in the first instance, a matter for the employer. There is no record in my Department of an application for statutory redundancy on behalf of the person to whom the Deputy has referred. In addition, it would appear that an incorrect PPS number has been supplied. If the Deputy contacts me again with further information I will be happy to enquire further on his behalf.

Departmental Expenditure.

149. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of staff in terms of whole time equivalents who have been assigned by her to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by her Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if she will make a statement on the matter. [45943/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The Better Regulation agenda is supported by the Company Law Reform and Business Regulation Section, which is a Unit within my Department's Commerce, Consumers and Competition Division. The Division is headed up by an Assistant Secretary. The role of the Section is to modernise and simplify the Irish company law code; support the work of the Company Law Review Group; drive the cross Department effort to reduce the administrative burden on business by 25% by 2012; and support the work of the High-level Group on Business Regulation.

The total staff complement of the Section is 7: 1 Principal Officer, 2 Assistant Principals, 1 Higher Executive Officer, 2 Executive Officers and 1 Staff Officer.

[Deputy Mary Coughlan.]

In addition to the foregoing, the Section can call upon the resources of Forfás, as appropriate, in carrying out their reduction in administrative burden work. Furthermore, Regulatory Impact Assessments are carried out, as appropriate, in cases of new legislative/regulatory proposals by the relevant sections of my Department.

The High-level Group on Business Regulation has a budget of €60,000 for 2008, of which some €36,000 is expected to be spent by year end; for 2009, the budget is €60,000.

Redundancy Payments.

150. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason an application for redundancy payments has not been concluded in respect of a person (details supplied) in County Kildare; the mechanism available to the applicant to obtain the payments due; if her Department can pay such redundancies at this stage; if the person will receive interest on the amount due in view of the period of time that has elapsed; and if she will make a statement on the matter. [45961/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): There are a number of outstanding administration issues which remain to be clarified with the company's new owner, as the previous owner is deceased. The Redundancy Payments Section of my Department has been advised that the new owner may be in a position to pay the statutory entitlement of the person mentioned by the Deputy, and are awaiting communication from the company's accountant on the matter.

Departmental Bodies.

151. **Deputy Michael D'Arcy** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason the European Union Guidelines on national regional aid permit aid in some circumstances for acquisition costs on land and buildings but Enterprise Ireland expressly excludes from grant aid expenditure on buildings, building modifications and so on; and if she will make a statement on the matter. [45962/08]

153. **Deputy Michael D'Arcy** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has plans to change the policy to allow the acquisition of buildings, building modifications and so on to be eligible for national regional aid in view of the fact that it is allowed by the European Union guidelines on national regional aid and in order to provide greater support and incentives to businesses to set up particularly in the midst of the current economic downturn; and if she will make a statement on the matter. [45964/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 151 and 153 together.

The acquisition of land and buildings by an enterprise in an eligible region can be supported under the Regional Aid (Industry and Services) Scheme 2007-13 for Ireland and under the Industrial Development legislation. Under Industrial Development legislation Enterprise Ireland is authorised to provide support for the acquisition of buildings and building modifications, however, I understand that the agency does not choose to exercise this authority.

I have been informed that Enterprise Ireland's long-standing policy is not to support the acquisition costs of land or buildings. Enterprise Ireland's focus is on investing the taxpayer's money in the productive assets of the company — the equipment and people — to support the creation of innovation and competitive companies which we believe represents the better value to the tax payer. In order to develop Irish Industry, capability investments in companies (in areas such as Research and Development, Innovation, and Management Development) rather

than investments in the acquisition of land and buildings, represent the best return for the Irish taxpayer. Buildings and capital equipment investments can be supported at the Enterprise Ireland Investment Committee but the rates are not very attractive for companies. Due to Regional Aid restrictions the rates are 15% for a small company, 7.5% for a medium company and 0% for a large company in the Dublin/Mid East region. In the Border-Midlands-West region, the rates are higher — 50% for a small company, 40% for a medium company and 30% for a large company. These rates are to be further reduced or eliminated from 2013 onwards.

In certain circumstances, Enterprise Ireland can provide support towards buildings and building modifications, such as under the Research and Development Fund (provided for in the EU Research Development and Innovation State Aid Guidelines) and for capital investments considered at Enterprise Ireland's Investment Committee (under the EU Regional Aid Guidelines). Additionally, Enterprise Ireland's Community Enterprise Centre Scheme 2007-2009 aims to enhance the development of an enterprise climate through the provision of infrastructural facilities to support the establishment and expansion of micro enterprises through local community participation. The current scheme, announced in 2007, has a total fund €21m with three calls for proposals.

152. **Deputy Michael D'Arcy** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether the policy by Enterprise Ireland is restrictive and hindering businesses from setting up or expanding; and if she will make a statement on the matter. [45963/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Enterprise Ireland offers a wide and varied range of supports to businesses setting up or expanding. This suite of supports, which continue to underpin and grow a strong, sustainable and world-class indigenous business sector, are far from being restrictive. Enterprise Ireland offers a range of financial and non-financial supports tailored to the needs of its individual client companies throughout all regions. A key strategic target outlined in the Enterprise Ireland Strategy 2008 — 2010 'Transforming Irish Industry' is to continue to drive the establishment of High Potential Start Up Companies (HPSUs) by stimulating and developing a strong flow of innovation-led start-ups. The added focus in 2008-2010 is on assisting Irish companies to achieve scale at the earliest stage of development. Enterprise Ireland addresses the full range of start-up needs including finance, management support, research and development and market development. Additionally, Enterprise Ireland works with the city and county enterprise boards, business innovation centres and third level institutions to actively promote the establishment of HPSUs throughout Ireland.

Enterprise Ireland offers supports to assist companies adapt and grow by focusing on internationalisation, competitiveness, entrepreneurship, innovation, research and development, business infrastructure and engagement with third level education. In supporting client companies in their expansion, Enterprise Ireland offers customised solutions to help build competitive advantage, profitable sales, exports and sustainable employment. Enterprise Ireland in assisting growth and expansion:

- Partners with companies to develop clear business strategies framed by ambitious goals for global market development.
- Addresses critical issues such as the appropriate business model, leadership and management development, acquisitions and partnerships, and the financing required to achieve scale.
- Builds clients' capabilities in relation to key scale enablers — global organisation structure, large scale acquisitions and global partnerships.

[Deputy Mary Coughlan.]

- Targets the development of scale from the earliest stage by identifying increasing numbers of start-ups with scaling potential, and offer a tailored and intensive support structure to achieve this.
- Focuses on helping clients gain access to the growth capital required to drive scale.

Question No. 153 answered with Question No. 151.

Closed Circuit Television Systems.

154. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Enterprise, Trade and Employment the legislative provisions and rules covering the use of closed circuit television cameras in the workplace. [46041/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I understand that the main legislative provisions and rules covering the use of closed circuit television cameras (CCTV) in the workplace are a matter for the Data Protection Commissioner. The use of CCTV in a business place or workplace is not prohibited but it is controlled by the Data Protection Acts 1998 and 2003. This legislation falls under the remit of my colleague the Minister for Justice, Equality and Law Reform.

My Department's role in relation to legislative provisions for close circuit television in the workplace is limited to safety in the workplace. The Safety, Health and Welfare at Work Act 2005 requires every employer to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all of his or her employees. Employers and those who control work places to any extent must identify the hazards in the workplaces under their control and assess the risks presented by these hazards. Employers are required to implement any improvements considered necessary by the risk assessment. There are situations where the installation of CCTV systems may be considered necessary as a result of a risk assessment.

CCTV systems have been in use for many years as driving aids for operators of very large mechanically propelled equipment in the underground mining and surface quarrying industries. These were initially introduced in these sectors based on risk assessment of reversing manoeuvres and have enormous advantages both in terms of pedestrian safety and operator efficiency in the use of such large equipment. The Safety, Health and Welfare at Work (Quarries) Regulations 2008 through the provisions of Regulation 23(2)(e) and Schedule 2 of the regulations set down the conditions under which CCTV may be required in relation to equipment used in the surface quarrying industry.

The Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006) through the provisions of Regulation 87 and Schedule 6 of the regulations set down the conditions under which CCTV may be required in relation to equipment used in the construction industry. The measure is included as one of a number controls to address the need for improved all round visibility for earth moving and materials handling machinery in construction. Construction plant and machinery due to their application can have limited driver visibility particularly to the rear, a fact that has contributed to several serious accidents in the industry.

Employment Rights.

155. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the breakdown for each year since 2000 to date in 2008 of the action of her Department, and agencies under the remit of her Department in informing those catering employers, except in the areas known until 1 January 1994, as the county borough of Dublin and the borough of Dun Laoghaire, of their obligations under employment regulation orders

to their employees; the number of staff in terms of whole time equivalents devoted by her Department and agencies under the remit of her Department to such activities for those years; the financial resources expended on such activities for those years; and if she will make a statement on the matter. [46059/08]

156. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the breakdown for each year since 2000 to date in 2008 of the action of her Department, and agencies under the remit of her Department in informing those hotel employers, except those in employers in the county borough of Cork and the areas known, until 1 January 1994, as the county borough of Dublin and the borough of Dun Laoghaire of their obligations under employment regulation orders to their employees; the number of staff in terms of whole time equivalents devoted by her Department and agencies under the remit of her Department to such activities for those years; the financial resources expended on such activities for those years; and if she will make a statement on the matter. [46060/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): I propose to take Questions Nos. 155 and 156 together.

The role of the National Employment Rights Authority (NERA), which was established on an interim basis in February, 2007, is to foster and enforce a national culture of employment rights compliance in the State. In order to fulfil this role, NERA undertakes a range of functions, including the provision of impartial information to employers and employees, an inspection function and a prosecution and enforcement service. In the period between 2000 and NERA's establishment, the Employment Rights Information Unit and the Labour Inspectorate would have fulfilled a similar role. NERA Information services provide impartial information on a wide variety of employment rights legislation, including Employment Regulation Orders (EROs), to employers and employees by telephone, in writing, by e-mail and through on-going public awareness campaigns. Some 120,000 enquiries have been dealt with to end November in 2008 while some 93,000 enquiries were handled in 2007. Approximately 30% of the total calls received are initiated by employers. It is not possible to calculate the percentage of enquiries by sector. Further details on NERA activities are set out in the following table.

In 2008, NERA launched a nationwide public awareness campaign to raise awareness of employment rights and the services provided by NERA. The widely disseminated advertising and promotion campaign ran from 14 January 2008 to the first week in May 2008 and sought to engage employers and employees and the general public to promote a culture of employment rights compliance. The NERA website, www.employmentrights.ie, was launched on 10 January, 2008. Over one and three quarter million pages have been viewed since its launch to date. Average daily page hits in the year to end November 2008 numbered in excess of 5,000. The NERA website contains information specifically relating to EROs pertaining to the Hotel and Catering sectors. In response to the growing numbers of employers using its service, NERA launched two new publications a 'Guide to Employment Rights' and a 'Guide to Inspections'. The 'Guide to Employment Rights' is intended to give general guidance to employers and employees on employment rights matters and it includes specific information in relation to Employment Regulation Orders (EROs) in the Catering and Hotels sector.

NERA also engage in exhibitions and deliver presentations to key stakeholders. Of the 129 presentations and exhibitions in which NERA participated during 2007 and 2008, fifty-nine involved employer groups. In 2008, these included presentations to the Fáilte Ireland Annual Conference, the Fáilte Ireland HR Hotel Managers Network and the Small Firms Association annual conference. NERA also delivered presentations to The Human Resource Managers Conference and the Club Managers Association of Europe (Ireland) CMAE. In October 2008 NERA delivered a stakeholders briefing to the IBEC Hospitality Sector, which was attended by Fáilte Ireland and the Irish Hotels Federation.

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NERA undertakes inspections to determine employment rights compliance. In the course of those inspections, the inspectors provide information to employers on their obligations under employment rights legislation, including obligations under Employment Regulation Orders, if applicable. The number of inspections undertaken in 2007 and 2008 to check compliance with the Catering and Hotels employment legislation is set out in the table attached. While the work of the Labour Court is a day to day matter for that body, I have been advised by the Court that it publishes notices in two National daily newspapers and *Iris Oifigiúil* on the making of each new Catering and Hotels ERO. In the years from 2000 to 2008, the Labour Court made 12 EROs in respect of the Catering sector and 7 EROS in respect of the Hotel sector.

In addition, I have been advised by the Court that copies of each Order were sent to all employers known to the Court to whom the Orders apply. Their circulation list for Catering EROs amounts to a total of 2,119 employers, individuals, organisations and firms and for the Hotels EROs amounts to a total of 847 employers, individuals, organisations and firms. I should also point out that there is a statutory obligation on employers to post notices to inform their employees of the details of these EROs. Awareness raising activities by NERA and the Labour Court in relation to Catering and Hotels EROs are conducted as part of the overall activities of both bodies, the costs of which are met from within their respective operating budgets. It is not possible to disaggregate the staffing or financial resources allocated to the specific information provision activities referred to in the Deputy's questions.

Table: NERA Information and Inspection Activities

NERA Activities	2008 Year to Date (End Nov)	2007 Year to end December
Information Enquiries dealt with	121,000	93,000
Website page impressions	1,687,985	N/A
Conferences & Exhibitions (Total)	86	43
Conference & Exhibitions (Employers groups)	46	13
Catering (Dublin) Inspections	89	58
Catering (Country) Inspections	930	147
Hotels Inspections	135	92

Regulatory Impact Analyses.

157. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the occasions on which she did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if she will make a statement on the matter. [46067/08]

158. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the occasions on which her Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if she will make a statement on the matter. [46082/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): I propose to take Questions Nos. 157 and 158 together.

The information requested by the Deputy insofar as my Department is concerned is set out in the following table:

Title of SI, Bill, or EU Directive proposed since June 2008	Status regarding the conduct of either a screening or full RIA
European Communities (Restrictive Measures) (Iran) (Amendment) Regulations 2008. (S.I. No. 481 of 2008).	The S.I. provides for penalties for breach of a Council Regulation which restricts the export of certain goods and technologies to Iran (connected with preventing nuclear proliferation), and was not considered significant in accordance with RIA guidelines. No RIA was undertaken.
Proposal for a Directive of the European Parliament and of the Council on simplifying terms and conditions of transfers of defence-related products within the Community.	The purpose of the proposed Directive is to reduce the regulatory burden on business through the simplification of the export licensing regime relating to transfers of defence-related products within the Community and was not considered significant in accordance with RIA guidelines. No RIA was undertaken.
Proposal for a Directive of the European Parliament and of the Council establishing a framework for the setting of eco-design requirements for energy related products.	A Screening RIA is under way on this proposal. It is expected that a Full RIA will not be necessary. The proposal recasts and expands somewhat the scope of an existing Directive on which a Screening RIA was carried out — Directive 2005/32/EC of the European Parliament and of the Council of 6 July, 2005, which establishes a framework for the setting of eco-design requirements for energy-using products.
European Communities (Supplementary Protection Certificate) Regulations 2008. (S.I. No. 307 of 2008).	These Regulations are required to give full effect to Regulation (EC) No. 1901/2006 of the European Parliament and of the Council in Irish legislation, with effect from 26 July 2008. This EC Regulation had immediate effect under Irish legislation, hence a RIA was not required. No RIA was undertaken.
European Communities (Compulsory Licensing of Patents Relating to the Manufacture of Pharmaceutical Products for Export to Countries With Public Health Problems) Regulations 2008. (S.I. No. 408 of 2008).	These Regulations are required to give full effect to Regulation (EC) No. 816/2006 of the European Parliament and of the Council, in Irish legislation. The Regulations laid down procedural requirements which apply to applications for a compulsory license of a patent relating to the manufacture of pharmaceutical products for export to countries with public health problems. This EC Regulation had immediate effect under Irish legislation, hence a RIA was not required. No RIA was undertaken.
Copyright and Related Rights (Register of Licensing Bodies for Performers' Property Rights) Regulations 2008 (S.I. No. 306 of 2008).	Not considered "significant" in accordance with RIA guidelines so no RIA undertaken.
Proposal for a European Parliament and Council Directive amending Directive 2006/116/EC on the term of protection of copyright and certain related rights.	Preparation of Screening RIA has commenced.
Industrial Development Bill 2008	This Bill does not introduce any new regulation and does not affect existing regulations or parliamentary control of expenditure, as it seeks to update technical provisions. Accordingly it is not considered "significant" in accordance with RIA guidelines so no RIA has been undertaken. The Government on 2 December 2008 approved the draft Industrial Development Bill. The Bill is in the process of being formally enacted.
Proposal for a Directive of the EP and of the Council on machinery for pesticide application, amending Directive 2006/42/EC of 17 May 2006 on machinery.	A Screening RIA was carried out but it was decided a Full RIA was not required because the proposal will not have any significant impact or cost.

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Title of SI, Bill, or EU Directive proposed since June 2008	Status regarding the conduct of either a screening or full RIA
European Communities (Cooperation between National Authorities Responsible for The Enforcement of Consumer Protection Laws) (Amendment) Regulations 2008. (S.I. No. 316 of 2008).	These Regulations add two additional competent authorities to the list covered by the Regulation. This is a requirement of the Consumer Protection Cooperation Regulation. Therefore, not considered “significant” in accordance with RIA guidelines so no RIA was undertaken. The Consumer Protection Cooperation (CPC) Regulation (EC) No 2006/2004 provides for cooperation between national authorities responsible for the enforcement of consumer protection laws. The CPC system is the on-line method of communication between the designated Single Liaison Offices and Competent Authorities, in each of the Member States, who have responsibility for certain aspects of 16 Directives that protect consumers’ interests.
European Communities (Single-Member Private Limited Companies) (Amendment) Regulations 2008. (S.I. No 348 of 2008).	The purpose of this S.I. is to amend and update forms for use in the Companies Registration Office and was not considered significant in accordance with RIA guidelines. No RIA was undertaken.
Companies (Forms) Regulations 2008. (S.I. No. 349 of 2008).	The purpose of this S.I. is to amend and update forms for use in the Companies Registration Office and was not considered significant in accordance with RIA guidelines. No RIA was undertaken.
Companies Forms Order. (S.I. No 350 of 2008).	The purpose of this S.I. is to amend and update forms for use in the Companies Registration Office and was not considered significant in accordance with RIA guidelines. No RIA was undertaken.
Proposal for a Directive of the European Parliament and of the Council on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS).	On 24 July 2008, the EU Commission published its proposals for most of the elements of what is known as the “UCITS IV” regime, with an announcement that a final element would be brought forward by November on receipt of technical advice from an EU expert group. The French Presidency identified this package as a key priority for their Presidency. The tight negotiating timeframe did not lend itself to a formal RIA process so no RIA was undertaken. However the Irish position on issues that might be included in the eventual package of UCITS IV proposals had been developed in 2007 during a stakeholder consultation process. This was conducted to determine a formal Irish response to an extended EU wide consultation process, involving Green and White Papers, that led to the eventual publication of the EU proposals. These issues were outlined in detail in an Oireachtas Scrutiny Note submitted to the Dáil in September 2008.
Industrial Relations (Amendment) Bill 2008	A Screening RIA was carried out and it was decided not to carry out a full RIA, as significant impacts under the relevant headings were not identified in the Screening process.
Safety, Health and Welfare at Work (Construction) (Amendment) (No. 2) Regulations 2008. (S.I. No. 423 of 1008).	A Screening RIA was carried out. As these Regulations amended the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. 504 of 2006) the RIA produced is an addendum to the RIA produced prior to the 2006 Regulations being signed.

Job Creation.

159. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on taking action that would lead to employment opportunities for north

Meath, particularly in the tourism sector; and if she will make a statement on the matter. [46247/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):

Two Industrial Development agencies under the aegis of my Department, IDA Ireland and Enterprise Ireland, together with Meath County Enterprise Board (CEB) are responsible for enterprise development in the area in question. The primary role of IDA Ireland is the attraction of high quality Foreign Direct Investment (FDI) to Ireland. An integral and fundamental element of this role is the agency's mandate to promote sustainable and balanced regional development. However, the marketing of individual areas for FDI and jobs is a day-to-day operational matter for the agency. While I may give general policy directives to the agency, I am precluded under the Industrial Development Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

However, I understand that the town of Navan in particular, continues to be actively marketed by IDA Ireland to potential investors. The town is well equipped to compete with other areas for FDI due to its excellent business park. Enterprise Ireland offers a full range of financial and non-financial supports to indigenous companies. In the three years 2005, 2006 and 2007, over €6.5m of funding was approved for client companies in Meath. The County also has thriving Community Enterprise Centres that have been financially assisted by the agency. These Centres foster the development of micro-enterprises, which in turn can grow into larger enterprises. Funding of over €635,000 has been approved for three locations in the County — Navan, Trim and Kells. Particular emphasis is placed on creating and developing employment opportunities and enterprise space for the unemployed.

The role of the Meath CEB is to provide support for small businesses with ten employees or fewer in both start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level. The CEB delivers a series of programmes to underpin this role and can provide both financial and non-financial assistance to project promoters based in County Meath. From inception in 1993 to end 2007, the latest year for which figures are available, the Meath CEB has approved almost €6 million in grant aid to some 530 projects and assisted in the creation of 1,064 net jobs in the County.

As regards Tourism, I understand from the Minister for Arts, Sports and Tourism that in accordance with the provisions of section 8(1)(a) of the National Tourism Development Authority Act, 2003, it is a day to day matter for Fáilte Ireland to encourage, promote and support either inside or outside the State, the development of Tourism traffic within and to the State. In addition, in accordance with the provisions of section 8(1)(b) of the National Tourism Development Authority Act, 2003, it is a day to day matter for Fáilte Ireland to encourage, promote and support the recruitment, training and education and development, of persons for the purposes of employment in connection with the tourism industry in the State. Insofar as my area is concerned, I am satisfied that the policies and initiatives being pursued by the Industrial Development agencies and the CEB will continue to bring about employment opportunities for the area.

Job Losses.

160. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will intervene to assist former employees of a company; if, to date, redundancy or other payments have been awarded to a person (details supplied) in Dublin 9; and if not, the steps her Department is taking to assist this person and former employees. [46281/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Payment of statutory redundancy is, in the first instance, a matter for the employer. In relation to the person mentioned by the Deputy, my Department has no record of an application having been made for a rebate in respect of a statutory redundancy payment paid to that person by the employer mentioned. Further, no application has been made either by the individual or the employer for a lump-sum payment from the Social Insurance Fund on the basis of inability to pay or otherwise.

I have no role in relation to direct intervention in the matter of statutory redundancy payments. The choice of mortgage product ultimately rests with the consumer in light of the terms and conditions that their lending institution offers. The decision of borrowers is influenced by factors such as their personal preferences and their own assessment of the relative merits of fixed and variable rate mortgages taking into account the information made available by the Financial Regulator. The Financial Regulator, which has a statutory consumer protection mandate, provides advice to consumers on the advantages and disadvantages of fixed rate mortgages.

As the Deputy will be aware, the cost of a fixed rate mortgage reflects longer-term funding costs for the financial institution which provides it. Therefore, in contrast to tracker and variable rates, the cost neither rises with an increase in the ECB base rate nor falls with a reduction in it. The Financial Regulator has highlighted, in the context of its consumer information role, that for those whose finances may be stretched, such as first-time buyers, fixed rates offer peace of mind. While they may cost more over the longer term they allow the mortgage holder to budget confidently. However, the Financial Regulator also stresses that fixed rate mortgages give less flexibility than variable rates. My Department will monitor the issue raised by the Deputy, in consultation with the Financial Regulator, in relation to credit institutions participating in the Guarantee Scheme, in light of the objectives of the Scheme.

Industrial Relations.

161. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will review the implementation of all Labour Court recommendations relating to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [46286/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The system of industrial relations in Ireland is essentially voluntarist in nature. The law on industrial relations disputes does not generally seek to impose a solution on the parties to a dispute but rather seeks to assist them in arriving at a solution. To this end, the State has established a number of institutions, including the Labour Court, to assist in the resolution of trade disputes between employers and workers. In the case referred to in the Deputy's question, the Labour Court conducted a hearing on a trade dispute and issued a recommendation setting out its opinion on the dispute and the terms on which it should be settled. Under Industrial Relations legislation, the Labour Court cannot compel a company to comply with its recommendation. As it is a Court of last resort in the industrial relations process, it is expected that the parties come to the process in good faith and consequently are prepared to give serious consideration to the Court's recommendations. Recommendations of the Labour Court are not legally binding and, ultimately, responsibility for the settlement of a trade dispute rests with the parties to the dispute.

FÁS Training Programmes.

162. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and

Employment the training services that are currently offered to former carers when their caring duties come to an end; and the services that are specifically geared toward the needs of former carers. [46409/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The role of a carer, and how that role may diminish or cease over time, is recognised. FÁS provides support to clients to access bereavement and loss training/supports if this need is identified to assist the person return to work or training. People who have been in receipt of a carer's allowance can avail of all FÁS training and employment programmes when their eligibility for carer's allowance ceases. For those who wish to work in the care sector, there are a number of programmes currently available, i.e., a range of Child care programmes, Personal Assistant (Assisted Living) and Care for the Elderly. Personal Development and Return to Work courses can also benefit those making decisions about re-entering the workforce. For carer's who have completed their caring duties and wish to access FÁS training, a training bonus of €31.80 will be paid to those who have been in receipt of a carer's allowance for more than 12 months prior to participating on a FÁS training course. This will be in addition to the regular training allowance of €197 (full-time) or €113 (part-time) per week.

163. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of people with disabilities who participated in the FÁS supported employment programme which provides open labour market supports in 2006, 2007 and 2008; the number of job coaches employed under this scheme; and if she will make a statement on the matter. [46510/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): The Supported Employment Programme is an active labour market initiative to assist jobseekers with a disability to find employment in the open labour market, and is operated by FÁS on behalf of the Department of Enterprise, Trade and Employment. FÁS estimate that between 2006 and 2008 there was an average of 2,200 active clients participating annually on the programme. A new electronic tracking system to record and monitor outcomes on the Supported Employment Programme has recently been introduced by FÁS. A total of 120 job coaches employed by 23 local supported employment sponsor organisations deliver the programme on behalf of FÁS.

164. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment the research, surveys and other information gathering processes her Department has conducted, under its commitment in the Disability Act sectoral plan, to gather necessary baseline information on people with disabilities in relation to the assessment of engagement strategies, participation, retention and certification rates, standards outcome and value for money of labour market measures; the action she has taken to improve employment and training opportunities for people with disabilities as a result; if the target of one access officer to coordinate disability supports per region has been reached; and if she will make a statement on the matter. [46511/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): Extensive research relating to the employment of people with disabilities has been conducted by my Department, and FÁS, with a view to gathering information as part of the Department's commitments under the Disability Act, 2005. A review of the operation of the Wage Subsidy Scheme and a study on acquired disability and employment have been carried out on behalf of my Department. A survey of private sector employers' attitudes to recruiting people with disabilities, and their level of awareness of FÁS grants for the adaptation, recruitment, and

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retention of people with disabilities has been carried out on behalf of FÁS. A review of the effectiveness of the Supported Employment Programme in the context of current operating standards has also been carried out on behalf of FÁS.

A study of the efficiency and effectiveness of vocational training and rehabilitative training services for people with disabilities provided by Specialist Training Providers has been carried out on behalf of my Department and FÁS, and the Department of Health and Children. In the context of the implementation by my Department of a comprehensive employment strategy for people with disabilities the actioning of the findings and recommendations contained in these reports is expected to improve future training and employment opportunities for people with disabilities. A draft outline of the implementation of a comprehensive employment strategy for people with disabilities has been developed by my Department, and has recently been discussed with the Consultative Forum on an Employment Strategy for people with disabilities that has been established under the Department's Sectoral Plan. A key focus of the strategy is on effecting the optimal changes to existing programmes, schemes and services, in particular with regard to the Supported Employment Programme and the Wage Subsidy Scheme.

The overall objective of the implementation of such a comprehensive employment strategy is to enhance the operation and effectiveness of the range of FÁS supports and services for facilitating increased participation of people with disabilities in the labour market in the context of the employment target set by the Sectoral Plan. The Plan provides for an increase by 7,000 in the employment of people with disabilities capable of holding a job by 2010. The Sectoral Plan will be reviewed in 2009. A proposal to implement an access and learning support service in FÁS mainline training centres has been developed, and the appointment of an access officer to coordinate these services is under active consideration by FÁS.

165. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a joint bridging programme between health funded rehabilitative training services and vocational training services to ensure progression and vocational advancement for persons who have the ability and potential to progress from rehabilitative to vocational training, in particular FÁS training, has been established between her Department and the Department of Health and Children as per her Department's commitment in the Disability Act sectoral plan; the progress that has been made in improving the delivery of effective services to people with disabilities as a result; and if she will make a statement on the matter. [46512/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The need for developing a joint bridging programme between HSE funded rehabilitative training services and FÁS funded vocational training services for people with disabilities is acknowledged in the Sectoral Plans of my Department and the Department of Health and Children. The development of such a joint bridging programme has been the subject of detailed discussions between FÁS and the HSE, and of necessary follow-on discussions with providers within FÁS. Arrangements are now at an advanced stage by FÁS Community Services to roll out a pilot bridging programme in 2009. FÁS Community Services have also developed a separate joint bridging initiative with St. Joseph's Foundation in Charleville, County Cork. The aim of this project, which has recently commenced, is to test and develop a suitable training programme specification to assist in the transition from rehabilitative training to vocational training with a view to entering the open labour market.

Departmental Expenditure.

166. **Deputy Leo Varadkar** asked the Minister for Finance the number of staff in terms of

whole time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45945/08]

Minister for Finance (Deputy Brian Lenihan): My Department is represented on the High Level Group on Business Regulation, the Regulatory Impact Analysis Network and on an interdepartmental working group on reducing administrative burdens. Within my Department, work in support of these groups is undertaken from within existing staff resources. Accordingly, it has not been necessary to dedicate staff and other resources exclusively in this case. It is envisaged that the same situation will apply for 2009.

Banking Sector Regulation.

167. **Deputy Richard Bruton** asked the Minister for Finance if he has examined the difficulties created for people who are on high mortgages at fixed rates and who are receiving no relief from falling rates; if he has raised their plight in his discussions with the banks; and if initiatives for easing their problems have been put forward. [45953/08]

Minister for Finance (Deputy Brian Lenihan): The choice of mortgage product ultimately rests with the consumer in light of the terms and conditions that their lending institution offers. The decision of borrowers is influenced by factors such as their personal preferences and their own assessment of the relative merits of fixed and variable rate mortgages taking into account the information made available by the Financial Regulator. The Financial Regulator, which has a statutory consumer protection mandate, provides advice to consumers on the advantages and disadvantages of fixed rate mortgages. As the Deputy will be aware, the cost of a fixed rate mortgage reflects longer-term funding costs for the financial institution which provides it. Therefore, in contrast to tracker and variable rates, the cost neither rises with an increase in the ECB base rate nor falls with a reduction in it. The Financial Regulator has highlighted, in the context of its consumer information role, that for those whose finances may be stretched, such as first-time buyers, fixed rates offer peace of mind. While they may cost more over the longer term they allow the mortgage holder to budget confidently. However, the Financial Regulator also stresses that fixed rate mortgages give less flexibility than variable rates. My Department will monitor the issue raised by the Deputy, in consultation with the Financial Regulator, in relation to credit institutions participating in the Guarantee Scheme, in light of the objectives of the Scheme.

Tax Code.

168. **Deputy Richard Bruton** asked the Minister for Finance the way the income tax levy will apply to maintenance payments in the terms of the giver and the receiver; and if protections have been put in place to prevent double taxation. [45954/08]

Minister for Finance (Deputy Brian Lenihan): The income levy will apply on the gross or aggregate income of each individual taxpayer subject to the specific exemptions which have been set out in the legislation. Representations have been made in relation to the impact that the legislation would have on persons who had a obligation to make maintenance payments to a separated spouse under a legally enforceable order, in particular the possibility of an exposure to an effective double charge to income levy on both parties. To address this I brought forward an amendment at Committee Stage of the Finance (No.2) Bill (amendment no. 7) on Tuesday 9 December to provide for a statutory deduction from gross income for the amount of the

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maintenance payment being made by the giver, which would place the operation of the levy solely on the payment when received by the beneficiary. Where appropriate the relevant exemptions, if applicable, will then be available to the recipient of the maintenance payment.

State Property.

169. **Deputy Michael Ring** asked the Minister for Finance if he will investigate if there could be a perceived conflict of interest following recent purchases by the Office of Public Works (details supplied); and if he will make a statement on the matter. [45958/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): I have investigated this matter. The Royal Hibernian Academy did not recommend the art works purchased by the OPW Art Management Office under the per cent for art scheme. There is no conflict of interest.

Disabled Drivers.

170. **Deputy Arthur Morgan** asked the Minister for Finance when new criteria under Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 in relation to primary medical certificates will be published; if these criteria offer greater consistency than is currently available; and if he will make a statement on the matter. [45980/08]

Minister for Finance (Deputy Brian Lenihan): The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to a certain limit), and exemption from motor tax, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities. The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations. As the Deputy will be aware there was an interdepartmental review of the Scheme. Some 12,500 people benefited under the scheme in 2007 at an overall estimated cost of €74 million. Any changes would have to be considered in the context of the annual Budget.

171. **Deputy Arthur Morgan** asked the Minister for Finance the reason a person (details supplied) in County Louth was refused a primary medical certificate when there is clear professional evidence of their disability; and if he will make a statement on the matter. [45981/08]

Minister for Finance (Deputy Brian Lenihan): The initial application for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994, is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. If the Primary Medical Certificate has been refused in this case, the named person may appeal the refusal to the Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin. I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

Garda Stations.

172. **Deputy Joan Burton** asked the Minister for Finance if he will make a statement on the progress in securing of accommodation for gardaí based in the Laytown area of County Meath. [46025/08]

Minister for Finance (Deputy Brian Lenihan): The provision of additional temporary accommodation at the Garda Station at Laytown was completed in Autumn 2008. The provision of permanent accommodation for the Laytown District HQ is under consideration having regard to the prioritisation of Garda Building Programme, which is a matter for the Department of Justice, Equality and Law Reform and Garda management in the first instance and the availability of capital resources.

Credit Institutions Support Scheme.

173. **Deputy Phil Hogan** asked the Minister for Finance the steps he has taken to ensure any of the external advisers he has engaged to advise him on the bank guarantee scheme and related matters are not also involved in advising financial institutions covered by the scheme or consortia seeking to invest in such institutions in view of the highly confidential nature of the instructions that he will have given and the need for the State's interest to be specifically protected; if the engagement of such advisors was on the strict condition that they could not act for any directly concerned commercial interests; and if he will make a statement on the matter. [46033/08]

Minister for Finance (Deputy Brian Lenihan): In an economy the size of Ireland's it is not unusual that one of the larger financial or legal advisers has to deal with potential conflicts of interest arising from their representation of more than one client in the same sector. I have been assured by my external advisors on the banks guarantee scheme, that where potential conflicts arise they are dealt with through the application of well established "Chinese Wall" structures which are overseen by their compliance departments. These "Chinese Walls" operate as information barriers which ensure that any advice given to the Government is confidential and is provided by a team which is segregated from and independent of their work for other clients.

174. **Deputy Phil Hogan** asked the Minister for Finance if the engagement of advisers by him to advise on the bank guarantee scheme was made in accordance with his Department's public procurement rules; the nature of the public procurement exercise undertaken; the date it was awarded; and if he will make a statement on the matter. [46034/08]

Minister for Finance (Deputy Brian Lenihan): I am fully satisfied that the appointment of advisors to advise me on the bank guarantee scheme was in accordance with public procurement procedures. Those procedures provide for negotiation with a single contractor without a competitive process where the timeframe for a competitive process cannot be met due to the extreme urgency of the circumstances. The Deputy will recall that speed of action was essential to the Government's response to the credit crisis and to the introduction of the bank guarantee. Considering the extent of the potential liability of the State it was essential that the best advice was available to the Government as a matter of urgency. Clearly, the engagement of advisors on the bank guarantee scheme comes within the exceptional circumstances anticipated in the public procurement procedures.

Regulatory Impact Analyses.

175. **Deputy Leo Varadkar** asked the Minister for Finance the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46069/08]

176. **Deputy Leo Varadkar** asked the Minister for Finance the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, Bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46084/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 175 and 176 together.

As a result of a Government decision on 21 June 2005, Regulatory Impact Analysis must be conducted on all proposals for primary legislation involving changes to the regulatory framework (subject to some exceptions), significant Statutory Instruments and proposals for EU Directives and significant EU Regulations when they are published by the European Commission. In the period 1 June to date in 2008 no Screening Regulatory Impact Analysis or Regulatory Impact Analysis were undertaken. In relation to the Statutory Instruments, Bills and EU Directives as listed below, the reasons Regulatory Impact Analysis were not carried out range from the Statutory Instruments “not being categorised as ‘significant’, to being technical in nature or giving effect to legal provisions” already contained within the primary legislation.” Regulatory Impact Analysis does not apply to Statutory Instruments made under the European Communities Act 1972, Financial Transfers Act 1992 and the Criminal Justice Terrorist Offences Act 2005 where those Statutory Instruments give effect to EU sanctions against persons and entities designated by EC Regulations as being associated with terrorist organisations or repressive regimes.

List of Statutory Instruments for which no RIA was carried out in the period 1 June — to date in 2008

S.I. No.	Details
516/2008	Quality of Shellfish Waters (Transfer of Departmental Administration and Ministerial Functions) Order 2008
Not yet assigned	Youth Work (Transfer of Departmental Administration and Ministerial Functions) Order 2008
Not yet assigned	Youth Work (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 2008
Not yet assigned	Young People’s Facilities and Services Fund (Transfer of Departmental and Ministerial Functions) Order 2008
215	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No.3) 2008
216	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Counter Terrorism) (Financial Sanctions) Regulations (No.3) 2008
236	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Counter Terrorism) (Financial Sanctions) Regulations (No.2) 2008
237	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Counter Terrorism) (Financial Sanction) Regulations (No.2) 2008
265	European Communities (Iran) (Financial Sanctions) Regulations (No. 2) 2008
266	Financial Transfers (Iran) (Prohibition) Order (No. 2) 2008
303	European Communities (Liberia) (Financial Sanctions) Regulations 2008
304	Financial Transfers (Liberia) (Prohibition) Order 2008
377	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Counter Terrorism) (Financial Sanctions) Regulations (No.3) 2008
378	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Counter Terrorism) (Financial Sanctions) Regulations (No.3) 2008
379	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No.4) 2008

S.I. No.	Details
380	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No.4) 2008
454	European Communities (Zimbabwe) (Financial Sanctions) Regulations 2008
455	Financial Transfers (Zimbabwe) (Prohibition) Order 2008
457	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(6)) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No.5) 2008
458	Criminal Justice (Terrorist Offences) Act 2005 (Section 42(2)) (Usama Bin Laden, the Al-Qaida network and the Taliban) (Financial Sanctions) Regulations (No.5) 2008
473	European Communities (Democratic Republic of Congo) (Financial Sanctions) Regulations 2008
476	Financial Transfers (Democratic Republic of Congo) (Prohibition) Order 2008
474	Financial Transfers (Liberia) (Prohibition) Order (No.2) 2008
475	European Communities (Liberia) (Financial Sanctions) Regulations (No.2) 2008

In addition, as the Credit Institutions (Financial Support Bill 2008) and Credit Institutions (Financial Support) Scheme 2008 were introduced under Emergency legislation there was no requirement to carry out Regulatory Impact Assessment.

Tax Code.

177. **Deputy Richard Bruton** asked the Minister for Finance if a report has been carried out on the compliance cost of the C2 certification system; if its regulations continue to be required for the protection of tax revenue; and if he will make a statement on the matter. [46108/08]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that no report has been carried out on the compliance cost of the C2 certification system. Prior to the introduction of Relevant Contracts Tax (RCT), there were significant difficulties with tax compliance in the construction sector. RCT was introduced in 1970 as a measure to tackle that non-compliance problem, and has been significantly enhanced since then, including the inclusion of the meat processing and forestry sectors in 1998. The Revenue Commissioners are satisfied that RCT continues to be a vital instrument in striving to protect tax compliance in the construction sector, and also in the forestry and meat-processing sectors.

The reasons why these special compliance provisions are necessary in these sectors include:

- The mobility of business within the sectors which makes it difficult for Revenue to ensure tax compliance.
- The fact that cash payments are common in the sectors and can be disguised as payments for other supplies, such as, materials or equipment, or payments to fictitious, or non-involved persons.
- The significant costs of labour as a percentage of turnover.

The difficulties in tackling non-compliance in the construction sector are recognised internationally and different jurisdictions have come up with their own responses to the problem. The Revenue Commissioners consider the RCT system is an appropriate and essential response for the protection of tax revenues. RCT provides an audit trail linking main and sub-contractors. It provides for certification of compliant sub-contractors and ongoing monitoring to prevent abuses. It also provides for a mandatory withholding tax operated by the main contractor in relation to sub-contractors who do not hold certificates or where payment is not authorised. This arrangement tilts the balance of behaviour towards tax compliance.

[Deputy Brian Lenihan.]

In the context of concerns expressed by the social partners, Revenue gave a commitment under Towards 2016 — The Ten-Year Social Partnership Framework Agreement — to strengthen the RCT system as a means to ensuring compliance in the sector. This is being done in consultation with the Social Partners and, where appropriate, in liaison with the Department of Social & Family Affairs, the National Employments Rights Authority and the Department of Enterprise Trade and Employment. The construction industry continues to be an area of concern for Revenue, and 25% of its audit and compliance resources were assigned to this sector in 2006 & 2007. Resources are currently assigned based on the identified risks in individual Districts and Regions.

Fiscal Policy.

178. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied). [46116/08]

Minister for Finance (Deputy Brian Lenihan): It is generally recognised that there is an unusual number of unsold houses on the market at present. Developers and others are naturally anxious to sell and in many cases have reduced prices, but this is a business decision for them. There is no indication at this stage that banks have taken possession of an unusual amount of property.

Tax Code.

179. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if his attention has been drawn to the fact that the Revenue Commissioners differentiate between invalidity and incapacitation for the purposes of exempting a citizen from DIRT tax, but will not explain the reason for same. [46182/08]

180. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the illnesses which qualify a taxpayer to be exempted from DIRT tax on the basis of incapacitation; and if he will make a statement on the matter. [46183/08]

181. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if his attention has been drawn to the case of a person (details supplied) in Dublin 6 who is not regarded as being an invalid for the purposes of DIRT exemption. [46184/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 179 to 181, inclusive, together.

I have been informed by the Revenue Commissioners that an individual may claim a repayment of DIRT where the individual is not liable to pay income tax by reason of the level of his or her income; and either:

- (a) he or she is over 65; or
- (b) if under 65, is permanently incapacitated by reason of physical or mental infirmity from maintaining himself/herself.

It is not possible for legislation to prescribe a full list of injuries, infirmities or disabilities which would render an individual incapacitated from maintaining himself or herself.

In the case to which the details supplied refers, I understand that the individual is under 65 years of age and is not otherwise liable to income tax and the question to be addressed is

whether he is permanently incapacitated by reason of physical or mental infirmity from maintaining himself. I have been further informed by the Revenue Commissioners that this case has been re-examined by a senior officer who has also taken the view that the individual in respect of whom the particulars delivered refers is not permanently incapacitated by reason of physical or mental infirmity from maintaining himself/herself. This being the case, the individual is not, until he reaches 65 years of age, entitled to a repayment of DIRT. Individuals who disagree with determinations of Revenue officials may either request an internal review in relation to any aspect of the way in which case was handled, or make an appeal under statutory provisions to the Appeal Commissioners.

182. **Deputy Bernard J. Durkan** asked the Minister for Finance when a P21 will issue to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [46206/08]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that a Form 12 was received from the taxpayer on 11 December 2008. This return will be processed within the next few days and a P21 should issue in the first week of January 2009.

State Property.

183. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the number of State buildings in County Meath, including Government offices, schools, Garda stations and so on, for which surveys and inspections have been carried out to determine the type, form and condition of any asbestos present; the details of the schedule of work to be undertaken for removal of asbestos; and if he will make a statement on the matter. [46238/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Approximately 150 buildings in County Meath including Government Offices, schools, Garda stations and military establishments have been surveyed since the commencement of the Asbestos Management Programme. Surveys are undertaken to determine the location, type, form and condition of any asbestos present in the buildings. Works, where necessary, to ameliorate problems are carried out on a priority basis, as soon as possible following the surveys. Depending on the condition etc., management may entail complete removal of the materials identified, encapsulation or monitoring until such as time as removal may become necessary. The Commissioners of Public Works are currently compiling a programme of works for 2009.

Tax Code.

184. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will allow schools to claim tax relief on donations made to the school of either 20% or 42% depending on the tax level paid by the donor; and if he will make a statement on the matter. [46283/08]

Minister for Finance (Deputy Brian Lenihan): Section 848A of the Taxes Consolidation Act 1997 governs the scheme for tax relief on donations to eligible charities and other approved bodies. The administration of this scheme is the responsibility of the Revenue Commissioners.

All primary and post primary schools providing education based on a programme prescribed or approved by the Minister for Education and Science automatically qualify as approved bodies for the purposes of section 848A.

Tax relief is granted at the standard 20% rate or at the higher 41% rate, depending on the rate of tax payable by the donor for the relevant year of assessment. The precise arrangements for allowing tax relief on donations varies depending on whether the donor is a PAYE taxpayer,

[Deputy Brian Lenihan.]

a person who is subject to self-assessment or a company. In the case of donors who are PAYE taxpayers, the relief is given on a “grossed up” basis to the eligible body (rather than by way of a separate claim to tax relief by the donor). The claim for refund is made to Revenue by the eligible body. In the case of a self-assessed donor, that individual claims the relief in his/her income tax return and there is no grossing up arrangement. In the case of a company, it will claim a deduction for the donation as if it were a trading expense.

The detailed terms and conditions of the scheme are set out in leaflet CHY 2 which can be accessed on the Revenue website www.revenue.ie.

Court Actions.

185. **Deputy Róisín Shortall** asked the Minister for Finance the reporting arrangements of repossession actions taken by lenders in respect of homes, cars and other property; and the extent to which statistics are collected on repossessions. [46291/08]

Minister for Finance (Deputy Brian Lenihan): The Courts Service provides my Department with a quarterly report on the number of Court actions and orders relating to possession of certain real property i.e. buildings and land. The statistics include the number of new cases initiated in each quarter for possession of such property and on the number of court orders made for possession of real property. Circuit Court statistical reports provide a break down between residential and non-residential property, and on a county-by-county basis based on where the property is located. This level of detail is not, however, available in High Court statistics.

The Courts Service does not collect statistics as a matter of routine on legal proceedings to repossess other property.

Planning Issues.

186. **Deputy Brian O’Shea** asked the Minister for Finance when the design team will be appointed to commence planning for an extension to Waterford City courthouse; and if he will make a statement on the matter. [46324/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): A scope of works for the Refurbishment of Waterford Courthouse is being prepared at present and is expected to be available early in the new year. At that stage tenders will be sought from relevant firms of Consultants who are on the Framework Lists held by the Office of Public Works.

Tax Code.

187. **Deputy Alan Shatter** asked the Minister for Finance the number of divorced and separated parents who claimed single parent tax credit in each of the years ending 31 December 2005, 2006 and 2007. [46325/08]

188. **Deputy Alan Shatter** asked the Minister for Finance the number of fathers of children born to unmarried parents who claimed the single parent tax credit in each of the tax years ending 31 December 2005, 2006 and 2007. [46326/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 187 and 188 together.

I am informed by the Revenue Commissioners that the precise information in relation to the number of fathers of children born to unmarried parents who claimed the single parent tax

credit is not available in the format requested. However, information available relating to the number of single males claiming the single parent tax credit for the years 2005, 2006 and 2007 is as follows:

Year	Number
2005	40,400
2006	42,500
2007	44,200

Figures in the tables are rounded to the nearest fifty.

It should be noted that widowed males are not included in the figures provided. The numbers availing of the credit represent income earners who were in a position to absorb at least some of the one parent family tax credit and thereby give rise to an Exchequer cost. They do not include the numbers of potential claimants whose entitlements to other tax credits were sufficient to reduce their liability to tax to nil.

The figure for the year 2005 is based on incomes data derived from income tax returns held on Revenue records and have been grossed-up to an overall expected level to adjust for incompleteness in the numbers of returns on record at the time the data was extracted for analytical purposes. For the years 2006 and 2007 the figures are estimates from the Revenue tax forecasting model using actual data for the year 2005 adjusted as necessary for income and employment growth for the year in question and are therefore provisional and subject to revision.

The numbers requested in relation to separated and divorced parents either could not be obtained or could not be obtained without conducting a protracted examination of the Revenue Commissioners' records.

189. **Deputy Jack Wall** asked the Minister for Finance the reason a person (details supplied) in County Kildare has not been in receipt of tax credits for home carers tax credit for the past four years; if they are due a tax rebate in respect of same; and if he will make a statement on the matter. [46394/08]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that P21s for 2004 to 2007 have been issued to the person concerned. Home carers tax credit has been granted for 2004. For the years 2005, 2006 and 2007, instead of home carers tax credit, the individuals concerned were treated as a married two-earner couple and given the appropriate standard rate band. This tax treatment was more beneficial to the individuals concerned.

Consultancy Contracts.

190. **Deputy Andrew Doyle** asked the Minister for Finance the reason for the choice of a non-Irish printer to print 2.5 million copies of a PAYE information booklet for Budget 2009. [46515/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Government Supplies Agency (GSA) is a Business Unit of the Office of Public Works, which provides a central procurement service for Government Departments, Offices and Agencies. The GSA was requested by the Revenue Commissioners in August 2008 to arrange the provision of 2.5 million copies of a 16-page PAYE information booklet.

[Deputy Martin Mansergh.]

The estimated value of the job was greater than €50,000 but was below the threshold at which the contract must be publicised in the Official Journal of the European Union. In accordance with the Public Procurement Guidelines issued by the Department of Finance, the contract was advertised on the Government's e-tenders website as part of a formal tendering process. The tender documents stated that the contract would be awarded to the tenderer submitting the lowest suitable tender. Fourteen tenders were received, the lowest of which was from Howitt Ltd. of Nottinghamshire, England. This tender complied with all the requirements of the tender competition, and the firm was considered to be capable of satisfactorily carrying out the work. On this basis the contract was awarded to Howitt Ltd.

All public procurement is subject to the fundamental EU Treaty principles of non-discrimination, transparency, freedom of movement, and freedom to provide goods and services. The GSA is not permitted to discriminate on the grounds of nationality in its assessment of tenders.

Pigmeat Sector.

191. **Deputy Michael Creed** asked the Minister for Health and Children the function and membership of the expert group convened by the Food Safety Authority of Ireland to provide advice to the CMO on the toxicological and medical issues arising from the detection of PCBs in pork and beef; and if she will make a statement on the matter. [46273/08]

Minister for Health and Children (Deputy Mary Harney): An Expert Group was convened on Sunday, 7 December, by the Food Safety Authority of Ireland (FSAI) at the request of the Chief Medical Officer to provide detailed technical advice on toxicological and medical issues related to dioxin exposure. The Expert Group analysed available evidence on the human health effects of dioxin exposure and conducted an assessment of risk arising from projected exposure in this incident. This group also consulted with the European Food Safety Authority. The risk assessment produced by the European Food Safety Authority on Wednesday, 10 December, corroborated the initial risk assessment conducted by the FSAI and the Expert Group.

Membership of the Expert Group:

Mr John O'Brien (Chair), Chief Executive Officer, Food Safety Authority of Ireland; Dr Iona Pratt, Toxicologist, Food Safety Authority of Ireland; Dr Joe Treacy, Director of the National Poisons Information Centre, Beaumont Hospital; Prof Patrick Wall, Associate Professor of Public Health, University College Dublin; Dr Bill Tormey, Consultant Chemical Pathologist, Faculty of Pathology; Professor James Heffron, Professor of Biochemistry, University College Cork; Dr Philip Mayne, Consultant Paediatric Chemical Pathologist, Children's University Hospital, Temple Street; Prof Dan Collins, Professor of Veterinary Medicine (Retd.), University College Dublin; Dr Brian Redehan, Chief Specialist in Public Health, Food Safety Authority of Ireland; Dr Kevin Kelleher, Health of Health Protection, Health Service Executive; Dr Dominique Crowley, Specialist in Public Health Medicine HSE; Christina Tlustos, Toxicologist, Food Safety Authority of Ireland.

192. **Deputy Michael Creed** asked the Minister for Health and Children the discussions held with EU authorities between the 28 November 2008 and 6 December 2008 regarding the possibility of taking a decision to recall Irish pork products; and if she will make a statement on the matter. [46276/08]

215. **Deputy Denis Naughten** asked the Minister for Health and Children the reason the Food Safety Authority of Ireland risk analysis of the public safety implications of the dioxin

scare only commenced after the decision was made to recall pork products; when the FSAI was first made aware of the contamination; when the chief medical officer of her Department was first informed of the contamination; the reason the FSAI recommended a total product recall; and if she will make a statement on the matter. [46111/08]

224. **Deputy Denis Naughten** asked the Minister for Health and Children the communication to the Food Safety Authority of Ireland over the past six weeks from the Dutch authorities; the issues and concerns raised in each such instance; the actions taken; and if she will make a statement on the matter. [46180/08]

243. **Deputy Denis Naughten** asked the Minister for Health and Children when the Food Safety Authority of Ireland initially contacted the European Food Safety Authority seeking information and assistance regarding the possibility of dioxins in food; and if she will make a statement on the matter. [46388/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 192, 215, 224 and 243 together.

The Food Safety Authority of Ireland (FSAI) first became aware of the possible contamination of Irish pig meat with PCB on 28 November 2008 when advised of the results of an analysis conducted by the Department of Agriculture, Fisheries and Food. This result was confirmed on 1 December.

The FSAI's first contact with the Dutch authorities was on Thursday 4 December, when an official of the Dutch Food and Consumer Product Safety Authority informed the FSAI that it was of the opinion that there was a connection between the discovery of PCBs in Irish pig meat and dioxins found in pig meat in the Netherlands. Subsequently the FSAI had several discussions with staff from the Dutch Food and Consumer Product Safety Authority concerning their test results.

The Chief Medical Officer of the Department of Health and Children was first informed of the contamination on the morning of Saturday 6 December.

The decision to recall products was taken on Saturday 6 December, on the basis of the information from test results on pigs from Ireland indicating the presence of high levels of PCBs and dioxin. Based on these results, the applicable legal limits and food intake data from the FSAI's total diet study, the FSAI was able to draw conclusions on the potential danger to the Irish population. A more formal assessment was later made by the European Food Safety Authority (EFSA) which endorsed the decision to recall pork and pork products.

A total recall was recommended in order to minimise the exposure of consumers to dioxin, and because of initial difficulties in identifying the pork derived from animals which had been exposed to the contaminated feed.

On 5 December 2008, the FSAI informed the European Commission through the Rapid Alert System for Food and Feed (RASFF) that an investigation was being conducted by the Department of Agriculture, Fisheries and Food in close collaboration with the FSAI into the source of a contaminant in animal feed.

On 6 December 2008, FSAI notified the European Commission that Ireland was taking steps to remove from sale all pork and bacon products. Following further discussions between the FSAI and European Commission, on 8 December the European Commission requested EFSA to provide a scientific assistance risk on the risk for human health of the possibility of the presence of dioxins in pig meat and pig meat products from Ireland.

Social Welfare Benefits.

193. **Deputy James Reilly** asked the Minister for Health and Children the reason new clients to the community welfare scheme from Balbriggan have to travel to Gardiner Street to process their applications; the reason a suitable premises has not been found to house the community welfare officers in Balbriggan; and if she will make a statement on the matter. [46308/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Asylum Applications.

194. **Deputy Denis Naughten** asked the Minister for Health and Children the number of new asylum applicants who have had a medical assessment on arrival and the cost involved; the number who have had a medical assessment following placement in reception centres here and the cost involved; and if she will make a statement on the matter. [46387/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Question No. 195 answered with Question No. 97.

Product Licensing.

196. **Deputy James Reilly** asked the Minister for Health and Children if she will take immediate action to ensure that all products sold in head shops are regulated by an appropriate body; and if she will make a statement on the matter. [45861/08]

Minister for Health and Children (Deputy Mary Harney): Items available for sale in so-called 'head shops' are currently not scheduled under Misuse of Drugs legislation. The list of scheduled substances is kept under review on an ongoing basis: for example, in 2006 psychotropic ('magic') mushrooms, which were on sale in such outlets, were banned. Furthermore, following the European Council of Ministers' decision in March 2008 to bring Benzylpiperazine (BZP) under control, my Department will be introducing regulations to give effect to this decision within the March 2009 time-frame set by the Council.

In addition, there are well established communication channels and co-operation between my Department and the Gardaí, the Customs and the Irish Medicines Board and this helps to ensure that the need for further regulatory control is continuously under review.

Hospital Waiting Lists.

197. **Deputy Denis Naughten** asked the Minister for Health and Children when a person (details supplied) in County Longford will be called for an operation; and if she will make a statement on the matter. [45891/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Departmental Properties.

198. **Deputy Joe McHugh** asked the Minister for Health and Children if she will provide a list of every building that is being rented or leased by the Health Service Executive here with the annual rental cost to the State of these buildings on a county basis in tabular form. [45892/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Departmental Expenditure.

199. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of staff in terms of whole time equivalents who have been assigned by her to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by her Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if she will make a statement on the matter. [45947/08]

Minister for Health and Children (Deputy Mary Harney): An Assistant Principal Officer and an Administrative Officer have been assigned responsibility for this task. To date, the proportion of their time devoted to it is of the order of 15%. The staff resources assigned will be reviewed as the position develops.

Hospital Waiting Lists.

200. **Deputy Róisín Shortall** asked the Minister for Health and Children if is satisfied that waiting times for dermatology services at Beaumont Hospital, Dublin and the fact that the waiting time for patients stands at 21 months; and if, based on general practitioner referral letters, she has further satisfied herself that a person (details supplied) in Dublin 11 who was referred to the department suspected with skin cancer and has to endure an 18 month wait to see a specialist. [45973/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Health Service Expenditure.

201. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the position regarding the proposed Health Service Executive health centre (details supplied) in County Louth; the cost to date of building, leasing, equipping same and all other costs to date incurred for the health centre; the capacity and due date for opening; and if she will make a statement on the matter. [46002/08]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to service matters it has been referred to the HSE for direct reply.

Health Services.

202. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [46015/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

203. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [46016/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter it has been referred to the HSE for direct reply.

204. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter in relation to a person (details supplied) in Dublin 3. [46017/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter it has been referred to the HSE for direct reply.

Private Health Insurance.

205. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [46018/08]

Minister for Health and Children (Deputy Mary Harney): With regard to Community Rating: although the Supreme Court found the particular Risk Equalisation Scheme to be *ultra vires*, it did not strike down the principle of applying risk equalisation or any of the other important elements of the regulatory framework that supports private health insurance in Ireland. A primary objective of Government policy in health insurance is that it should be affordable for the broadest possible cross section of the community including older people and those who suffer ill-health. This policy objective has been implemented through a substantial body of primary and secondary legislation providing for open enrolment, community rating and life-time cover.

With regard to VHI price increases: successive Voluntary Health Insurance Board Acts have given the company the freedom to design its products and set its prices. As Minister, I have no role in these matters.

Housing Aid for the Elderly.

206. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter in relation to a person (details supplied) in Dublin 5. [46019/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): The Deputy will appreciate that since the end of August 2008, the Housing Aid for Older People (HAOP) scheme, which includes the Essential Repairs Grant has been administered by the local authorities. The Health Service Executive has confirmed that it does not have an application on hand for the individual referred to by the Deputy. The issue raised therefore in this case is primarily a matter for my colleague the Minister for the Environment, Heritage and Local Government.

Private Health Insurance.

207. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the checks carried out by health insurance companies, including the VHI, to ensure that they receive value for money from hospitals and other health service providers and that the procedures, bed nights and so on that they pay for are actually provided to the patient concerned; and if she will make a statement on the matter. [46024/08]

Minister for Health and Children (Deputy Mary Harney): Neither I nor my Department has any role to play in the day to day workings of private health insurance providers.

Nursing Homes Repayment Scheme.

208. **Deputy Eamon Scanon** asked the Minister for Health and Children the reason a person (details supplied) in County Sligo who submitted a claim under the nursing home repayment scheme was refused; and if she will make a statement on the matter. [46031/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

209. **Deputy Eamon Scanlon** asked the Minister for Health and Children the position with regard to a claim by a person (details supplied) in County Sligo under the nursing home repayment scheme; and if she will make a statement on the matter. [46032/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Questions Nos. 210 and 211 answered with Question No. 107.

Hospital Services.

212. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the ward closures or other service cutbacks scheduled for 2009 at Beaumont Hospital, Dublin; the services to be scaled down or discontinued in the hospital as a result of budgetary cutbacks; and if she will make a statement on the matter. [46058/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Regulatory Impact Analyses.

213. **Deputy Leo Varadkar** asked the Minister for Health and Children the occasions on which she did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if she will make a statement on the matter. [46071/08]

214. **Deputy Leo Varadkar** asked the Minister for Health and Children the occasions on which her Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if she will make a statement on the matter. [46086/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 213 and 214 together.

The Operational Review of Regulatory Impact Analysis, which was published by the Department of An Taoiseach in July 2008, removed the distinction between screening and full regulatory impact analyses.

Details of Acts of the Oireachtas from 1st June 2008 to date.	Was an RIA conducted?	If no RIA of any kind was conducted, please state why.
The Mental Health Act 2008 (No. 19 of 2008)	No	The Mental Health Act 2008 was emergency legislation prepared at very short notice and passed both Houses in one day. Given the time constraints involved, no RIA was prepared.
Details of Bills from 1st June 2008 to date.	Was an RIA conducted?	If no RIA of any kind was conducted, please state why.
Draft Heads of a Health Information Bill Health Bill 2008 (62 of 2008). The Bill was to give effect to the withdrawal of automatic eligibility for people aged 70 and over and to introduce a new scheme with effect from 1 January 2009.	An RIA is being carried out in the context of progressing this proposed Bill. No	N/A The Bill was to give effect to a Budgetary measure and consequently no RIA was carried out.

Details of EU Directives and regulations from 1st June 2008 to date.	Was an RIA conducted?	If no RIA of any kind was conducted, please state why.
Commission Directive 2008/100/EC of 28 October 2008 amending Council Directive 90/496/EEC on nutrition labelling for foodstuffs as regards recommended daily allowances, energy conversion factors and definitions	No	This Directive was not considered a significant Directive and so did not require a RIA.
Commission Directive 2008/84/EC of 27 August 2008 laying down specific purity criteria on food additives other than colours and sweeteners	No	This Directive was not considered a significant Directive and so did not require a RIA.
Commission Regulation (EC) No 1019/2008 of 17 October 2008 amending Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs	No	This Regulation was not considered a significant Regulation and so did not require a RIA.
Commission Regulation (EC) No 1029/2008 of 20 October 2008 amending Regulation (EC) No 882/2004 of the European Parliament and of the Council to update a reference to certain European standards	No	This Regulation was not considered a significant Regulation and so did not require a RIA.
Commission Regulation (EC) No 629/2008 of 2 July 2008 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs (1)	No	This Regulation was not considered a significant Regulation and so did not require a RIA.
Proposed Regulation on the provision of Food Information to Consumers	Yes	N/A

Details of Statutory Instruments from 1st June 2008 to date.	Was an RIA conducted?	If no RIA of any kind was conducted, please state why.
Appointment of Special Adviser to the Minister of State (S.I. 490 of 2008)	No	This is not considered a significant Statutory Instrument in the context of conducting an RIA.
Appointment of Special Advisers to the Minister for Health and Children (S.I. 491 of 2008)	No	This is not considered a significant Statutory Instrument in the context of conducting an RIA.
Delegation of Ministerial Functions to Minister of State, Mr Barry Andrews T.D. (S.I. 479 of 2008)	No	This is not considered a significant Statutory Instrument in the context of conducting an RIA.
Delegation of Ministerial Functions to Minister of State, Mr John Moloney T.D. (S.I. 478 of 2008)	No	This is not considered a significant Statutory Instrument in the context of conducting an RIA.
Delegation of Ministerial Functions to Minister of State, Ms Máire Hoctor T.D. (S.I. 477 of 2008)	No	This is not considered a significant Statutory Instrument in the context of conducting an RIA.

Details of Statutory Instruments from 1st June 2008 to date.	Was an RIA conducted?	If no RIA of any kind was conducted, please state why.
Delegation of Ministerial Functions to Minister of State, Ms Mary Wallace T.D (S.I. 482 of 2008)	No	This is not considered a significant Statutory Instrument in the context of conducting an RIA.
European Communities (Directive 2006/100/EC) (Recognition of Bulgarian and Romanian Medical Qualifications) Regulations 2008 (S.I. No. 393 of 2008).	No	This S.I. was not considered a significant S.I. and therefore did not require a RIA.
European Communities (Manufacture, Presentation and Sales of Tobacco Products) Regulations 2008 (S.I. 255 of 2008)	No	Amendment to a previous S.I. No. 425/2003 giving further effect to Directive 2001/37/EC on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products.
Health (Charges for In-Patient Services) (Amendment) Regulations 2008 (S.I. 521 of 2008).	No	Not considered a significant S.I.
Health (Repayment Scheme) (Further Functions of Connected Persons) Regulations 2008 (S.I. 212 of 2008).	No	Not considered a significant S.I.
Health Service Regulations 2008 (S.I. No 519 of 2008)	No	This S.I. increased the Drugs Payment Scheme monthly expenditure threshold from €90 to €100. No significant regulatory change was involved.
Medical Practitioners Act 2007 (Commencement) (No. 2 Order) 2008 (S.I. No. 231 of 2008).	No	This S.I. was not considered a significant S.I. and therefore did not require a RIA.
Medicinal Products (Prescription and Control of Supply) (Amendment) Regulations 2008 (S.I. 512 of 2008)	No	Technical Amendment only.
Poisons regulations 2008 (S.I.511 of 2008)	No	Technical Amendment only.
Recognition of the Professional Qualifications of Nurses and Midwives (Directive 2005/36/EC) Regulations 2008 (S.I. No. 146 of 2008)	No	This is not considered a significant Statutory Instrument in the context of conducting an RIA.
Regulation of Retail Pharmacy Businesses Regulations 2008 (S.I. No 488 of 2008).	No	The purpose of the S.I. was to implement the requirements of Section 18 of the Pharmacy Act and was the subject of a public consultation process, during which interest groups and the public were invited to comment on the draft S.I.
European Communities (Recognition of Professional Qualifications relating to the Profession of Pharmacist) (No.2) Regulations 2008 (S.I. No. 489 of 2008.	Yes	N/A

Question No. 215 answered with Question No. 192.

Health Service Funding.

216. **Deputy Michael Noonan** asked the Minister for Health and Children if her attention has been drawn to the fact that the Health Service Executive approved palliative care centre at a hospice (details supplied) in County Limerick has been completed, but that no funds have been provided to commission the unit; if, in view of the fact that the unit emanated from a 2004 Mid-Western Health Board population needs assessment, she will arrange for the revenue funding to be provided to commission the centre from January 2009; and if she will make a statement on the matter. [46123/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): The commissioning of new capital units, including that referred to by the Deputy in County Limerick, is a matter for the Health Service Executive in the context of its overall priorities for Palliative Care and in line with agreed capital and revenue resources. Accordingly, as this is a service matter, it has been referred to the Health Service Executive for direct reply.

Health Services.

217. **Deputy Jack Wall** asked the Minister for Health and Children the position of an application by a person (details supplied) in County Kildare for orthodontic treatment; and when they will receive an appointment from the Regional Orthodontic Unit, St. James Hospital; and if she will make a statement on the matter. [46126/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

218. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter in relation to a person (details supplied) in Dublin 5. [46153/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Waiting Lists.

219. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 205 of 5 November 2008. [46156/08]

Minister for Health and Children (Deputy Mary Harney): This matter was referred to the HSE for a direct reply on 5 November. I have now asked the HSE to respond to the Deputy's query without further delay.

Health Services.

220. **Deputy Fergus O'Dowd** asked the Minister for Health and Children if she will provide information to a group (details supplied); and if she will make a statement on the matter. [46157/08]

Minister for Health and Children (Deputy Mary Harney): The HSE has assigned co-ordinating responsibility in respect of this matter to the relevant Area Manager for Consumer Affairs. The issues raised have therefore been referred to the HSE for direct reply to the Deputy.

Services for People with Disabilities.

221. **Deputy David Stanton** asked the Minister for Health and Children further to Parliamentary Question No. 232 of 2 December 2008, the accuracy of the National Intellectual Disability Database as per the recent audit on same; and if she will make a statement on the matter. [46174/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As I stated in my reply on 2 December last, a report on the audit of the National Intellectual Disability Database will be produced in 2009 and will deal with the issue of accuracy of the data held on the database.

222. **Deputy David Stanton** asked the Minister for Health and Children the position regarding the Physical and Sensory Disability Database; and if she will make a statement on the matter. [46175/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The National Physical and Sensory Disability Database (NPSDD) was established in 2002. Information for the database is collected by the Health Service Executive (HSE) and non-statutory service providers. The database is managed nationally by the Health Research Board on behalf of the Department of Health and Children. Information for the NPSDD is collected by means of interviews with individuals who meet the registration criteria. The primary focus of the NPSDD is to facilitate service planning and service provision, it also aims to record the details of people availing of, or requiring, a specialised health and personal service. Participation in the NPSDD is voluntary.

Question No. 223 answered with Question No. 100.

Question No. 224 answered with Question No. 192.

Cancer Screening Programme.

225. **Deputy James Reilly** asked the Minister for Health and Children the number of general practitioners contracted for CervicalCheck; the number of contracts that have yet to be approved; and if she will make a statement on the matter. [46189/08]

226. **Deputy James Reilly** asked the Minister for Health and Children the number of CervicalCheck smears sent to laboratory (details supplied) to date; the average processing time for same; and if she will make a statement on the matter. [46190/08]

232. **Deputy Olivia Mitchell** asked the Minister for Health and Children the turnaround time from sampling to result which currently pertains in respect of the cervical screening programme; and if she will make a statement on the matter. [46241/08]

233. **Deputy Olivia Mitchell** asked the Minister for Health and Children the cost per patient of each smear test undertaken under the cervical screening programme; and if she will make a statement on the matter. [46242/08]

235. **Deputy Olivia Mitchell** asked the Minister for Health and Children the audits in place to ensure quality and standards of cervical testing; and if she will make a statement on the matter. [46244/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 225, 226, 232, 233 and 235 together.

As these are service matters relating to the National Cancer Screening Service, they have been referred to the Chief Executive Officer of the Service for direct reply.

Nursing Homes Repayment Scheme.

227. **Deputy James Reilly** asked the Minister for Health and Children the reason the health repayment scheme for a person (details supplied) is only being calculated from 1998 despite the fact that he or she was in a nursing home since 1990; when an outcome to his or her appeal can be expected; and if she will make a statement on the matter. [46192/08]

Minister for Health and Children (Deputy Mary Harney): The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006. The Health Repayment Scheme Appeals Office received a completed appeal form from the claimant referred to by the Deputy on the 25 August 2008 and the Appeals Officer commenced an investigation of the appeal. When the Appeals Officer has made a determination on this appeal, the claimant will be notified together with the reasons for the decision. The time taken to determine an appeal varies depending on the complexity of the appeal and currently the average completion time for an Appeals Officer's decision is 102 days. As the Health Repayment Scheme is administered by the HSE, the Deputy's query on the calculation of amount of repayment due to the person concerned has been referred for direct reply.

Health Service Expenditure.

228. **Deputy Denis Naughten** asked the Minister for Health and Children the cost in 2006, 2007 and to date in 2008 of translation services in each division of the Health Service Executive; and if she will make a statement on the matter. [46196/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Medical Cards.

229. **Deputy John Perry** asked the Minister for Health and Children if she will intercede on behalf of a person (details supplied) in County Sligo and have her medical card restored; and if she will make a statement on the matter. [46199/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Nursing Homes Repayment Scheme.

230. **Deputy John Perry** asked the Minister for Health and Children when a person (details supplied) in County Sligo will be granted their money in respect of an illegal charges claim; and if she will make a statement on the matter. [46200/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Ambulance Service.

231. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the location of ambulance service bases in County Meath; the number of personnel per base; the number of active ambulances per base; and the geographic area each base covers and the population they serve. [46237/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Questions Nos. 232 and 233 answered with Question No. 225.

Cancer Screening Programme.

234. **Deputy Olivia Mitchell** asked the Minister for Health and Children if it is envisaged that the cytology laboratories currently in public hospitals are all to be maintained; the way it is envisaged that cervical checks required outside of the screening programme are to be processed; if they too are to be screened by a company (details supplied) in the USA; and if she will make a statement on the matter. [46243/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Question No. 235 answered with Question No. 225.

Medical Cards.

236. **Deputy Róisín Shortall** asked the Minister for Health and Children the reason for the lengthy delays in processing medical card renewals in Finglas, Dublin 11; her views on the maximum target times which should apply in this regard; and the steps she will take to address this matter. [46279/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE), through the Schemes Modernisation Programme, has greatly improved the operational efficiency and customer friendliness of its medical card and GP visit card processes in recent years. Progress includes:

- A national training programme and the publication of guidelines for staff involved in assessments. Such training and guidelines ensure that the schemes are administered in a standardised way nationally.
- The publication of an information booklet for the public on the various schemes available, including the General Medical Services (GMS) Scheme.
- The establishment of the HSE call save “infoline”, which provides information to the public on health and social services.

The Executive is targeting a standard national response time of 3-6 weeks for the completion of decisions and replies to medical card applications. This target will only apply in cases where all the required information is supplied by the applicant (approximately 90% of cases). However, more complex cases may require a longer turnaround time. I fully support the Executive in its ongoing endeavours to shorten the turnaround time for medical card applications. As the particular issue raised regarding the renewal of medical cards in Finglas, Dublin 11 is a

service matter, it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Procedures.

237. **Deputy Róisín Shortall** asked the Minister for Health and Children if she will report on the number of appointments in the Mater Hospital, Dublin which have been cancelled per month over the past 12 months; if she will report on the practice of sending cancellation letters to patients by taxi; the number of times which this has been done and the cost per month for each of the past 12 months; and if she will make a statement on the matter. [46280/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Health Services.

238. **Deputy Richard Bruton** asked the Minister for Health and Children if her Department or the Health Service Executive has considered the establishment of a centre for excellence for the support and treatment of persons with rare chromosome disorders of whom there may be as many as 24,000 nationwide; the criteria that would be applied in deciding whether the development of a centre of excellence was appropriate in cases such as this; and if her attention has been drawn to the work of a voluntary support group (details supplied) which is working with families affected. [46301/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Community Care.

239. **Deputy James Reilly** asked the Minister for Health and Children the terms of reference, the person who set them, if they were followed and the outcome of an internal review into the management of human resource issues in public health-community house nursing in County Meath in 2007; when it will be made available; the amount it cost; and if she will make a statement on the matter. [46307/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Assisted Human Reproduction.

240. **Deputy James Reilly** asked the Minister for Health and Children if it is possible for a patient undergoing IVF treatment as a matter of urgency through the private system to transfer to the public system due to a change in their economic circumstances in view of the fact that they can no longer afford the costly treatment privately; and if she will make a statement on the matter. [46309/08]

Minister for Health and Children (Deputy Mary Harney): Assisted Human Reproductive treatment is not funded under a specific national scheme in the public health system. I am conscious though of the financial burden that such treatment can place on the couples concerned and have asked my Department to consider policy in this regard as part of the process of developing an appropriate regulatory framework for this area. Any proposals that might emerge from that process will have to be considered in the context of the difficult economic situation that now prevails and other competing funding demands across the full range of health issues.

Health Services.

241. **Deputy John Cregan** asked the Minister for Health and Children when a reply will issue from the Health Service Executive regarding correspondence forwarded to them in respect of cystic fibrosis sufferers in the mid west region in view of her previous response to this Deputy's parliamentary question, which indicated that a reply would ensue promptly from the HSE in relation to this matter. [46311/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has informed my Department that the Executive has replied to the correspondence referred to by the Deputy.

Mental Health Services.

242. **Deputy Denis Naughten** asked the Minister for Health and Children if she will instruct the Health Service Executive to redirect the €70 million reassigned by them from the 2007 and 2008 budget for disability and mental health services back into this area; the budget available in capital and current in each area in 2007, 2008 and projected for 2009; and if she will make a statement on the matter. [46385/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to a service matter I have arranged for the question to be referred to the Health Service Executive for direct reply.

Question No. 243 answered with Question No. 192.

Hospital Accommodation.

244. **Deputy Joe Costello** asked the Minister for Health and Children the average number of patients who were medically ready for discharge but who were still occupying beds in the Mater Hospital, Dublin for each year since 2000 to date in 2008; and if she will make a statement on the matter. [46390/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Accident and Emergency Services.

245. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the estimate of the number and percentage of cases that are seen in the accident and emergency department of the Mid-Western Regional Hospital, Limerick that are related to the abuse of illegal drugs and of alcohol; and if she will make a statement on the matter. [46393/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Health Service Allowances.

246. **Deputy Mary O'Rourke** asked the Minister for Health and Children if she will review the case of persons (details supplied) in County Longford who have sought the domiciliary care allowance since June 2008. [46406/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Community Care.

247. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of home care packages allocated in 2007; the number allocated to date in 2008; and the eligibility criteria for same. [46407/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Services for People with Disabilities.

248. **Deputy David Stanton** asked the Minister for Health and Children the details of the discussions officials from her Department and the Health Service Executive have had with the National Council for Special Education in relation to the educational needs of adults and contact with local authorities and other Government Departments and agencies regarding the sharing of information on assessed needs which are outside her Department's remit as per commitments in her Department's Disability Act sectoral plan; the protocols developed as a result; and if she will make a statement on the matter. [46505/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): In January 2008, the Government announced the establishment of the Office for Disability and Mental Health to support the Minister for Equality, Disability and Mental Health in exercising responsibilities across four Government Departments: Health & Children, Education & Science, Enterprise, Trade & Employment and Justice, Equality & Law Reform. The new Office brings together responsibility for a range of different policy areas and State services which directly impact on the lives of people with a disability and people with mental health issues. The Government's decision to establish the Office for Disability and Mental Health reflects its commitment to developing a more coherent and integrated response to the needs of people with disabilities and mental health issues. The designation of a Minister of State with responsibility for Equality, Disability and Mental Health and the establishment of the Office for Disability and Mental Health will facilitate cross-agency and cross-departmental working and enable us to deliver real benefits to clients and service users into the future.

Under the aegis of this Office, a Cross Sectoral team of officials from the Department of Health and Children, the Department of Education and Science, the Health Service Executive and the National Council for Special Education was established and meets on a regular basis to address issues arising in relation to the implementation of the Disability Act 2005 and the Education for Persons with Special Educational Needs Act 2004 (EPSSEN). It had been intended to have the EPSSEN Act fully implemented by 2010, and to commence Part 2 of the Disability Act 2005 for 5 to 18 year-olds in tandem. In the light of the current financial circumstances, it is unfortunately necessary to defer the implementation of the above legislation.

However, this does not in any way dilute the Government's commitment in the areas of disability and mental health. The Government has not only protected the increased funding base for disability and mental health services that has been built up over recent years, but has in this Budget provided an additional €20 million for health and education services for children with special educational needs. €10 million of this allocation will be to the HSE, and €10 million to the Department of Education and Science, to enable the services provided to children with special educational needs to be enhanced and strengthened, as a first step towards the full implementation of the EPSSEN Act, and of Part 2 of the Disability Act for 5 to 18 year olds, and subsequently to adults, at a later date.

With regard to the specific commitments in the Sectoral Plan relating to housing, income support measures and vocational training and employment issues, the position is that:

[Deputy John Moloney.]

- A protocol to govern inter-agency cooperation between the HSE and Housing Authorities in relation to services provided for people with a disability has been agreed. The protocol is focused on children under five years who are assessed by the HSE under Part 2 of the Disability Act 2005, and are identified as likely to require housing support. The protocol was developed by the Department of the Environment, Heritage and Local Government and the Department of Health and Children in association with the HSE and the local authorities and is in line with commitments given in the sectoral plans of both Departments following the requirements of section 32 and section 36 of the Disability Act 2005. It details the process to be undertaken between the HSE and local authorities. Further protocols in relation to assessment of need for people with a disability will be developed and implemented in line with the phased implementation of the statutory requirements of Part 2 of the Disability Act 2005 to all age groups. The details of this protocol are available on the Department of the Environment, Heritage and Local Government website at: <http://www.environ.ie/en/DevelopmentandHousing/Housing/SpecialNeeds/DisabledPersons/>.
- The Government has decided to transfer income support and maintenance schemes to the Department of Social and Family Affairs. An inter departmental implementation group, representative of the Department of Health and Children, the Health Service Executive and the Department of Social and Family Affairs, has responsibility to drive the transfer of allowances in accordance with the Government's decision.
- There are 22,400 children in receipt of the Domiciliary Care Allowance. The transfer of Domiciliary Care Allowance to the Department of Social and Family Affairs is a priority for 2009. The legislation is in place and detailed arrangements for the transfer and administration of the Domiciliary Care Allowance by the Department of Social and Family Affairs are being developed.
- The Office for Disability and Mental Health is working with the HSE and the Department of Enterprise, Trade and Employment (D/ETE) with a view to promoting a cross-sectoral approach to supporting and enhancing adult day occupational and training services for people with disabilities. Progress on this issue is linked to the HSE National Review on Adult Day Services for People with Disabilities.

In addition, I would draw the Deputy's attention to section 12 of the Disability Act 2005 which provides that liaison officers may furnish a copy of an assessment, report, or any other information which the liaison officer considers appropriate to a public body for the purpose of assisting an applicant in applying for personal or individual services provided by the body relevant to his or her needs.

Road Safety.

249. **Deputy Shane McEntee** asked the Minister for Transport the conditions attached to local government fund payments for the provision of road gritting; if figures are available for the amount paid to each road authority for the provision of gritting; and if he will make a statement on the matter. [46117/08]

Minister for Transport (Deputy Noel Dempsey): Under the Roads Act, 1993, the maintenance of roads, including winter maintenance, is a statutory function of each individual road authority. This work is funded out of each authority's own resources, supplemented in the case

of regional and local roads by discretionary and block grants allocated annually by my Department. In the case of national roads, funding for maintenance, which includes the gritting of roads and other safety related work in winter, is provided by my Department to the NRA which allocates it among the local authorities. Maintenance grants by my Department in 2008 amounted to €45.6 million, while € 58.21 million was provided through the NRA.

Departmental Expenditure.

250. **Deputy Leo Varadkar** asked the Minister for Transport the number of staff in terms of whole time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45951/08]

Minister for Transport (Deputy Noel Dempsey): Staff in the central co-ordination unit of my Department have been assigned to manage the process to give effect to the Government's commitment to reduce by 25% administrative burdens. As part of this process all Divisions in my Department have been asked to identify information obligations in the legislation that they are responsible for and to prioritise them having regard to their impact on business so that those with the greatest burden on business can be identified and the burden measured and proposals developed to achieve a reduction in the administrative burden. As this work is being carried out in addition to other duties it is not possible to quantify the additional costs arising.

Light Rail Projects.

251. **Deputy Finian McGrath** asked the Minister for Transport if he will support a matter (details supplied). [46020/08]

Minister for Transport (Deputy Noel Dempsey): The cost of an underground metro system depends on a wide range of variables, including ground conditions, size and spacing of stations, tunnel configuration and the amount of land acquisition. There is also a wide range of variables impacting on the cost of on-street light rail systems, including whether it is on-street or off-street, the scale of utilities diversion and so on. A comparison of the type suggested by the Deputy is, therefore, of little practical value. The most fundamental issue, of course, is the level of passenger capacity required on a particular corridor. However, a report for the World Bank in 2000 did try to generalize this issue and pointed out that underground railways are 4 to 6 times the cost of surface railways.

In relation to the part of the Deputy's question on land ownership in the vicinity of the proposed stations on Metro North, the owners and occupiers of all lands affected are publicly available in the book of reference submitted by the RPA to An Bord Pleanála in September last as part of the Railway Order Application for Metro North. It is not clear from the question to which land in the vicinity of Dublin Port the Deputy is referring, particularly as the alignment of Metro North is some distance from the port area.

Departmental Appointments.

252. **Deputy Phil Hogan** asked the Minister for Transport his views on whether a person who, a court has noted, as a director of a limited company failed to ensure that audited accounts were prepared and filed, as required by the Companies Act 1990, is suitable to act as chairman of a State company under the auspices of his Department; and if he will make a statement on the matter. [46035/08]

253. **Deputy Phil Hogan** asked the Minister for Transport the circumstances in which he would be prepared to seek the removal or resignation of a chairman or non-executive director of a State or semi-State company that comes within his Department's remit; and if he will make a statement on the matter. [46036/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 252 and 253 together.

Unless an individual is legally restricted from serving as a director, their suitability or otherwise to serve as a director or chairman of a State company under my Department would generally have to be dealt with on a case by case basis, having regard to the relevant statutory provisions.

Regulatory Impact Analyses.

254. **Deputy Leo Varadkar** asked the Minister for Transport the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46075/08]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is contained in the following table.

Legislation Type	Title	Screening RIA	Reason
S.I. 195/2008	European Communities (Mechanically Propelled Vehicle Entry Into Serve (Amendment) Regulations	N	Not a significant regulation
S.I. 196/2008	European Communities Motor (Motor Vehicles Type Approval)(Amendment) Regulations	N	Not a significant regulation
S.I. 197/2008	European Communities (Passenger Car Entry Into Service) (Amendment) Regulations	N	Not a significant regulation
S.I. 311/2008	European Communities (Vehicle Testing) (Amendment) Regulations	N	Not a significant regulation
S.I. 312/2008	Road Traffic (Driving Mirrors Requirements Vehicles) Regulations	N	Not a significant regulation
S.I. 359/2008	European Communities (Vehicle Drivers Certificate of Competence (No. 2) Regulations	N	Not a significant regulation
S.I. 366/2008	Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations	N	Not a significant regulation
S.I. 464/2008	European Communities (Recognition of Driving Licenses of other Member States)	N	Not a significant regulation
S.I. 471/2008	Road Traffic (Licensing of Drivers) (Amendment) Regulations	N	Not a significant regulation
S.I. 426/2008	European Communities (Common Rules on the Operation of Air Services in the Community) Regulations 2008.	N	Not a significant regulation
S.I. 283 of 2008	European Communities (Harmonisation of Technical Requirements and Administrative Procedures in the Field of Civil Aviation) Regulations 2008	N	Not a significant regulation
SI 279/2008	Roads Act 2007 (Declaration of Motorways) Order 2008.	N	Not Required
SI 248 of 2008	EU Directive 2005/14/EC	N	Not Required
Harbour Rates Order	Harbour Rates (Tralee and Fenit Pier and Harbour) Order 2008.	N	Minor Impact
Harbours Act 1996 Transfer Order 2008.	Harbours Act 1996 (River Moy Commissioners) Transfer Order 2008.	N	Minor impact

Legislation Type	Title	Screening RIA	Reason
S. I. No. 217 of 2008	Sea Pollution (Control of Pollution by Noxious Liquid substances in Bulk) Regulations, 2008	N	It was considered that the proposed Regulation did not involve a significant policy change in an economic market and did not impose a disproportionate compliance burden on third parties.
S. I. No. 281 of 2008	Sea Pollution (Prevention of Pollution by Sewage from Ships) (Amendment) Regulations, 2008	N	It was considered that the proposed Regulation did not involve a significant policy change in an economic market and did not impose a disproportionate compliance burden on third parties.
S. I. No. 282 of 2008	Sea Pollution (Prevention of Pollution by Oil) (Amendment) Regulations, 2008	N	It was considered that the proposed Regulation did not involve a significant policy change in an economic market and did not impose a disproportionate compliance burden on third parties.
S. I. No. 372 of 2008	Sea Pollution (Prevention of Pollution by Sewage from Ships) (Amendment) (No. 2) Regulations, 2008	N	It was considered that the proposed Regulation did not involve a significant policy change in an economic market and did not impose a disproportionate compliance burden on third parties.
SI 246 of 2008. Fishing Vessel (Fees) Regulations 2008 Signed July 3rd	Fishing Vessel (Fees) Regulations 2008 Signed July 3rd	N	S.I. corrected 2007 Fees Order, RIA not required.
SI 390 of 2008 — Merchant Shipping Fees (Amendment) Order 2008. Signed September 24th 2008	Merchant Shipping Fees (Amendment) Order 2008. Signed September 24th 2008	N	Minor amendment to fees Order, RIA not necessary.

255. **Deputy Leo Varadkar** asked the Minister for Transport the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, Bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46090/08]

Minister for Transport (Deputy Noel Dempsey): My Department carried out a screening regulatory impact analysis in November 2008 on the Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system. A screening RIA was carried out on the Road Traffic and Transport Bill. A full RIA was not carried out due to the urgent nature of the Bill.

Road Safety.

256. **Deputy Shane McEntee** asked the Minister for Transport the regulations for the gritting of roads here; the breakdown of financing to local authorities to fund gritting; if he has expressed concerns over the lack of gritting on primary routes; and if he will make a statement on the matter. [46118/08]

Minister for Transport (Deputy Noel Dempsey): Under the Roads Act, 1993, the maintenance of roads, including winter maintenance, is a statutory function of each individual road authority. This work is funded out of each authority's own resources, supplemented in the case of regional and local roads by discretionary and block grants allocated annually by my Department. In the case of national roads, funding for maintenance, which includes the gritting of roads and other safety related work in winter, is provided by my Department to the NRA which allocates it among the local authorities. Maintenance grants by my Department in 2008 amounted to €45.6 million, while € 58.21 million was provided through the NRA.

Port Development.

257. **Deputy Fergus O'Dowd** asked the Minister for Transport if public funds are used to fund the Dublin Port Company; and if he will make a statement on the matter. [46312/08]

258. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has ever expressed concern over expenditure practices in the Dublin Port Company; and if he will make a statement on the matter. [46313/08]

259. **Deputy Fergus O'Dowd** asked the Minister for Transport if his attention has been drawn to the reason the Dublin Port Company engages in extensive advertising; and if he will make a statement on the matter. [46314/08]

260. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has received correspondence in 2008 or 2007 that raised financial concerns regarding the Dublin Port Company; and if he will make a statement on the matter. [46315/08]

Minister of State at the Department of Transport (Deputy Noel Ahern): I propose to take Questions Nos. 257 to 260, inclusive, together.

Dublin Port Company was incorporated in 1997 under the Harbours Act 1996. In accordance with the Act, the company is required to take all proper measures for the management, control, operation and development of the port and is required to conduct its business in a cost-effective

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and efficient manner. Advertising expenditure is primarily an operational matter for the company.

I am not aware of any correspondence received in my Department raising financial concerns regarding the company. On the contrary, the company has continued to trade profitably over recent years and has paid a dividend to the State for the past two years.

Since corporatisation, the company has received approximately €6.9 million in public funding. This funding was in respect of approved port capacity projects under the NDP 2000-2006 and was made available by way of share purchase under the Harbours Act.

Current policy, as set out in the Ports Policy Statement published in 2005, is that the port companies, as commercial entities, should be capable of funding their operations and infrastructure requirements without recourse to the Exchequer. There is no Exchequer funding provided for under the port sub-programme of the current NDP. However, the port companies themselves are projected to spend between €300 million and €600 million on capital projects over the course of the plan.

Departmental Agencies.

261. **Deputy Fergus O'Dowd** asked the Minister for Transport if in view of the recent experience of public procurement and expenditure guideline breeches in public agencies, he has been in contact with any of his agencies to ensure compliance with Government guidelines; and if he will make a statement on the matter. [46316/08]

Minister for Transport (Deputy Noel Dempsey): The procurement and expenditure activities of the agencies operating under the aegis of my Department are essentially a day-to-day operational matter for the agencies concerned.

Each agency submits an annual report in compliance with the Code of Practice for the Corporate Governance of State Bodies of which compliance with procurement requirements and maintaining a system of internal financial control are integral components.

Last month, I wrote to the Chairpersons of the agencies under my remit advising them of a new approach on corporate governance being introduced by my Department and reminding them of their obligations under the Code of Practice. Since then my Department has written to these Chairpersons drawing their attention to the Department of Finance circulars and instructions concerning travel, subsistence and associated expenses.

The Chairpersons have been requested to confirm that arrangements currently in place in their respective organisations are in compliance with Department of Finance instructions. In addition, the Chairpersons have been advised that, as part of my Department's ongoing corporate governance relationship with their organisations, they will be expected to confirm, on an annual basis, that the arrangements in place in their organisations are in compliance with these Department of Finance instructions.

State Airports.

262. **Deputy Jim O'Keeffe** asked the Minister for Transport the situation in relation to the future of Cork Airport; if the business plan which the board of Cork Airport was required to prepare and submit to him provided for the disposal of the land to the west of the airport which according to the Scott, Wilson, Kilpatrick Report should be retained and protected in order that the short runway could be extended if the need arose in the future; and his views on the business plan as proposed. [46317/08]

267. **Deputy Pat Breen** asked the Minister for Transport if he will report on the cost of all reports undertaken by his Department in relation to the proposed break-up of the three airports at Shannon, Cork and Dublin since the introduction of the State Airports Bill 2004, to date in 2008; if consultant reports were commissioned; the cost of same; and if he will make a statement on the matter. [46411/08]

268. **Deputy Pat Breen** asked the Minister for Transport his plans for the future operation of the three airports at Shannon, Cork and Dublin; if the break-up is being put on hold; the implications of this decision for the future financial and operational requirements of all three airports; and if he will make a statement on the matter. [46412/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 262, 267 and 268 together.

The State Airports Act, 2004 provides the framework for the establishment of Shannon and Cork as independent airports. As part of the airport restructuring process the boards of Cork and Shannon airport are required to prepare business plans for eventual separation.

All three airport business plans have to be coordinated by the Dublin Airport Authority for eventual approval by myself and the Minister for Finance. Among the requirements to be satisfied in advance of separation is the need to ensure the financial sustainability of all three state airports.

I have now received business plans from each of the state airports and I have been in consultation with the three Airport Authorities concerning the approach to the separation of Cork and Shannon having regard to the current economic climate and trends in the aviation market generally. I hope to announce the outcome of those consultations shortly. I do not propose to comment on details of the Cork plan at this stage.

Earlier this year I appointed Peter Cassells Consultants to mediate on the issue of the Cork Airport debt. The report prepared for this purpose cost €30,250. The boards of the Dublin and Cork Airport Authorities accepted the outcome of this report.

Air Services.

263. **Deputy Fergus O'Dowd** asked the Minister for Transport if he will make a statement on his recent meetings with companies (details supplied). [46322/08]

Minister for Transport (Deputy Noel Dempsey): On 3 December, I accepted a request from the CEO of Ryanair, as a courtesy, for an informal meeting at which the CEO outlined, in general terms, the main features of their proposed cash offer for all shares in Aer Lingus.

On 11 December I agreed to meet with the CEO and Chairman of Aer Lingus who wished to convey to me their opposition to the Ryanair offer.

I did not indicate to either Ryanair or Aer Lingus any policy position in relation to the proposed takeover. The Deputy will be aware that both companies made public statements following the meetings.

Road Network.

264. **Deputy Fergus O'Dowd** asked the Minister for Transport the start dates for projects in Transport 21 that are yet to get underway; the estimated completion dates of same; and if he will make a statement on the matter. [46323/08]

Minister for Transport (Deputy Noel Dempsey): The construction start dates of projects are determined by the outcome of public consultation, the planning approval process and contract negotiations, and the availability of financial resources.

Indicative completion dates for major projects can be found on the Transport 21 website.

Road Traffic Offences.

265. **Deputy Jack Wall** asked the Minister for Transport his views on a submission (details supplied); the plans he has or is proposing to address the concerns expressed; and if he will make a statement on the matter. [46327/08]

Minister of State at the Department of Transport (Deputy Noel Ahern): The Government recently gave its approval to the drafting of a Road Traffic and Transport Bill, which inter alia proposes a reduction in the legal Blood Alcohol Content (BAC) level for drivers and measures to put in place the compulsory testing of drivers at road traffic collisions.

It is hoped to have the Bill published early next year.

Departmental Expenditure.

266. **Deputy Fergus O'Dowd** asked the Minister for Transport the amount spent by his Department in each year over the past five years, including 2008, on the printing and distribution of publications from his Department; and if he will make a statement on the matter. [46335/08]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

Questions Nos. 267 and 268 answered with Question No. 262.

Registration of Title.

269. **Deputy John Perry** asked the Minister for Justice, Equality and Law Reform when an application to the land registry for a map will be supplied to a person (details supplied) in County Sligo; and if he will make a statement on the matter. [46198/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November, 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications and which was introduced in May 2006. The service provides a speedier, more efficient and more cost effective alternative to submitting Parliamentary Questions. It is operated by the PRA and is available all year round.

I understand that the PRA has now provided the Deputy with the information requested.

Human Rights Issues.

270. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has plans to develop a national action plan for human rights; and if he will make a statement on the matter. [46513/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Government policy in relation to human rights and equality matters has been to target areas of concern by the development of specific National Action Plans and national strategies. Examples of these, in so far as my Department is concerned, include the National Action Plan against Racism, the National Women's Strategy and the National Disability Strategy. At present, my Department is responsible, as a matter of priority, for the inter-departmental committee established to advise on and monitor the actions required to enable the State to ratify the UN Convention on the Rights of Persons with Disabilities. The Disability Act 2005, underpinned by the National Disability Strategy, will meet a considerable portion of the Convention's requirements.

The Department is also responsible for the coordination of Ireland's reports to the United Nations on the International Convention on the Elimination of all Forms of Racial Discrimination. These reports update the legislative, judicial, administrative and other measures identified to give effect to the provisions of the Convention and are a measure of the Government's achievements on the issues in question in the Convention.

The Deputy will also be aware of the role of the independent Human Rights Commission which operates under the Human Rights Acts 2000 and 2001. The Commission has a strategic plan "Promoting and Protecting Human Rights in Ireland 2007 — 2011" setting out its views on the development and implementation of human rights policy in Ireland.

Garda Investigations.

271. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the British security personnel, or members of British police forces who were in or around Broadhaven Bay or Glengad, County Mayo in August or September 2008; and the capacity in which they were there. [45894/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that they are not aware of the presence of any British security personnel or members of British police forces in these locations in the period mentioned in the Deputy's Question.

Garda Operations.

272. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the costs per month for the past six months of policing the protests against the scheme to install an onshore refinery and high pressure pipeline in Erris, County Mayo; the amount set aside to pay for the policing costs in 2009 to police these protests; and if he is satisfied with the policing of the protests against this scheme to date. [45895/08]

273. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the breakdown of the number of arrests of people in regard to the protests against a company (details supplied); the number of those arrested who were charged; and the number and outcome or prosecutions which have resulted. [45896/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 272 and 273 together.

In the time available it has not been possible to compile the detailed statistics for the costs associated with policing arrangements for the development referred to in County Mayo. I will communicate further with the Deputy when the information sought is to hand. A specific allocation for policing in the area referred to in 2009 has not been set aside. The allocation of

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resources will be decided in accordance with the Garda Commissioner's identified operational needs with regard to the circumstances pertaining locally.

In the time available it has not been possible to compile the detailed statistical information on the numbers of arrests, charges and prosecutions in relation to the protests to which the Deputy refers. I will communicate further with him when the information sought is to hand.

Asylum Applications.

274. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the position in the case of a person (details supplied) in County Tipperary who has applied for a subsidiary protection order. [45926/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions No. 379 of Tuesday 24 June 2008 and No. 931 of Wednesday 24 September 2008 and the written Replies to those Questions.

The person concerned applied for asylum on 22 December 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 22 November 2007, 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.

The Deputy might wish to note that the person concerned also made an application for permission to remain in the State in accordance with the revised arrangements applicable to the non-EEA national parents of Irish born children, born in the State before 1 January 2005. The revised arrangements in question, commonly referred to as the IBC/05 Scheme, were announced by the Minister for Justice, Equality and Law Reform on 15 January 2005 and the Closing Date for receipt of applications was 31 March 2005. The application of the person concerned was received on 18 January 2006 and, as such, was received much too late for consideration. The person concerned was made aware of the non-acceptance of his IBC/05 application by letter dated 25 January 2006.

Legal Aid Service.

275. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform the

cost to the State of free legal aid for the years 2006, 2007 and to date in 2008 and a breakdown of each category in tabular form; and if he will make a statement on the matter. [45929/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will be aware, separate arrangements exist in respect of Criminal and Civil Legal Aid. I can inform the Deputy that the cost to the State for Criminal Legal Aid for the years 2006, 2007 and to date in 2008 are set out in the following table.

Year	Expenditure
	€m
2006	42.093
2007	46.365
2008 (to 30 November)	48.858

The State, through the Legal Aid Board, also provides a comprehensive scheme of Civil Legal Aid for persons of modest means. This involves the payment of a contribution by the client towards the cost of the service. The Legal Aid Board incorporates the Refugee Legal Service. I can also inform the Deputy that the cost of providing the Civil Legal Aid Service for the years 2006, 2007 and to date in 2008 are set out in the following table.

Year	Civil Legal Aid	Refugee Legal Service	Total Expenditure
	€m	€m	€m
2006	21.913	7.726	29.639
2007	24.288	8.617	32.905
2008	26.988	8.897	35.885

Garda Recruitment.

276. **Deputy John O'Mahony** asked the Minister for Justice, Equality and Law Reform when the next recruitment to An Garda Síochána will take place; and if he will make a statement on the matter. [45930/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There are normally four quarterly intakes of Garda recruits each year. The most recent intake took place in November of this year and it is expected that another intake will occur in February 2009.

Departmental Expenditure.

277. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of staff in terms of whole-time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45948/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will be aware, my Department is participating in the inter-Departmental process, co-ordinated by the Department of Enterprise, Trade and Employment, with a view to reducing by 25% the administrative burden placed on businesses by Government. It is envisaged that the identification, prioritisation and measurement process should be completed by all Departments by the

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end of 2009. On completion of the measurement exercise, simplification plans will be prepared detailing how the 25% target will be met by the end of 2012.

While it is not expected that my Department will be identified as one of those Departments that imposes the greatest administrative burden on businesses, the work involved to date is currently being carried out as an integral part of the general public policy formation process and other administrative functions within my Department. It is therefore not possible to isolate the staffing and financial resources involved in the manner requested by the Deputy.

Citizenship Applications.

278. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform the status of applications for long-term residency and for naturalisation from a person (details supplied) in County Wexford; when decisions are expected to be made on these applications; and if he will make a statement on the matter. [45957/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in July 2007. The Citizenship Division is currently commencing further processing of applications received in mid 2007. The average processing time from application to decision is currently 23 months. More complicated cases can at times take more than the current average while an element of straightforward cases are now being dealt with in less than that time scale.

An application for long term residency from the person referred to by the Deputy was received in March 2008. I understand that applications received in January 2007 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Visa Applications.

279. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform if an application for extension of a visa in respect of a person (details supplied) in County Wexford is under consideration by the naturalisation and immigration service division of his Department; if his attention has been drawn to the fact that the applicant wishes to remain here in order to assist with the care of their grandchildren; if consideration will be given to this application before expiry of the applicant's current visa on 27 December 2008; and if he will make a statement on the matter. [45965/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Immigration Division of my Department that they have recently been in contact with the person referred to by the Deputy in relation to their immigration status. Further documentation has been requested from the person concerned in order to facilitate the Immigration Division in examining their case.

Citizenship Applications.

280. **Deputy Joe McHugh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the New Zealand passport of an applicant (details supplied) in County Donegal for a certificate of naturalisation will expire in May 2009 and that the applicant's UK work visa will not be valid when the New Zealand passport expires; if he will expedite the application in order to ensure that the applicant's working visa will be valid after May 2009; and if he will make a statement on the matter. [45970/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in June 2008. I have requested Officials in the Citizenship Division of my Department to expedite the application and I have been informed that the file will be submitted to me for a decision in due course.

Public Service Vehicle Licences.

281. **Deputy Frank Fahey** asked the Minister for Justice, Equality and Law Reform the number of public service vehicle licences which have been approved in Galway, Limerick, Cork and Waterford in 2007 and 2008; and the number of applications on hand which have not been approved. [45997/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the number of public service vehicle licences for Galway, Limerick, Cork and Waterford which have been approved and the number which are being processed for 2007 and 2008 are set out in the following tables:

Galway	Licences issued	Applications on hand
2007	378	Nil
2008	401	45

Cork	Licences issued	Applications on hand
2007	712	Nil
2008	700	92

Limerick	Licences issued	Applications on hand
2007	218	Nil
2008	103	69

Waterford	Licences issued	Applications on hand
2007	96	Nil
2008	88	76

Road Traffic Offences.

282. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of drug driving prosecutions taken by the traffic corps here each year for the past three years; the number of these which succeeded in a conviction; and if he will make a statement on the matter. [46003/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose. I have requested the CSO to provide the statistics in relation to the number of drug driving prosecutions sought by the Deputy directly to him.

Road Safety.

283. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of accidents which have been investigated by the traffic corps here each year for the past three years. [46004/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that it is not possible, without the disproportionate expenditure of Garda resources, to provide the statistics requested in relation to the number of collisions investigated by the Traffic Corps. I am also informed that the collection, analysis and dissemination of statistics in respect of road collisions generally is the statutory responsibility of the Road Safety Authority, which is under the aegis of the Department of Transport.

Drug Seizures.

284. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of seizures of drugs which have been made by the traffic corps here each year for the past three years; and the value of drugs seized each year. [46005/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Authorities that in the timeframe available it has not been possible for them to supply the specific details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

Legal Aid Service.

285. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the amount of money granted under the criminal legal aid scheme each year for the past six years; and if he will make a statement on the matter. [46006/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is set out in the following table:

Year	Expenditure
	€m
2003	37.353
2004	34.140
2005	40.208
2006	42.093
2007	46.365
Jan to Nov 2008 (provisional)	48.858

The courts, through the judiciary, are responsible for the granting of legal aid. An applicant for legal aid must establish to the satisfaction of the court that his/her means are insufficient to enable him/her to pay for legal aid him/herself. The court must also be satisfied that by reason of the “gravity of the charge” or “exceptional circumstances”, it is essential in the interests of justice that the applicant should have legal aid.

Garda Investigations.

286. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter in relation to a person (details supplied) in Dublin 1. [46014/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The incident referred to relates to a matter which remains under Garda investigation and it would, therefore, be inappropriate for me to comment further at this time. However, it is open to the person in question to make a complaint to the Garda Síochána Ombudsman Commission, 150 Upper Abbey Street, Dublin 1. The Commission is independent in the exercise of its functions. A complaint may also be made to any member of the Garda Síochána at any Garda Station, to any member of the Garda Síochána at or above the rank of Chief Superintendent at a place other than a Garda Station, or to the Garda Commissioner, and it will be referred to the Garda Síochána Ombudsman Commission. A complaint may be made directly to the Garda Síochána Ombudsman Commission by calling in person to the Dublin office during the stated hours of public business; in writing; by phone Lo-call 1890 600800; by fax; or by using www.gardaombudsman.ie

Garda Disciplinary Proceedings.

287. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a Garda investigation carried out on behalf of the Garda Ombudsman's Commission, which results in disciplinary action being taken by the Garda authorities, prevents the Ombudsman Commission from taking further disciplinary action even if they are dissatisfied with the outcome of the investigation; and his views on whether this is an aspect of the legislation which needs to be amended. [46045/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The issue to which the Deputy refers has never been brought to my attention as an operational difficulty.

The Deputy should be aware that the Garda Síochána Ombudsman Commission has never been empowered directly to take disciplinary action against a member of the Garda Síochána — it is empowered to recommend disciplinary action to the Garda Commissioner. Under section 26 of the Garda Síochána Act 2005 it is the Commissioner who has statutory responsibility for the direction and control of the Garda Síochána.

As I have previously indicated I intend to bring proposals for legislative change to Government shortly in relation to issues concerning the operation of the Ombudsman Commission, and any case for change on this matter can be considered in that context.

Refugee Status.

288. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of the application for family reunification of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [46052/08]

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 made an application for Family Reunification in September 2006 on behalf of his wife and son.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act, 1996. This investigation has been completed and the Commissioner has forwarded a report to my Department.

The application will be considered by my Department and I am informed that the Immigration Division will be in contact with the applicant shortly.

Citizenship Applications.

289. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform

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the average time for processing applications in respect of family reunification; the number of applications and the length of time on the waiting list of the longest pending application; and if he will make a statement on the matter. [46053/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) of my Department that the current waiting time for the processing of applications for family reunification is approximately 24 months. The total number of applications on hands is 1998. The Family Reunification Unit of the INIS received 734 new applications in 2007, while a further 672 new applications were received up to November 2008.

The additional resources that were allocated to the Family Reunification Unit in the middle of 2008 have had a positive effect in the number of applications processed, as is clearly evident from the following table.

Applications Processed in 2007

	Decisions Made	Approved	Refused	Withdrawn
Jan-Dec	551	328	177	46

Applications Processed in 2008

	Decisions Made	Approved	Refused	Withdrawn
Jan-May	20	11	4	5
Jun	21	21	0	0
Jul	78	20	58	0
Aug	89	43	45	1
Sep	141	100	41	0
Oct	133	85	48	0
Nov	156	61	95	0
Totals to Date	638	341	291	6

Passport Forgeries.

290. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of forged Irish passports seized at ports and airports here in 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [46056/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Records on PULSE indicated that there were 214 passports recorded as seized in 2006, with 132 Passports seized in 2007 and to date (10th December, 2008), there have are 194 Passports recorded as seized. The majority of these seizures (53 (25%) in 2006, 36 (27%) in 2007 and 58 (30%) in 2008) are recorded at Dublin Airport and Pearse Street Station. The offices of the Garda National Immigration Bureau are located within Pearse Street Garda District, which would account for seizures recorded there.

It is not possible to say whether the Passports seized are Irish or from other jurisdictions. As to determine same would necessitate a disproportionate amount of Garda time and resources.

Regulatory Impact Analyses.

291. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46072/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that the following information is additional to that contained in my reply to PQ Number 207 of 18 June, 2008:

Title of Legislation	Why No RIA Prepared
European Communities (Free Movement of Persons) (Amendment) Regulations 2008 (SI No. 310 of 2008) July 2008	Regulations were required as a direct result of a ruling from the European Court of Justice (in the Metock case C- 127/08) which clarified a point at issue regarding the transposition of a Directive.
Irish Nationality and Citizenship (Fees) Regulations 2008 (SI 294 of 2008)	Increases Citizenship Certification Fees in line with inflation over the period since the last increase. It is a SI of minor scope and impact and does not fall within the scope of RIA guidelines.
Prison (Confirmation of Resolutions) Bill 2008.	The procedure is not appropriate to a Bill of this nature.
Garda Síochána (Ranks) Regulations 2008 (SI 192 of 2008)	This is a technical Statutory Instrument to set the legal maximum number of Members of Garda Síochána in each rank.
SI 274 2008 — Civil Law (Miscellaneous Provisions) Act 2008 (Commencement Order)	Does not fall within the scope of the RIA Guidelines
SI 286 2008 — Intoxicating Liquor Act 2008 (Commencement) Order 2008	Does not fall within the scope of the RIA Guidelines
SI 525 2008 European Communities (European Order for Payment) Regulations 2008	Does not fall within the scope of the RIA Guidelines
SI 533 2008 European Communities (European Small Claims Procedure) Regulations 2008	Does not fall within the scope of the RIA Guidelines

292. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46087/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that the following information is additional to that contained in my reply to PQ No. 792 of 17 June, 2008.

Title of Legislation
Garda Síochána (Ranks) Regulations 2008 (SI 192 of 2008)
Criminal Justice (Public Order) (Amendment) Bill 2009
Criminal Procedure Bill 2009

Visa Applications.

293. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the

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reason a person (details supplied) has to apply to the Irish Embassy in Mexico for a visa to visit Ireland; the further reason it is difficult for an Irish citizen who marries abroad to have their spouse granted permanent residency here; and if he will make a statement on the matter. [46096/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Visa applications from persons resident in Cuba are lodged at the Embassy of Ireland, Mexico, which handles diplomatic representation for Cuba.

The person referred to is a Cuban national and, as such, is visa-required. Regarding permanent residency, the position is that marriage to an Irish national does not confer either (i) automatic entitlement to residence in the State or (ii) exemption from visa requirements. Should this couple wish to reside together in the State, an application for marriage to an Irish national may be made by writing to the Marriage to Irish National Section, Irish Naturalisation and Immigration Service, 13-14 Burgh Quay, Dublin 2.

Comprehensive information when either making a visa application or applying for marriage to an Irish National is available on the website of the Irish Naturalisation and Immigration Service — www.inis.gov.ie

Residency Permits.

294. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in Dublin 9, who applied for residency in June 2008, will receive a response to their application. [46099/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Immigration Division of my Department that they have recently been in contact with the person referred to by the Deputy in relation to their immigration status. Further documentation has been requested from the person concerned in order to facilitate the Immigration Division in examining their case.

Employment Rights.

295. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform his views on a matter (details supplied); and if he will make a statement on the matter. [46128/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy has asked for my views on the issue of employment rights for people with learning disabilities and the current exam testing process employed by the Civil Service Commission. I understand that the majority of the issues raised in the correspondence referred to have already been addressed by my colleague, the Minister for Finance. Accordingly, I will address the area for which I have responsibility, the UN Convention on the Rights of Persons with Disabilities.

It is the Government's intention to ratify the UN Convention as quickly as possible, taking into account the need to ensure that all necessary requirements under the Convention are being met. Ireland was in the first group of countries to sign, subject to ratification, the Convention when it opened for signature on 30 March 2007. An Inter-Departmental Committee has been established by my Department to advise on and monitor the actions required to enable the State to ratify the Convention. The Committee has developed a work programme that is being actively addressed by Government Departments. I might add that the Disability Act 2005, underpinned by the National Disability Strategy, meets a considerable portion of the Convention's requirements.

Garda Stations.

296. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to a proposal to re-align the Birr and Roscrea Garda districts along county bounds and despite the fact that Killavilla is in the immediate vicinity of the Roscrea district it will now be served by the Birr station which is more than 12 miles away; if he will re-examine the practicality of such a decision; and if he will make a statement on the matter. [46146/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In accordance with the provisions of the Garda Síochána Acts 2005 to 2007, proposals to alter the boundaries of a divisional geographical area are a matter in the first instance for the Garda Commissioner in the context of the Annual Policing Plan. The Garda Síochána's 2008 Policing Plan, which was laid before both Houses of the Oireachtas, contains the Commissioner's proposals to realign Garda Divisional boundaries to make them coterminous with local authority boundaries. The planned changes will bring about greater efficiencies and effectiveness in facilitating the establishment and functioning of Joint Policing Committees.

I am advised by the Garda authorities that they are fully satisfied that effective and efficient policing will be delivered in the areas affected by the proposed changes. Project boards established in each Garda division are managing all tasks associated with the roll out including the policing arrangements in the areas identified by the Deputy.

Public Order Offences.

297. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform the number of anti social-behaviour orders issued since 1 January 2008. [46147/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Part 11 of the Criminal Justice Act 2006, which provides for civil proceedings in relation to anti-social behaviour by adults, was commenced on 1 January, 2007. Part 13 of the Act, which relates to anti-social behaviour by children, was commenced on 1 March, 2007. These provisions set out an incremental procedure for addressing anti-social behaviour by adults and children. With regard to children, these range from a warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Children's Court.

I am informed by the Garda authorities that from 1 January to 30 November, 2008 479 behaviour warnings were issued to adults and 469 to children. There have also been eight formal good behaviour contracts agreed in respect of children.

I am further informed that one civil order (adult) and two behaviour orders (children) have been issued by the courts.

Residency Permits.

298. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform when an application by a person (details supplied) will be decided upon. [46151/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that the person concerned was initially granted permission to remain in the State as the dependant child of a person who was granted permission to remain on the basis of parentage of an Irish citizen child. This permission expired on 31 May, 2008.

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An application from the person concerned for permission to remain in the State, in her own right, has been received in my Department. That application is currently being considered by the relevant officials and the person will be contacted directly and notified of any decisions made regarding her status in the State in due course.

Departmental Funding.

299. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [46154/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have written to the organisation in question in the last few days in relation to the matter to which the Deputy refers.

Garda Operations.

300. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter in an area (details supplied) in Dublin 5. [46155/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the location referred to by the Deputy is in Clontarf Garda Sub-District. While at present no complaints in respect of the location are the subject of Garda investigation, any such complaints received would be the subject of investigation.

A member of the local Community Policing Unit is allocated to this area and liaises with the local community. An active Neighbourhood Watch Scheme is in place, and the community Garda attends its regular meetings. Any issues raised are attended to.

The area is subject as directed by local Garda management to regular patrols by uniform and plain clothes units, including the Community Policing Unit. Patrols are supplemented by the District Garda Mountain Bike Unit, Detective and Drugs Units, the Divisional Crime Task Force and the Traffic Corps.

Current policing policy in the area is predicated on the prevention of crime, including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of the quality of life of the residents. This strategy is, and will continue to be, central to the delivery of the policing service in this area.

Garda Training.

301. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of Gardaí authorised to carry firearms; and the in-service firearms training arrangements provided annually for such members. [46158/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Commissioner that there are currently 3,476 trained firearms cardholders in An Garda Síochána. Firearms cardholders are required to undergo refresher training on three occasions in a 12 month period. This refresher training, which is provided to members of An Garda Síochána on an ongoing basis, consists of two live fire programmes and one FATS (Firearms Automated Training System) programme.

Asylum Applications.

302. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the powers which he has to overturn decisions of the Refugee Appeals Tribunal; and if he will make a statement on the matter. [46178/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Refugee Appeals Tribunal was established under the Refugee Act 1996 to consider and decide appeals taken by applicants for asylum against recommendations of the Refugee Applications Commissioner. The recommendation in question is a recommendation, set out in a report of the Commissioner on the investigation of the application under section 13 of the Act, that the applicant concerned should or, as the case may be, should not be declared to be a refugee. Under the legislation, the Minister has no power to overturn a decision of the Tribunal in relation to such an appeal.

Section 17 of the Act provides that subject to the provisions of that section, where a report under section 13 is furnished to the Minister or where the Tribunal sets aside a recommendation of the Commissioner under section 16, the Minister shall, in case the report or, as the case may be, the decision of the Tribunal includes a recommendation that the applicant concerned should be declared to be a refugee, give to the applicant a statement in writing, referred to as “a declaration”, declaring that the applicant is a refugee.

Subsection (4) of section 17 provides that the Minister shall not give a declaration to a refugee who has been recognised as a refugee under the Geneva Convention by a state other than the State and who has been granted asylum in that state and whose reason for leaving or not returning to that state and for seeking a declaration in the State does not relate to a fear of persecution in that state.

In addition to the provisions of the Refugee Act, the provisions of the European Communities (Eligibility for Protection) Regulations 2006 also apply. The Regulations were made for the purpose of giving effect in Irish law to Council Directive 2004/83/EC (the Asylum Qualification Directive). Regulation 11 provides that the Minister may refuse to grant a declaration that a person is a refugee where (a) there are reasonable grounds for regarding him or her as a danger to the security of the State, or (b) he or she, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of the State.

Deportation Orders.

303. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the powers which he has to overturn the decision to deport an individual following the exhaustion of all other review processes; and if he will make a statement on the matter. [46179/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The powers of the Minister for Justice, Equality and Law Reform in the area of repatriation are derived from the provisions of Section 3 of the Immigration Act, 1999 (as amended). Specifically, Section 3 (1) of that Act provides for the making of Deportation Orders, Section 3 (2) of the Act provides for the circumstances under which such an Order may be made while Sections 3 (3) and 3 (4) of the Act set out the procedures which must be followed in notifying a person who is illegally present in the State of the Minister’s intention to issue a Deportation Order against that person.

The Deputy should note that where a person is notified of the Minister’s intention to issue a Deportation Order against them, he/she is afforded the opportunity to submit written representations setting out reasons as to why they should not be deported and should instead be granted temporary leave to remain in the State with any such representations being considered

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under the various headings set out in Section 3 (6) of the Immigration Act, 1999 (as amended) before a final decision is taken by the Minister in that case. The Deputy should also note that each individual case must be considered having regard for the provisions of Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this detailed consideration has been completed by Department Officials, a recommendation is made to the Minister as to whether a Deportation Order should be made or if, instead, temporary leave to remain in the State should be granted. Where such an Order is made, the enforcement of that Order becomes an operational matter for the Garda National Immigration Bureau.

The Deputy might wish to note that persons notified of the Minister's intention to issue a Deportation Order against them tend to arise from two primary sources i.e. persons whose asylum claims have been refused following the individual assessment of such claims by the two statutory refugee status determination bodies viz. the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal and persons who have otherwise become illegally resident in the State arising from the expiry of a Visa or Work Permit or persons identified as having been working illegally in the State. The Deputy should note that the same detailed consideration process is applied to all cases and regardless of whether or not written representations are submitted. In light of the above, the Deputy will appreciate that decisions to make Deportation Orders are not taken lightly and indeed such decision making is guided by, among other things, international law and Supreme and High Court Judgments.

In relation to the Deputy's enquiry about possible powers to overturn a deportation decision, Section 3 (11) of the Immigration Act, 1999 (as amended) specifically provides the Minister for Justice, Equality and Law Reform with the power to revoke a Deportation Order where circumstances dictate that he should do so. However, the Deputy will appreciate that any application made under Section 3 (11) of the Act would need to be supported by information or documentation that was not, or could not have been, considered by the Minister in arriving at the earlier decision to make the Deportation Order.

Asylum Applications.

304. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of asylum applicants residing here at the end of 2001 who were still awaiting a final decision on their application; and if he will make a statement on the matter. [46194/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will be aware, applications for asylum 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.

At 31 December 2001, there were 8,483 asylum applications pending at first instance in the Office of the Refugee Applications Commissioner and 2,775 asylum applications pending at appeal stage in the Refugee Appeals Tribunal.

305. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of asylum applicants who submitted an application for protection in each of the years 2002 to 2008 inclusive; the number of applicants reaching the completion of the process in each year concerned; the number of applicants awaiting a decision at the end of each year concerned; and if he will make a statement on the matter. [46195/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy in relation to asylum applications received in Ireland is set out in the following tables:

Table 1: Asylum applications received 2002-2008 (30/11)

Year	Applications Received
2002	11,634
2003	7,900
2004	4,766
2005	4,323
2006	4,314
2007	3,985
2008 (30/11)	3,566

Table 2: Asylum Applications completed at First Instance and at Appeal Stage 2002-2008 (31/10)*

Year	First Instance	Appeal Stage	Total
2002	15,201	5,283	20,484
2003	8,641	4,767	13,408
2004	7,121	6,279	13,400
2005	5,682	4,021	9,703
2006	4,784	1,943	6,727
2007	4,152	1,883	6,035
2008 (31/10)	3,847	2,062	5,909

*Please note that the figures in the table refer to the year in which the decision was made and not the year of application.

Table 3: The number of asylum applications pending at the end of each year 2002-2008 (31/10)

Year	First Instance	Appeal Stage	Total
2002	5,094	2,582	7,676
2003	4,554	2,835	7,389
2004	2,350	1,281	3,631
2005	1,169	1,200	2,369
2006	924	2,415	3,339
2007	1,279	3,056	4,335
2008 (31/10)	1,231	3,507	4,738

Citizenship Applications.

306. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [46208/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in September 2007.

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On examination of the application it was determined that the person in question did not meet the residency requirements as set out in the Irish Nationality and Citizenship Act, 1956, as amended. The applicant was informed of this in a letter issued on 6 February, 2008.

It is open to the person concerned to lodge a new application if and when she is in a position to meet the statutory requirements applicable at that time.

Residency Permits.

307. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [46209/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the Reply given to his Parliamentary Question No. 95 on Thursday 4 December 2008. The status of the person concerned remains as set out in that Reply.

308. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [46210/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the detailed Reply I gave to his recent Parliamentary Question, No. 96 of Thursday, 4 December 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

309. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [46211/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the detailed Reply I gave to his recent Parliamentary Question, No. 97 of Thursday, 4 December 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

310. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [46212/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 98 of Thursday, 4 December 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

311. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [46213/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the Reply given to his Parliamentary Question No. 99 on Thursday 4 December 2008. Further to that Reply, I wish to advise the Deputy that the person concerned has continued to meet her presentation requirements with the Garda National Immigration Bureau (GNIB) and is due to present again on Thursday 15 January 2009.

Since my earlier Reply in this matter, it has come to the attention of my officials that the person concerned has recently lodged an asylum application in respect of her new infant daughter born earlier this year in the State. On foot of this development, my officials have requested the GNIB not to enforce the Deportation Order of the person concerned until her daughter's asylum application is determined.

312. **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; and if he will make a statement on the matter. [46214/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would again 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.

313. **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; and if he will make a statement on the matter. [46215/08]

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 3 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 shortly from my Department advising him formally that his asylum claim has 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).

314. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current position regarding an application for family reunification in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [46217/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that they have no record of an application for Family Reunification from the person referred to by the Deputy.

315. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [46218/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the detailed Reply I gave to his recent Parliamentary Question, No. 93 of Thursday, 4 December 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

316. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position regarding a family reunification application in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [46219/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my Reply to his previous Parliamentary Question of Thursday, 4th December, 2008.

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.

317. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [46220/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the detailed Reply I gave to his recent Parliamentary Question, No. 112 of Thursday, 4 December 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

The Deputy might however wish to note that the letter dated 29 January 2008 referred to in that Reply was re-issued to the person concerned on 5 December 2008 as the letter issued on the earlier date contained one incorrect detail. The case of the person concerned will be considered further upon receipt of a response to my Department's letter dated 5 December 2008.

Citizenship Applications.

318. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position regarding an application for citizenship in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [46221/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Section of my Department on 17 February 2006.

On examination of the application it was determined that the person concerned did not satisfy the residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. A letter informing the applicant of this was issued on 19 April 2006. This letter was re-issued to a new address on 20 October 2006.

My officials have observed that the address provided in the details to this question differ from that provided to Citizenship Section by the person concerned. I should point out that if the person in question has changed address, the onus is on him to keep the Department informed of any such change of address.

It is open to the individual in question to lodge a new application if and when he is in a position to meet the statutory residency requirement applicable at that time.

Asylum Applications.

319. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if a review will be undertaken on foot of appeal on humanitarian grounds to remain here in the case of persons (details supplied); and if he will make a statement on the matter. [46222/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The persons concerned entered the state and applied for asylum on the 5th May 2004. They were refused a declaration of asylum on the 17th and 30th January 2006 respectively. Representations for Leave to Remain were received on behalf of the persons concerned on the 6th February 2006, 8 August 2007 and the 18th June 2008. The persons concerned made applications for Subsidiary Protection under the European Communities (Eligibility for Protection) Regulations, 2006 (Statutory Instrument No. 518 of 2006) and their applications were refused by my Department on the 23rd September 2008 and 1st October 2008. I considered all of the files of the persons concerned and all representations received before determining to make Deportation Orders in respect of them on the 30th October 2008.

The persons concerned instituted Judicial Review proceedings in the High Court on the 21st August 2008 seeking an Order of Mandamus that the Minister consider their Leave to Remain application. The persons concerned have now sought a Notice of Motion on the 21st November 2008 to amend their statement of grounds to challenge my decision to make Deportation Orders in respect of the persons concerned and determining that the persons concerned were not eligible for Subsidiary Protection. Accordingly, this case is sub judice and I do not propose to comment further on this matter.

320. **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 Dublin; and if he will make a statement on the matter. [46223/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions Nos. 866 and 1006 of Wednesday, 24 September 2008, 376 of Tuesday, 24 June 2008 and 406 of Tuesday, 8 April 2008 and the written Replies to those Questions.

The person concerned applied for asylum on 23 October 2003. 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 16 February 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.

321. **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 Limerick; and if he will make a statement on the matter. [46224/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to the detailed Reply I gave to his recent Parliamentary Question, No. 294 of Tuesday, 9 December 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

Residency Permits.

322. **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 Dublin 8; and if he will make a statement on the matter. [46225/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Immigration Division of my Department that to date they have not received an application from the person referred to in the Deputy's question. It is open to the person concerned to apply in writing to the Immigration Division of my Department, at 13/14 Burgh Quay, Dublin 2.

Garda Deployment.

323. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to the Garda vetting unit; and if he will make a statement on the matter. [46310/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There is one Superintendent and five Sergeants assigned to the Garda Central Vetting Unit at present. In addition, 70 civilian personnel are also assigned to the unit.

Asylum Applications.

324. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of new asylum applicants who sought protection from the State to date in 2008; and if he will make a statement on the matter. [46387/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In 2008, to the end of November, 3,566 applications for asylum were received by the Office of the Refugee Applications Commissioner.

Registration of Title.

325. **Deputy Seán Fleming** asked the Minister for Justice, Equality and Law Reform when the registration of a property (details supplied) in County Laois will be completed; and if he will make a statement on the matter. [46398/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Under the Registration of Deeds and Title Act 2006, the Property Registration Authority (PRA) was established as and from 4 November, 2006. The PRA replaces the Registrar of Deeds and Titles as the registering authority in relation to property registration in Ireland and, subject to the above Act, is independent in the performance of its functions.

The Deputy will be aware of the service to T.D.s and Senators which provides information on the current status of applications and which was introduced in May 2006. The service provides a speedier, more efficient, and more cost effective alternative to submitting Parliamentary Questions. It is operated by the PRA and is available all year round.

I can further inform the Deputy that his query has been forwarded to the Property Registration Authority for attention and direct reply via the above mentioned service.

Juvenile Offenders.

326. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the number of Garda youth diversion projects in operation; the number of young people participating in each project; the location, number of staff, budget allocation and expenditure of each in 2008 and 2009 respectively; and if he will make a statement on the matter. [46499/08]

327. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the number of new Garda youth diversion project applications received in 2008; the number of same which were approved and are in operation; the number of young people participating in youth diversion projects; and if he will make a statement on the matter. [46500/08]

328. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform the number of young people who were referred to the Garda youth diversion programme in 2006, 2007 and to date in 2008; and if he will make a statement on the matter. [46501/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): I propose to take Questions Nos. 326 to 328, inclusive, together.

Most of the information requested by the Deputy is contained in my replies to Questions 301 to 303 of 18th of November 2008, and Questions 343 and 345 of 25th November 2008.

As regards the additional information now being sought, I can confirm that 20,016 children were referred to the Garda Youth Diversion programme in 2006, and 21,941 in 2007. Figures for 2008 are not available yet.

Participant numbers in Garda Youth Diversion projects for the first six months of this year are in excess of 3,800. A breakdown by project is not readily available at this stage. There are 100 projects ongoing nationwide.

The following table sets out the amount allocated in funding to each project in 2008. Information on expenditure in 2008 is not available as yet. The position in relation to 2009 is that funding for individual projects has yet to be decided but there is currently an allocation of €20.26 million for community programmes which includes Young People's Probation and Garda Youth Diversion projects. Information on the number of staff employed in the projects cannot be collated in the time available but will be forwarded to the Deputy as soon as possible.

Finally, I am informed that a total of 38 project applications received in 2008 are being considered in accordance with project guidelines. The planned expansion in the number of projects beyond the existing 100 is currently being assessed in the light of the changed economic climate and, in this context, the focus will be on ensuring the quality and effectiveness of the services provided.

Project	Location	Allocation 2008
		€
ABLE	Ballyfermot, Dublin 10	91,170
ACORN	Edenderry, Co. Offaly	110,240
ALF	Athlone, Co. Westmeath	82,982
An tOileain	Castleisland, Co. Kerry	79,500
An Treóin	New Ross, Co. Wexford	79,500
APT	Tallaght, Dublin 24	79,500
BALL	Lisduggan, Co. Waterford	104,353
BAN	Ballybane, Co. Galway	82,260
Bandon	Bandon, Co. Cork	97,618
BAP	Ballincollig, Cork city	90,000

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Project	Location	Allocation 2008
		€
BAPADE	Killarney, Co. Kerry	104,180
BEST	Ballymun, Dublin 11	79,500
BLOCK	Portlaoise, Co. Laois	97,517
Boyne	Drogheda, Co. Louth	79,500
Brookefield	Tallaght, Dublin 24	79,500
CABLE	Drogheda, Co. Louth	79,500
Cabra Step Up	Cabra, Dublin 7	79,500
Cavan 365	Cavan Town	90,100
CCYDG	Moyross, Limerick City	265,826
CLAY	Crumlin, Dublin 12	79,500
CODY	Ballyfermot, Dublin 10	96,291
COMPASS	Kilkenny City	118,391
Connect 7	Tralee, Co. Kerry	95,400
CYAP	Castlebar, Co. Mayo	84,800
CYD	Clonmel, Co. Tipperary	97,444
DAN	Donore Ave., Dublin 8	99,282
DAY	Dungarvan, Co. Waterford	92,459
DIME	Hardwicke St., Dublin 1	103,719
Douglas West	Douglas West, Co. Cork	79,500
EDGE	Carrick-On-Suir, Co. Waterford	79,500
EFFORT	Finglas, Dublin 11	79,500
Ennis Youth	Ennis, Co. Clare	106,995
EYE	Mullingar, Co. Westmeath	101,535
Falcarragh	Falcarragh, Co. Donegal	79,500
FAN	Finglas, Dublin 11	79,500
FAYRE	Farranree, Cork City	88,478
Feabhas	Cobh, Co. Cork	79,500
GAP	The Glen, Cork City	96,278
GRAFT	Clondalkin, Dublin 22	98,060
HAY	Dunne St., Dublin 1	96,886
High Voltage	Dundalk, Co. Louth	88,265
HUB	Carlow Town	79,500
JAY	Tallaght, Dublin 24	106,552
JETS	Swords, Co. Dublin	79,500
Junction	Ballinasloe, Co. Galway	79,500
JUST US (Tralee)	Tralee, Co. Kerry	95,400
KEY	Tallaght, Dublin 24	177,244
Kilrush	Kilrush, Co. Clare	79,500
King's Island	St Mary's Park, Limerick City	95,400
Knocknaheeney/Holyhill	Knocknaheeney, Cork City	108,638
LAB	Loughlinstown, Co. Dublin	91,290
LEAF	Raphoe, Co. Donegal	102,302
LEAP	Longford Town	88,730
LSCYI	Roxboro, Limerick City	108,638
Mallow	Mallow, Co. Cork	79,500
MAY	Blackrock, Cork City	94,788

Project	Location	Allocation 2008
		€
MEAS	Knocknacarra, Galway City	79,500
MNYP	Monaghan Town	83,868
MOST	North Circular Road, Dublin 1	90,561
MY	Tralee, Co. Kerry	84,800
New Directions	Bray, Co. Wicklow	104,811
NICKOL	Buckingham St., Dublin 1	128,730
NK 10	Listowel, Co. Kerry	79,500
Northside Youth Development Project	Ballynanty, Limerick City	95,400
NYPD	Navan, Co. Meath	140,592
ORB	Blanchardstown, Dublin 15	79,500
PACT	Ferrybank, Waterford City	96,240
Poddle Close	Crumlin, Dublin 12	82,409
PORT	Portarlinton, Co. Laois	79,500
RAD	Roscommon Town	85,955
RAY	Roscrea, Co. Tipperary	79,500
SAFE	Coolcotts, Co. Wexford	89,066
SAY	Sandyford, Dublin 18	110,000
Slaney	Enniscorthy, Co. Wexford	79,500
SMART	Trim, Co. Meath	86,210
SUB	Birr, Co. Offaly	106,410
SWAN	Store St., Dublin 1	79,500
SWAY	St. John's Park, Waterford City	91,630
SWIFT	Clondalkin, Dublin 22	90,100
TACT	Togher, Co. Cork	85,510
TAR	Tipperary Town	79,500
TEAM	Dundalk, Co. Louth	141,916
The Bridge	Celbridge, Co. Kildare	79,500
The Castle	Ballyogan, Dublin 18	79,500
The Curragh	The Curragh, Co. Kildare	79,500
The Valley	Clondalkin, Dublin 22	79,500
Treo Nua	Tuam, Co. Galway	79,500
Tullamore	Tullamore, Co. Offaly	79,500
TYRE	Tramore, Co. Waterford	79,500
Watergate/Garryowen	Watergate/Garryowen, Limerick City	79,500
WAY	Wicklow Town	90,075
WEB	Blanchardstown, Dublin 15	93,751
West Limerick	Newcastle West, Co. Limerick	79,500
Woodale GYDP	Darndale, Dublin 17	116,335
YAB	Ballina, Co. Mayo	102,480
YAK	Coolock, Dublin 5	89,346
YAPS	Sligo Town	97,439
YEW	Ballyboden, Dublin 16	84,261
YIS	Meath St., Dublin 8	88,582
Youghal	Youghal, Co. Cork	79,500
Total		9,326,988

Foreign Military Personnel.

329. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the British security personnel, army, navy or otherwise, or members of British police forces who were in or around Broadhaven Bay or Glengad, County Mayo in August or September 2008; and the capacity in which they were there. [45893/08]

Minister for Foreign Affairs (Deputy Micheál Martin): No permission was sought or granted at any stage during 2008 for any member of a foreign military service to be present in the locations mentioned by the Deputy. Moreover, I understand that the Department of Defence has no knowledge of any such presence.

The second part of the Deputy's question regarding foreign police forces is a matter for the Minister for Justice, Equality and Law Reform.

Visa Applications.

330. **Deputy Michael D'Arcy** asked the Minister for Foreign Affairs when the new one year working J visas to the United States can be applied for; and if he will make a statement on the matter. [45898/08]

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 the US State Department has finalised its arrangements for Irish citizens.

We have been actively emphasising to the State Department the need to ensure that the Programme is fully operational at the earliest possible date. In response, the State Department has assured us that it is actively working to finalise its arrangements and will shortly complete this process.

Departmental Expenditure.

331. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the number of staff in terms of whole-time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45946/08]

Minister for Foreign Affairs (Deputy Micheál Martin): The cost of implementing and supporting Better Regulation is difficult to quantify in terms of staff numbers or specific budgets, as these obligations fall into much of the day to day work of a number of sections within my Department. There is no separate budget line maintained by my Department for Better Regulation.

As the Deputy will be aware, my colleague, the Tánaiste and Minister for Enterprise, Trade and Employment, Mary Coughlan, TD, has the lead role in achieving the reduction of administrative burdens on business by 25% and has tasked her Department with coordinating the overall process across Government Departments.

My own Department has engaged fully with the identification, prioritisation and measurement process, an exercise which all Departments are currently undertaking. Legislation which falls under the remit of my Department has been examined to ascertain whether it contains any regulations which impose an administrative burden on business. My Department has not to date identified any areas of regulation, within our remit, which place an administrative burden on business.

We will continue to keep this under review and maintain close contact with the Department of Enterprise, Trade and Employment on the matter.

Foreign Conflicts.

332. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support a matter (details supplied) regarding the humanitarian catastrophe in Sri Lanka. [46011/08]

Minister for Foreign Affairs (Deputy Micheál Martin): I am deeply concerned by the escalation in fighting which has taken place in recent months in the northern part of Sri Lanka, including in the Vanni region, and by the humanitarian plight which has affected the people there. The situation has been exacerbated by Cyclone Nisha which hit northern Sri Lanka on 25 November, causing heavy rains and flooding which reportedly forced up to 70,000 people to relocate. Humanitarian assistance to these people has been hindered by the decision of the Sri Lankan authorities in September to order nearly all international humanitarian NGOs to withdraw their staff and operations from the Vanni conflict area.

Bilaterally, and with our EU partners, we have consistently sought to impress on both the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) the importance of engaging in meaningful peace talks and stopping all violence and human rights violations. We deeply regret the termination of the 2002 Ceasefire Agreement between the Government of Sri Lanka and the LTTE in January of this year. We continue to take the firm view that there can be no military solution and urge all sides to refrain from actions that make a negotiated settlement more difficult to achieve.

As one of the four co-chairs of the 2003 Tokyo Conference on the Reconstruction and Development of Sri Lanka, the EU too is anxious to maintain an active role in assisting the country to resolve its internal conflicts, work on national reconciliation and move forward on the development agenda. Following a meeting of the Co-Chairs of the Conference on 24 September last, the Presidency expressed again its concern in relation to human rights and the plight of civilian populations isolated by combat in the north of the country. It called on the parties involved to respect the fundamental principles of international humanitarian law and noted the obligation of the Sri Lankan Government to ensure protection of its civilians and to meet their needs. In this context, it underlined the essential role of humanitarian organisations and reaffirmed its support for the actions of the United Nations agencies and the international NGOs. Ireland fully supports the terms of this Presidency statement.

Since 2005, we have provided, through Irish Aid, more than €5.3 million for humanitarian and development activities in Sri Lanka. This includes significant emergency assistance provided in the aftermath of the tsunami in 2004. In addition, during 2008 over US\$12 million has been allocated from the UN's Central Emergency Response Fund to Sri Lanka.

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Two members of Ireland's Rapid Response Corps have been deployed as Logistics Officers with the World Food Programme (WFP) in Sri Lanka, and Irish Aid provided a grant of €250,000 this year to the WFP to strengthen its logistics and preparedness capacity, providing considerable benefits to the wider humanitarian community operating in Sri Lanka.

Ireland is willing to offer advice and assistance in support of the peace process if it is sought by the relevant parties. However, there currently appears little scope to do so in light of the negative situation within the country.

Diplomatic Representations.

333. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support a matter (details supplied). [46012/08]

Minister for Foreign Affairs (Deputy Micheál Martin): As I indicated in my reply to the Deputy on 16 October, I instructed the Irish Embassy in Paris to contact the Tribunal de la Police again to request an update on the investigation into the assault suffered by the person concerned.

In response to the Embassy's immediate representations, a reply from the Police Commissioner in Lourdes was received on 12 December on the outcome of the police investigation. This stated that the Police Commissioner had decided that no further investigation or follow-up was required as it was not possible, in his view, to establish sufficiently the facts of the case.

Our Embassy has informed the person concerned of this decision, which I very much regret.

Visa Applications.

334. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will support a matter (details supplied). [46013/08]

Minister for Foreign Affairs (Deputy Micheál Martin): As the Deputy will appreciate, requirements for permission to enter and work in Australia are solely matters for the Australian authorities. The person mentioned by the Deputy should remain in close contact with the Australian authorities in New Zealand to seek early clarification on the status of her visa application to return and work in Sydney.

335. **Deputy Mary O'Rourke** asked the Minister for Foreign Affairs if he will review the case of a person (details supplied). [46047/08]

Minister for Foreign Affairs (Deputy Micheál Martin): It has not been possible, within the timeframe permitted, to undertake a comprehensive review of this visa application, which was lodged at the Visa Office of the Irish Embassy in New Delhi.

I have requested that the Visa Office further examine this application, and an official in my Department will revert directly to the Deputy once we have undertaken a more detailed review of the matter.

Regulatory Impact Analyses.

336. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46070/08]

337. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46085/08]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 336 and 337 together.

I am fully committed to achieving the goals set out in the Action Plan for Better Regulation and believe that improvements in regulation can have a positive impact on the quality of engagement between the public and Government.

Most of the legislation brought forward by my Department does not impact significantly on the regulatory environment. Regulatory Impact Assessments are, however, carried out on all appropriate legislation.

Since June of this year, my Department has been involved in preparing a number of pieces of legislation. These have been assessed to establish the likely impact on the regulatory environment. I have set out below, details of the legislation and also the regulatory impact assessments which have been carried out.

The Cluster Munitions and Anti-Personnel Mines Bill 2008 was signed into law on 2 December 2008. The Bill was brought forward in order to give effect to two international agreements — the Convention on Cluster Munitions and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. As the Bill did not exceed what was required to implement these two international Conventions, and was assessed to have no impact of the regulatory environment, it was determined that no formal Regulatory Impact Assessment was needed.

The Irish Diaspora Endowment Fund Bill is being put in place to allow the Government to contribute funds to the Ireland Funds. A screening Regulatory Impact Assessment was carried out on this legislation. As the Deputy will be aware, the decision to conduct a full RIA is taken if the initial screening has highlighted possible significant impacts; these are defined as those which have substantial and observable effects either on the economy, on a sector of society or on the environment. In this case, the RIA screening concluded that, as the legislation would not have a significant impact in these areas, a full RIA was not required.

A Statutory Instrument (S.I No 220 of 2008) was made by the Minister for Foreign Affairs on 25 June 2008. The Instrument was made under the Child Abduction and Enforcement of Custody Orders Act, 1991. This Act gives effect to the Hague Convention on the Civil Aspects of International Child Abduction (23 May 1990). The purpose of the Convention is to establish a system among Contracting States in order to (i) ensure the prompt return of children who are wrongfully removed to or retained in any Contracting State and (ii) ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting State. Given the nature of the Statutory Instrument, it was not deemed to be sufficiently significant for the purposes of triggering a Regulatory Impact Analysis. It does not involve any costs, and its purpose, is, in fact, to facilitate a more efficient application of the said Convention within Ireland.

Three statutory instruments relating to the Passports Act 2008 came into effect on 1 November 2008 to address associated matters of detail and procedure. One instrument gave the date for the commencement of the Act, another prescribed the period of validity for different types of passports and a third prescribed the time limits for the making and determination

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of appeals against decisions to refuse to issue or to cancel a passport. A regulatory impact assessment had previously been undertaken on the Passports Bill 2007. Accordingly, it was not necessary to undertake a further regulatory impact analysis on these statutory instruments as they were not significant in themselves and would have no impact on the regulatory environment.

Pricing Policy.

338. **Deputy John Deasy** asked the Minister for Foreign Affairs if he has raised with his counterpart in the UK the overpricing by UK stores operating here in calculating the sterling to euro price change; and if he will make a statement on the matter. [46149/08]

Minister for Foreign Affairs (Deputy Micheál Martin): This is a matter for the Tánaiste and Minister for Enterprise, Trade and Employment, who is currently engaged with the retail sector as to the reasons why the benefits of the euro's appreciation have not been passed on to consumers. I understand that the Tánaiste intends to further pursue this matter with the retail sector in the coming weeks.

Departmental Expenditure.

339. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the number of staff in terms of whole time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45938/08]

Regulatory Impact Analyses.

340. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46062/08]

341. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46077/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): I propose to take Questions Nos. 339 to 341, inclusive, together.

I remain fully committed to contributing to the achievement of the 25 per cent target for the reduction in administrative burdens on business arising from domestic regulations, as well as to the regulatory impact analysis (RIA) process as an important means of enhancing the quality of political and administrative decision making.

However, within its ambit, the Department is very much a light regulator, so its contribution to both the burden reduction and RIA processes is correspondingly proportioned.

The Department has actively participated on the Inter-Departmental Group on Administrative Burden Reduction chaired by the Department of Enterprise, Trade and Employment, and it has been progressing apace the associated burden identification and estimation tasks.

In whole-time equivalent terms, a modest portion of an Assistant Principal Officer's time is assigned to co-ordinate this work within the Department, with contributory assignments of resources from Divisions across the Department. In addition, on occasion, as and when required, contributions from senior management, up to and including the Secretary General, are made. Given the organisationally diffuse nature of these activities, it is not readily possible to estimate the associated financial costs arising from these work commitments.

As the Deputy will be aware, RIAs are required to be conducted in relation to: all proposals for primary legislation involving changes to the regulatory framework (subject to some exceptions); significant Statutory Instruments; and proposals for EU Directives and significant EU Regulations when they are published by the European Commission.

Since June 2008, the Department has neither introduced proposals for primary legislation involving regulatory change or significant Statutory Instruments nor dealt with published proposals for EU Directives or significant EU Regulations. Accordingly, since June 2008, the Department has not conducted any RIAs, whether screening or full, nor was it required to do so.

Departmental Expenditure.

342. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the number of staff in terms of whole time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45940/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, the Government has set a 25% target for the reduction of the administrative burden of domestic legislation on business by 2012. The Minister for Enterprise, Trade and Employment is co-ordinating the overall process to measure and reduce burdens across Government. In relation to my own Department, the process, which is nearing completion, is being carried out on a cross-divisional basis within existing resource levels. Accordingly, it has not been necessary to earmark specific staffing or financial resources for the implementation of the project.

Regulatory Impact Analysis.

343. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46064/08]

344. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46079/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 343 and 344 together.

Since June 2008, my Department has implemented 4 Statutory Instruments (SIs) of a technical nature, which did not constitute significant regulations and in respect of which neither a screening regulatory impact analysis (RIA) nor a full RIA was considered necessary. The SIs in question were as follows:

Appointment of Special Advisors (Minister for Community, Rural and Gaeltacht Affairs) Order 2008, (S.I. No. 170 of 2008); Community, Rural and Gaeltacht Affairs (Delegation of Ministerial Functions) Order 2008, (S.I. No. 218 of 2008); Minister for Community, Rural and Gaeltacht Affairs Island Connecting Bus Passenger Services (Centres of Population) Regulation 2008; and Minister for Community, Rural and Gaeltacht Affairs Island Connecting Bus Passenger Services (Centres of Second Level Education) Regulation 2008.

In addition, I made regulations (S1 No 391 of 2008) under section 9 of the Official Languages Act 2003 in relation to the use of the Irish language, or the Irish and English languages together, on stationary, signage and pre-recorded oral announcements. A screening RIA in respect of these regulations was carried out in 2006. Having regard to the fact that the regulations would apply only to public bodies, would not be applicable to private individuals or the private sector, and would have a relatively low impact, it was considered that they did not constitute significant regulations, and, accordingly, that a full RIA was not appropriate.

No Bills or EU Directives were brought forward or implemented during the period relevant to the Deputy's Questions.

Community Development.

345. **Deputy Thomas P. Broughan** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the proposed 33% cut in funding for Pobal; the projects and programmes which have been affected by this reduction in funding for the organisation; the effect of the reduced budget on social inclusion programmes; and if he will make a statement on the matter. [46287/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): As the Deputy will be aware, funding for my Department for the year 2009 is reduced by a total of 6%, with current expenditure reduced by 5% and capital expenditure by 8.5%.

As previously indicated to the House, my primary concern is to make every effort to ensure that the front-line services provided by, or supported through, my Department — especially those focused on the needs of the most socially deprived communities — are protected. This is being achieved by requiring significant administrative savings in my own Department and public bodies within its ambit; through the cessation of the use of intermediary bodies, such as community development support agencies; and by reducing administrative overheads across bodies such as Pobal. The reduction in the administration funding available to Pobal reflects an emphasis on the prioritisation of front-line services over intermediary and ancillary supports.

In this way, the wide range of services my Department provides, including services under its social inclusion programmes, can be broadly maintained.

346. **Deputy Pat Breen** asked the Minister for Community, Rural and Gaeltacht Affairs if funding will be allocated to a project (details supplied) in County Clare; and if he will make a statement on the matter. [46297/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): The organisation referred to by the Deputy operates two groups from the address in question. Both of these groups have reached the €30,000 annual funding limit set for any individual group operating the Scheme.

This limit is in place to ensure that (i) the Scheme maintains its local focus and (ii) there is a fair distribution of the available resources across the country. The area in which this organisation is situated has a large number of groups involved in providing assistance under the CSOP and the limit generally only comes into play where groups operate on a wider basis. I believe that the level of funding available is adequate to meet the needs likely to arise in any one year in any neighbourhood or parish.

Where a group has received applications which exceed the €30,000 limit in a year, my Department has facilitated passing on the excess to other community and voluntary groups in the immediate area who can ensure that the older person's security needs are met. If difficulties are experienced in this regard, the group should contact my Department directly.

In this specific instance, an official from my Department has been in contact with the group involved and has arranged for the required equipment to be installed immediately.

Social Welfare Benefits.

347. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the number of households in receipt of mortgage interest supplement in 2006, 2007 and 2008, broken down by quarter. [46106/08]

348. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the cost to the State of mortgage interest supplement in 2006, 2007 and 2008 broken down by quarter. [46107/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to answer Questions Nos. 347 and 348 together. Below is a tabular statement showing the number of recipients and expenditure on mortgage interest supplement at quarterly intervals from 2006 to date.

Recipients and Expenditure on Mortgage Interest Supplement at Quarterly Intervals, 2006 to Date

Quarter	Recipients	Expenditure
		€000
Quarter 1 2006	3,311	1,748
Quarter 2 2006	3,324	1,839
Quarter 3 2006	3,352	2,004
Quarter 4 2006	3,424	2,281
Quarter 1 2007	3,506	2,474
Quarter 2 2007	3,582	2,678
Quarter 3 2007	3,823	3,189
Quarter 4 2007	4,111	3,857
Quarter 1 2008	4,630	4,480
Quarter 2 2008	5,283	5,511
Quarter 3 2008	6,500	7,437
Quarter 4 2008*	7,648	6,268

*Recipients as at 5 December 2008 and expenditure for October and November 2008.

349. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent allowance will be restored to a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [46205/08]

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. As advised in my reply of 4th December 2008 to the Deputy's question on the same subject, the person concerned has been refused rent supplement as she is regarded as not being lawfully in the State. 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.

350. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo will be approved and granted disability allowance. [45959/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Disability Allowance is a weekly allowance paid to people with a specified disability who are aged over 16 and under 66. The disability must be expected to last for at least one year and the allowance is subject to both medical assessment and a means test.

The person concerned made an application for Disability Allowance on 28th October 2008. The application was referred to a Social Welfare Inspector to determine the means of the claimant and the Inspector has submitted his report. The application was also referred to Medical Review and Assessment Section in October 2008 to schedule a medical examination. The person was unable to attend a medical examination arranged for the 2nd December 2008. He has been referred for another examination but the date has to be finalised by the Medical Review and Assessment Section. He will be notified of the time and place of this examination in January 2008. On foot of the Medical Assessor's report, a final determination on the application will be made and he will be notified directly of the outcome.

The person is currently in receipt of Supplementary Welfare Allowance.

351. **Deputy Michael Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo will be approved and awarded disability allowance. [45968/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Disability Allowance is a weekly payment paid to people with a specified disability who are aged over 16 and under 66. The disability must be expected to last for at least one year and the allowance is subject to both medical assessment and a means test.

The person concerned made an application for Disability Allowance on 22nd October 2008. His application was reviewed initially by a Medical Assessor who determined that the claimant was medically suitable for Disability Allowance. The application was then referred to a Social Welfare Inspector to determine means of the claimant. The person concerned was visited by the Social Welfare Inspector who assessed means of €244.12 from his spouse's employment. Based on this assessment, this person will qualify for a rate of Disability Allowance of €86.60 per week.

Arrangements are being made to issue his payment into his nominated bank account on 17 December 2008.

Pension Provisions.

352. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs her views on

whether the advice to State non-contributory pension recipients that any portion of the pension saved will be means tested and could result in reduction or withdrawal of the State non-contributory pension is likely to intimidate vulnerable people and to deter savings; and if she will make a statement on the matter. [45979/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): State Pension (Non-Contributory) is a means tested payment and all income is assessable as means. This includes cash income, private pensions, foreign pensions, the value of any property (excluding the person's own home) and the value of any investments and capital. A pensioner is obliged to declare all means, and to inform the department of any change in his/her circumstances.

Where a pensioner chooses to save part of their pension, the capital involved is included in the means test in the same way as savings from any other source. However, when means disregards are taken into account a single person who has no other means can have capital (e.g. savings) of up to €40,999 and qualify for the maximum rate of pension. A single person can have a capital balance of up to €93,999 and still qualify for a reduced pension. These amounts are doubled in the case of a married couple.

The department is committed to delivering a quality customer service and in this regard pensioners are provided with full and clear information on their entitlements and on their obligations. This includes providing them with detailed information on the income that is taken into account in the means test. However, it is not intended that this should deter pensioners from saving and given the levels of capital disregards in place it should be noted that most pensioners are not at risk of having their entitlement reduced as a result of making savings from their weekly pension.

Social Welfare Benefits.

353. **Deputy Liz McManus** asked the Minister for Social and Family Affairs the eligibility for children's allowance for an Irish citizen parent of two children residing here who is in receipt of a maintenance payment from their estranged partner who resides in the UK; and if she will make a statement on the matter. [45994/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A child benefit claim was received from the person concerned in April 2008. According to the information provided, she came to reside in Ireland with her children in February 2008. She is not employed but her ex-partner is employed in the United Kingdom.

Under EU Regulations, the country of employment is responsible for the payment of child benefit. UK child benefit is being paid to the husband for this reason and because he is maintaining the children. Because the child benefit rate is higher in Ireland than in the UK, in accordance with the Regulations the difference between the two rates, i.e. the supplement, is being paid by this Department to the person concerned. In this way the family is receiving the maximum rate of child benefit applicable, even though this amount is divided between the two partners.

354. **Deputy Brian Hayes** asked the Minister for Social and Family Affairs the average waiting time in each of the social welfare offices operated by her Department in respect of dealing with unemployment payment claims; and if she will make a statement on the matter. [45998/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department delivers a front-line service through a network of Local Offices and Branch Offices countrywide. The main services provided from these offices include jobseekers payment, one-parent family pay-

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ment and an information service. Branch Offices are operated under a contract for service and decisions on claims taken in Branch Offices are made in its departmental parent Local Office.

In the past few years the Department has coped with increasing demands arising from significant changes to the social welfare code and in the numbers of persons accessing services. Operational procedures and the organisation of work continue to be reviewed and restructured to maximise the benefits of technology and new developments in processing techniques and business information.

The Department is committed to providing a quality customer service to all its customers. This includes ensuring that applications are processed and that decisions on entitlement are issued as expeditiously as possible having regard to the eligibility conditions which apply. These conditions vary between the two jobseeker schemes and involve, among other things, the need to establish the person's social insurance record, establish the person's identity or their place of habitual residence and to assess means where appropriate. In some cases delays arise where the person fails to supply all pertinent information in support of his/her application.

The overall performance in any individual office in processing claims can be adversely affected by a wide variety of factors; including increased inflow of claims, staff vacancies and the duration of such vacancies and the turnover of staff in the office. The average processing time in November in each office is given in the following table.

Average processing time (in weeks) for Jobseeker's claims decided in November 2008

Local Office	Jobseekers Benefit	Jobseekers Allowance
Achill	0.54	1.04
Apollo House	4.58	5.23
Ardee	2.1	6.41
Arklow	2.86	5.69
Athlone	2.67	5.91
Athy	4.55	6.06
Balbriggan	2.0	5.27
Ballina	1.97	5.39
Ballinasloe	1.13	5.42
Ballinrobe	1.79	5.29
Ballybofey	1.09	2.02
Ballyconnell	3.57	8.49
Ballyfermot	2.1	6.93
Ballymun	1.18	2.37
Ballyshannon	0.77	2.19
Baltinglass	3.69	6.26
Bandon	3.84	12.95
Bantry	1.76	3.63
Bantry(BO)	1.85	4.54
Belmullet	1.47	1.86
Birr	1.57	4.35
Bishop Square	3.73	6.76
Blanchardstown	2.99	7.53
Boyle	3.66	9.35
Bray	3.43	6.73
Buncrana	2.34	3.12
Cahir	0.92	2.06
Cahirciveen	2.31	4.94

Local Office	Jobseekers Benefit	Jobseekers Allowance
Carlow	2.45	5.91
Carraigaline	1.33	10.77
Carrickmacross	2.04	4.96
Carrick-on-Shannon	1.19	3.92
Carrick-on-Suir	2.03	6.13
Cashel	1.68	3.72
Castlebar	1.77	3.39
Castleblaney	2.01	4.83
Castlepollard	3.16	6.3
Castlerea	2.01	6.47
Cavan	2.66	7.30
Claremorris	2.43	7.32
Clifden	1.04	2.43
Clonakilty	4.22	11.86
Clondalkin	2.51	4.78
Clones	2.01	3.94
Clonmel	1.6	2.87
Cobh	0.89	1.04
Coolock	1.56	3.71
Cork	3.80	8.29
Dingle	1.48	1.96
Donegal	1.21	1.87
Drogheda	2.06	9.88
Dun Laoghaire	1.76	7.00
Dundalk	1.86	5.00
Dunfanaghy	0.98	1.50
Dungarvan	2.62	4.26
Dungloe	1.44	2.28
Edenderry	2.70	13.94
Ennis	1.32	2.82
Enniscorthy	1.90	4.72
Ennistymon	2.48	3.87
Fermoy	2.90	4.72
Finglas	2.08	3.93
Galway	3.66	9.53
Gorey	1.91	5.02
Gort	2.35	5.82
Kells	2.66	10.55
Kenmare	1.99	2.27
Kilbarrack	1.90	3.37
Kilkenny	1.12	4.65
Killarney	1.61	3.56
Killorglin	1.50	6.28
Killybegs	0.75	1.61
Kilmallock	1.64	3.93
Kilrush	1.11	2.48
Kinsale	4.47	8.94
Letterkenny	2.36	4.76
Limerick	2.16	5.22
Listowel	5.06	5.35

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Local Office	Jobseekers Benefit	Jobseekers Allowance
Longford	3.33	5.87
Loughrea	2.18	7.34
Macroom	3.59	5.06
Mallow	2.89	5.03
Manorhamilton	1.29	1.67
Maynooth	3.00	9.50
Midleton	2.73	8.52
Monaghan	2.05	3.80
Muine Bheag	5.20	9.24
Mullingar	2.10	6.58
Navan	3.54	9.85
Navan Road	2.18	5.34
Nenagh	1.63	1.85
New Ross	2.43	5.33
Newbridge	4.13	5.93
Newcastle West	1.66	3.79
Newmarket	2.80	6.71
Nth Cumberland St.	1.48	2.17
Nutgrove	1.02	2.20
Portarlington	1.64	7.53
Portlaoise	2.92	7.55
Rathdowney	2.20	7.11
Roscommon	3.11	6.58
Roscrea	1.52	2.42
Skibbereen	1.92	3.44
Sligo	1.35	3.75
Swinford	1.69	5.76
Swords	1.94	2.10
Tallaght	1.47	3.05
Thomas Street	2.69	4.16
Thomastown	2.26	6.40
Thurles	1.36	2.67
Tipperary	1.34	2.31
Tralee	1.92	3.17
Trim	2.85	11.59
Tuam	3.02	8.24
Tubbercurry	1.68	4.42
Tulla	1.08	2.88
Tullamore	1.77	7.86
Tullow	4.17	9.68
Waterford	2.16	4.46
Westport	1.87	1.62
Wexford	1.79	4.34
Wicklow	1.77	5.24
Youghal	2.27	6.25

355. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo will not receive the Christmas bonus in view of the

fact that prior to this period of receiving jobseeker's allowance they were in receipt of the back to work scheme allowance following a long period of unemployment; and if this case will be reviewed. [46009/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): To qualify for a Christmas bonus while in receipt of jobseeker's allowance a person must be in receipt of the allowance for at least 390 days.

The person concerned was in receipt of back to work allowance while in self-employment. His self-employment ceased and he applied for and was awarded jobseeker's allowance from 4 September 2008. He was, therefore, in receipt of this allowance for 83 days when entitlement to the Christmas bonus was calculated and accordingly he is not entitled to the bonus on this occasion.

He was granted a special needs payment of €400 on 4 December 2008, by the Community Welfare Officer. If he feels that his means are insufficient to meet his needs, it is open to him to contact his local Community Welfare Officer again regarding possible further assistance.

Social Welfare Appeals.

356. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the average waiting time for an appeal to be heard by the social welfare appeals office; and the steps she is taking to reduce this waiting time. [46027/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I am advised by the Social Welfare Appeals Office that during 2007 the average time taken to process all appeals (i.e. those decided summarily and by way of oral hearing) was 22 weeks. However, if allowance was made for the 25% most protracted cases, the average time fell to just over 14 weeks. Processing times for 2008 are not yet available but are expected to be at least of the same order if not higher having regard to a 23% increase in appeals received so far this year.

The processing time for appeals covers all phases of the appeal process including the submission by the Department of its comments on the grounds for the appeal, further examination by the Department's Medical Assessors in certain illness related cases and further investigation by Social Welfare Inspectors where required. Circumstances may also arise, normally outside of the control of the Social Welfare Appeals Office, which have the effect of unduly prolonging the time taken to process appeals. For example, delays can occur where the appellant submits new information or evidence, often at an advanced stage in the proceedings. In some cases adjournments may be sought by the appellant or his/her representative.

Having said that, however, I am concerned about processing times for appeals being further increased and, having regard to the current level of appeals awaiting determination, arrangements have been made to appoint two additional Appeals Officers from next January to the Social Welfare Appeals Office. Furthermore, in the light of the current situation, I am advised that the Chief Appeals Officer is initiating a review of current processes with a view to achieving a more effective throughput of appeals having regard to due process in terms of the rights of appellants and adherence to the requirements of natural justice. While improving processing times remains a major objective of the Social Welfare Appeals Office, it is necessary at all times to ensure that progress in this regard is achieved in a manner which is not in conflict with the demands of justice and the requirement that every appeal be fully investigated and examined on all its merits.

Regulatory Impact Analyses.

357. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the occasions

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on which she did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if she will make a statement on the matter. [46073/08]

358. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the occasions on which her Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if she will make a statement on the matter. [46088/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 357 and 358 together.

The Department has not conducted a regulatory impact analysis since June 2008. There has only been one bill produced by the Department during the period. Given the time constraints involved, the Social Welfare (Miscellaneous Provisions) Bill 2008, which implemented PRSI and other changes to social welfare legislation arising from the Budget, was not subject to a regulatory impact analysis. However, the Department undertakes significant ex-ante analysis of these measures.

In relation to secondary legislation, the RIA guidelines state that only significant statutory instruments are subject to RIA. In this regard, given that these are largely technical in nature, the Department has not conducted a regulatory impact analysis on a statutory instrument over the period.

Social Welfare Benefits.

359. **Deputy Michael D'Arcy** asked the Minister for Social and Family Affairs if the charge for persons applying for rent or mortgage subsidies is to increase by €5, from €13 to €18; the purpose of the charge; and if she will make a statement on the matter. [46095/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme, which includes rent supplement and mortgage interest supplement, is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE).

Entitlement to rent and mortgage interest supplement is determined on the basis of the circumstances of each individual case, including accommodation/mortgage costs and the income of the applicant. Payment of a supplement is calculated to ensure that an eligible person, after the payment of rent/mortgage interest, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum weekly contribution which each recipient is required to pay from his or her own resources. The minimum contribution is currently €13 per week. This was set in 2004 and represented approximately 10% of the minimum social welfare weekly payment rate at that time. While social welfare payments have risen by nearly €70 per week since then, no upward adjustment has been made to the minimum contribution.

As part of Budget 2009, the minimum contribution is being increased from €13 to €18 with effect from January 2009 which will represent 8.8% of the basic social welfare weekly payment. While the new rate of €18 will reduce the differential between the contribution which rent and mortgage interest supplement recipients pay and the contribution payable under the local

authority differential rent scheme, it is still significantly less than the minimum rent paid by local authority tenants, which for example, is €24.87 in Dublin city and €26 in Limerick county.

360. **Deputy Fergus O'Dowd** asked the Minister for Social and Family Affairs the number of persons which her Department partially funded to set up in the taxi business; and if she will make a statement on the matter. [46119/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A person in receipt of a social welfare payment who decides to set up as a self employed taxi operator may be eligible to apply for the back to work enterprise allowance (BTWEA). A breakdown by occupation or the nature of the self-employment of recipients of the back to work enterprise allowance scheme or the technical assistance and training scheme is not available from records held by the department.

361. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of child benefit on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46132/08]

362. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of Irish nationals in receipt of child benefit on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46133/08]

363. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of early childcare supplement on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46134/08]

364. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of Irish nationals in receipt of early childcare supplement on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46135/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I proposed to take Questions Nos. 361 to 364, inclusive, together. The total number of recipients of child benefit at 1 December 2007 was 587,943, in respect of 1,125,360 children. Of this total, 80,038 are non Irish national customers claiming in respect of 146,302 children. The number of recipients of child benefit at 1 December 2008 was 592,416 in respect of 1,136,192 children. Of these 92,744 are non Irish national customers claiming in respect of 169,135 children.

The Early Childcare Supplement (ECS) is administered by the Department of Social and Family Affairs on behalf of the Minister for Children and Youth Affairs. The total number of customers in receipt of the Early Childcare Supplement, as of 1 December 2007 was 284,641, in respect of 382,182 eligible children. The figure at 1 December 2008 was 295,388, in respect of 398,667 eligible children.

A record of ECS payments, by nationality, is not maintained. However, as the receipt of ECS is dependent on Child Benefit being paid, it can be assumed that the percentage of non-nationals receiving the ECS payment is broadly in line with that receiving Child Benefit.

365. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of jobseeker's allowance on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46136/08]

366. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of Irish nationals in receipt of jobseeker’s allowance on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46137/08]

367. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of jobseeker’s benefit on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46138/08]

368. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of Irish nationals in receipt of jobseeker’s benefit on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46139/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 365 to 368, inclusive, together.

The following are the details of Irish and non-Irish claimants in receipt of a jobseekers payment in December 2007 and December 2008.

	Jobseekers Allowance		Jobseekers Benefit		Total
	Irish	Non-Irish	Irish	Non-Irish	
Dec-07	89,538	13,190	52,449	8,389	163,566
Dec-08	114,200	19,000	96,365	25,000	254,565

All persons, regardless of nationality, who meet the contributions and other conditions of the jobseeker schemes are treated equally.

369. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of illness benefit on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46140/08]

370. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of Irish nationals in receipt of illness benefit on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46141/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 369 and 370 together.

The relevant figures relating to the number of Illness Benefit claims in payment to Irish nationals and the number in payment to non-Irish nationals are set out in the table below. The breakdown of claims by nationality in respect of 2007 is only available on a quarterly basis. Therefore, the figures given are for the end of the fourth quarter of 2007 (week ending 28 December 2007).

Week Ending	Claims in Payment (Irish)	Claims in Payment (non-Irish)	Total
28 Dec 2007	67,438	2,966	70,404
28 Nov 2008	69,211	3,794	73,005

371. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of rent supplement on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46142/08]

372. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of Irish nationals in receipt of rent supplement on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46143/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 371 and 372 together.

Attached is a tabular statement showing the number of Irish and Non-Irish nationals in receipt of rent supplement at the end of 2007 and at 3 December 2008.

Recipients of Rent Supplement by Nationality 2007 and 2008

Nationality	2007*	2008**
Irish	36,892	44,598
Non-Irish	17,959	23,628
Coded as "Other"***	4,875	4,018
Total	59,726	72,244

*At End 2007.

**At 3 December 2008.

***Nationality not known in over 5% of current rent supplement claims.

373. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of one parent family payment on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46144/08]

374. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of Irish nationals in receipt of one parent family payment on 1 December 2007 and in receipt of same on 1 December 2008; and if she will make a statement on the matter. [46145/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 373 and 374 together

The information requested on persons in receipt of One-parent Family Payment on 1 December 2007 and 1 December 2008 is set out in the table below. The table identifies the number of Irish nationals, non-Irish nationals and also those people for whom the Department does not hold nationality data.

Nationality	01 December 2007	01 December 2008
Irish	65,915	69,698
Non-Irish	9,980	9,929
Coded as 'other'	9,189	8,416
Total	85,084	88,043

375. **Deputy John Deasy** asked the Minister for Social and Family Affairs the number of Irish citizens in receipt of the equivalent of jobseeker's allowance and jobseeker's benefit in each of the other 26 European Union States; and the number of Irish citizens in receipt of the equivalent of jobseeker's allowance and jobseeker's benefit in each of the other 26 European Union States in December of each of the years 2003 to 2007. [46150/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The information requested by the Deputy is not available. Irish citizens living and working abroad may claim any social security payments for which they qualify in their country of residence but there is no requirement that foreign countries notify such claims to the Department.

376. **Deputy John Perry** asked the Minister for Social and Family Affairs her plans to have illness benefit means tested; and if she will make a statement on the matter. [46201/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Illness Benefit (formerly known as Disability Benefit) is an income support payment for people of working age who are unable to work due to illness and who satisfy certain social insurance conditions. There are no plans to introduce a means-test to this social insurance-based scheme.

Social Welfare Appeals.

377. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if a review of the decision regarding retrospective payment of jobseeker's allowance in the case of a person (details supplied) in County Roscommon will be made; and if she will make a statement on the matter. [46226/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned made the claim on 13 February 2008 and sought to have his claim backdated to 24 December 2007. The Deciding Officer was of the opinion that Mr Flynn had not shown good cause for not claiming on time and awarded payment from date of claim. Mr Flynn appealed this decision to the Social Welfare Appeals Office and his appeal was allowed on 21 July 2008. A review of this Appeals Officer decision was sought from the Chief Appeals Officer who decided that Mr Flynn did not show good cause for the backdating of his claim to 24 December 2007.

Social Welfare Benefits.

378. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if free schemes will be awarded in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [46227/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): According to the records of the Department, the person concerned has not made an application for the household benefits package. An application form has now issued to her as a result of this representation.

On receipt of the completed application form, a decision will be made and she will be notified of the outcome.

Social Welfare Appeals.

379. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when an illness benefit appeal will be determined in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [46231/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The claim for illness benefit, by the person concerned, was disallowed by a Deciding Officer of the Department on 18 October 2008 following an examination by a Medical Assessor who expressed the opinion that she was capable of work. She appealed this decision on 28 October 2008 and, in the context of this appeal, she was examined by a second Medical Assessor on 28 November 2008 who also expressed the opinion she was capable of work.

I am informed by the Social Welfare Appeals Office that, in the light of this second medical opinion, that office, on 2 December 2008, decided to afford her an opportunity of setting out the complete and up to date grounds of her appeal and to furnish any further medical evidence she wished to submit in support of her appeal.

The new medical evidence, submitted by the Deputy on her behalf, has been accepted as her grounds of appeal and has been forwarded to the Chief Medical Adviser for his opinion.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Grant-in-Aid Allocations.

380. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the bodies to which her Department makes grant-in-aid allocations, with a breakdown of each allocation made in 2006, 2007 and 2008 and the amount agreed for 2009. [46282/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): My Department makes grant-in-aid allocations to the Combat Poverty Agency. Details of estimates provision and outturns are set out in the table below.

Year	Estimate provision	Outturn
	€000	€000
2006	4,521	3,689
2007	4,384	4,008
2008	4,313	4,313*
2009	4,088	

*Outturn figure for 2008 is provisional.

Social Welfare Benefits.

381. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare has been refused supplementary welfare allowance; and if she will make a statement on the matter. [46295/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Under the supplementary welfare allowance scheme, which is administered on behalf of the Department by the community welfare division of the Health Service Executive, an exceptional needs payment (ENP) may be made to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the Executive based on the particular circumstances of the case.

The Executive has advised that it has received an application for an exceptional needs payment from the person concerned but that no decision has been made on her application. She will be contacted directly by the Executive when a decision has been made on her entitlement to an exceptional needs payment.

Departmental Properties.

382. **Deputy James Reilly** asked the Minister for Social and Family Affairs if a premises could be identified in Balbriggan to accommodate both the community welfare offices and the unemployment exchange in Balbriggan; and if she will make a statement on the matter. [46308/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Service in Balbriggan was provided through the Social Welfare Branch Office, provided by a Branch Manager under contract to the Department. The Branch Manager retired on 28 November 2008.

The Department is working closely with the Office of Public Works with a view to acquiring a new premises in Balbriggan for the establishment of a new social welfare local office as soon as possible. This process is ongoing.

In the meantime special arrangements have been made put in place for both existing and new claimants.

New Claims

People making new claims can contact the Department at a special local number 1890 22 55 77 and make the claim over the phone. They can obtain an application form at the Balbriggan Citizens Information Service and post the completed form to the Department's office at the Northside Civic Centre, Bunnratty Road, Coolock. Alternatively, they can call in person to the Northside Office in Coolock.

Existing Claims

Existing customers will continue to receive their payments at the local post offices in Balbriggan as before. Any enquiries on their existing claims can be made by phone to our Coolock office at 01 8661000. Monthly signing has been suspended until premises in Balbriggan can be acquired.

Information

People seeking information on social welfare schemes can contact the Balbriggan Citizens Information Service at George's Square, Balbriggan or by calling the Department's Information local number 1890 66 22 44.

These arrangements are being monitored on an ongoing basis to ensure that there is continuity of service to the people of Balbriggan.

Social Welfare Benefits.

383. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the cost to the Exchequer of providing the carers allowance on a non-means tested basis to all persons in receipt of a carers respite grant. [46408/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Carer's allowance, in line with other social assistance schemes, is means tested. This ensures scarce resources are directed at those in greatest need. The primary objective of the carer's allowance is to provide income support to low income carers. The carer's allowance means test is one of the more flexible tests in terms of the assessment of household incomes. It has been significantly eased over the years, most notably with regard to spouse's earnings.

In June 2005, the respite care grant was extended to all people providing full time care and attention regardless of their means or social insurance contributions. Since then, the grant has also been paid in respect of each care recipient. Budget 2008 increased the level of the grant by to €1,700 per year in respect of each care recipient from June 2008.

In addition to those in receipt of carer's allowance and carer's benefit who are automatically paid the respite care grant in June each year a further 6,370 people have been paid the respite

care grant in respect of 2008. The estimated cost of extending carer's allowance to this group on a non-means tested basis is in the region of €80 million per year.

I have no plans at present to abolish the means test for the carer's allowance scheme.

Departmental Surveys.

384. **Deputy David Stanton** asked the Minister for Social and Family Affairs if the disability allowance survey and invalidity pension schemes were completed in 2007 and 2008 respectively as per her Department's commitment in the Disability Act sectoral plan; if these reviews have been published; the action she has taken as a result; and if she will make a statement on the matter. [46502/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Disability Sectoral plan for the Department of Social & Family Affairs provides that the Department will complete a national customer satisfaction survey in 2007 for Disability Allowance customers, in 2008 for Invalidity Pension customers and in 2009 for Carer's Allowance & Benefit Customers. The purpose of the survey is to assess customer satisfaction with the services that the Department is providing.

The Survey of Disability Allowance customers was carried out in June & July 2007. A sample of 1,050 customers who were awarded Disability Allowance since January 2006 were selected at random.

The survey highlighted that the vast majority of customers are very satisfied with the quality of service provided by Disability Allowance Section.

The results of the survey was circulated to senior officials of my Department and to the members of the Disability Consultative Forum. The Disability Consultative Forum meets a number of times a year and is the mechanism whereby my Department consults with organisations representing people with disabilities.

A customer survey for Invalidity Pension customers will be completed in early 2009.

Social Welfare Benefits.

385. **Deputy David Stanton** asked the Minister for Social and Family Affairs if the VTOS income support has been integrated back into income support under her Department; if the vocational educational committee is the main access route for people applying for second chance education at third level; if the national employment action plan process has been improved such that all entrants for whom education would be more appropriate are referred to the back to education scheme as per commitments under her Department's Disability Act sectoral plan; and if she will make a statement on the matter. [46503/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In its Disability Sectoral Plan, the Department of Social and Family Affairs has undertaken to facilitate participation in education by social welfare customers of working age with disabilities who are most distant from the labour market in order to enhance their employability and assist them in accessing sustainable employment. The department also committed to enhancing the National Employment Action Plan (NEAP) process where an education option is considered most appropriate. Consequently, the third level strand of the back to education scheme is now accessible for persons participating in the national employment action plan, if they have spent nine months on the live register. The duration condition for others is twelve months.

An inter-departmental working group was established to oversee the integration of VTOS income support provision into the Department of Social and Family Affairs while the Depart-

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ment of Education and Science would provide all educational supports. This was one of the recommendations in the “Report of the Working Group on the Review of the Back to Education allowance (BTEA) Scheme” which are currently under examination. In line with commitments in the Disability Sectoral Plan and elsewhere the annual cost of education allowance has been increased to €500.

The responsibility for mainstream education rests with the Department of Education and Science and the access routes for people applying for second chance education is a matter for that department.

Departmental Staff.

386. **Deputy David Stanton** asked the Minister for Social and Family Affairs the details of the contact between her Department and the Public Appointments Service to improve the recruitment of people with disabilities through the enhancement of policies and procedures, in particular in respect of the open competition for people with disabilities for executive and administrative officer grades as per the commitment in her Department’s Disability Act sectoral plan; the changes which that have been made as a result; and if she will make a statement on the matter. [46504/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): In accordance with the commitments outlined in the Sectoral Plan under the Disability Act 2005, the Department liaises regularly with the Public Appointments Service with regard to the appointment of people with a disability from competitions. The required supports are identified and put in place prior to the person’s appointment. In addition, the Department conducts workplace assessments for all new entrants with a disability and for those who may acquire a disability during their employment, with a view to providing any necessary and appropriate workplace accommodations.

The Department was represented on the Public Appointments Service committee that designed the Recruitment and Selection Toolkit. The Toolkit provides practical advice on transparent and effective merit based selection systems and includes advice on equality and diversity friendly initiatives and actions.

In addition, the Department is also represented on the cross departmental Disability Liaison Officers Network Group, which was consulted regarding recruitment procedures for the open competition for appointment to the position of Executive Officer and Administrative Officer in the Civil Service confined to persons with Disabilities in 2007.

The competition referred to by the Deputy was organised by the Public Appointments Service in accordance the Code of Practice for the Appointment of Persons with Disabilities in the Civil Service and Certain Public Bodies.

Departmental Expenditure.

387. **Deputy Leo Varadkar** asked the Minister for Defence the number of staff in terms of whole-time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department’s regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45941/08]

Minister for Defence (Deputy Willie O’Dea): The Department of Defence operates a Legislation Branch to drive and implement the legislative reform programme within the Department. As part of that role the Department is represented by staff of the Legislation Branch on the

Inter-departmental Committee on Reducing the Administrative Burden. This area of work represents a portion of the overall work of the Legislation Branch and costs for the branch are not measured to capture individual segments of work within the branch.

Defence Forces Property.

388. **Deputy Joe Costello** asked the Minister for Defence his plans for St. Bricin's Military Hospital, Dublin 7; if the hospital is to be closed down; the action which will be taken regarding the buildings and land; and if he will make a statement on the matter. [46054/08]

Minister for Defence (Deputy Willie O'Dea): As part of the implementation of the Government decision to relocate the Defence Forces HQ under decentralisation, services currently provided by St Bricin's Military Hospital will transfer to the Curragh.

St Bricin's will remain in operation as a military medical facility (MMF) serving the Eastern Brigade until a modern facility suitable for the Brigade is provided. Planning for the new facility has just begun and, as such, it is not possible to state when exactly it will come on line.

It is my intention that the best possible medical facilities are provided for the Defence Forces. I can assure the Deputy that the planned changes in the way medical services are provided are designed to enhance the services for all concerned.

It is anticipated that St. Bricin's will be disposed of, taking account of market conditions, so as to maximise the return to the Defence Forces and generate funding for reinvestment in Defence Forces equipment and infrastructure in accordance with Government policy.

Regulatory Impact Analyses.

389. **Deputy Leo Varadkar** asked the Minister for Defence the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46065/08]

390. **Deputy Leo Varadkar** asked the Minister for Defence the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, Bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46080/08]

Minister for Defence (Deputy Willie O'Dea): I propose to take Questions Nos. 389 and 390 together.

My Department did not undertake any screening or full Regulatory Impact Analysis during the period in question. The necessity to conduct either a screening or full Regulatory Impact Analysis did not arise since June 2008.

International Agreements.

391. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the timescale, in view of his long standing commitment to see the Aarhus Convention ratified as soon as possible, for the instrument of ratification of the convention to be submitted to Government and laid before Dáil Éireann. [45897/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Ireland signed the Aarhus Convention on Access to Information, Public Participation in

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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. 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 work to amend the remaining outstanding consent systems will be finalised by the Departments concerned as soon as possible. When this work has been completed I, along with the Minister for Foreign Affairs, will ensure that the instrument of ratification of the Aarhus Convention is submitted to Government and laid before the Dáil as soon as possible.

Hunting Licences.

392. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the rules and regulations in place in respect of a pastime (details supplied). [45923/08]

393. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the rules and regulations in place in respect of a pastime (details supplied) in which the participants are non-Irish residents. [45924/08]

394. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the rules and regulations for people resident here that are in place in respect of a pastime (details supplied). [45925/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 392 to 394, inclusive, together.

The Wildlife Acts 1976 and 2000 provide for the making of orders relating to the provision of open seasons for the hunting of protected birds. These orders are reviewed annually by my Department's National Parks and Wildlife Service, taking account of the conservation needs of the individual species.

Any holder of a annual Firearm Certificate issued by an Garda Síochána, endorsed appropriately to hunt and kill any protected wild bird pursuant to any open season order, whether an Irish resident or a person ordinarily resident outside the State, is permitted to shoot game birds/wild fowl, subject to being entitled to sporting rights over the land in question or being given appropriate permission to use such rights. It is not a requirement for the person to indicate the number of game birds or wildfowl shot.

Although the hunting of birds is covered in general by the orders providing for open seasons, individual licences are required under Section 30 of the Wildlife Act 1976 (as amended) for hunting on foreshore, lakes and inland waters belonging to the State. There are currently some 2,650 such licences. While such licences are applicable to the hunting of fauna generally, they are in practice obtained for the hunting of wildfowl, and are subject to the provisions of the open season orders.

Water and Sewerage Schemes.

395. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government the position regarding the Oughterard sewerage scheme, County Galway; the position in respect of the brief; if stage two approval is available; the timeline for the project; when design consultants are expected to be appointed; the commitment from his Department's budget to the overall project; and if he will confirm that there will be no further delays in the delivery of the project. [45934/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Oughterard Sewerage Scheme is included for funding under my Department's Water Services Investment Programme 2007-2009. My Department has requested Galway County Council to amend their brief for the appointment of consultants and has provided detailed guidance to the Council in that regard. The amended brief will be dealt with as quickly as possible when it is submitted to the Department.

Departmental Expenditure.

396. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the number of staff in terms of whole-time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations on business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45944/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 204 of 11 December 2008.

Rented Accommodation.

397. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the number of bedsit units currently within the public housing stock and the private housing stock; if he has estimated the cost of compliance in the public and in the private sector of achieving the new standards; when the new standards will come into force; and the length of time which will be given to achieve the transition. [45966/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The 2006 Census enumerates 8,751 bedsits, housing 14,480 people. These figures are not further broken down between the private and public housing sectors. In the Partnership Agreement Towards 2016, the Government committed to updating and more effectively enforcing the minimum standards regulations for the rental sector and recently delivered on this commitment by approving a package of measures. The phasing out of the traditional bedsit will be a consequence of this package. A number of elements of this package require amendments of primary legislation and these are being addressed during the passage, through the Oireachtas, of the Housing (Miscellaneous Provisions) Bill 2008. These include increased penalties for non-compliance and the introduction of a more robust sanctions regime.

Those elements of the package not requiring primary legislation will be introduced through new regulations to replace those made in 1993. Regulations for this purpose will come into effect generally on 1 February 2009. However, certain elements of the new Regulations will not come into effect for existing rental accommodation until 1 February 2013 to allow time for the carrying out of the significant remedial work that may be involved in achieving compliance. The aspects covered by those provisions — sanitary facilities, heating facilities and food prep-

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aration, storage and laundry — will therefore continue to be subject to the relevant provisions of the Housing (Standards for Rented Housing) Regulations 1993 until then, in so far as existing rental accommodation is concerned. However, 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.

My Department engaged widely with a broad range of stakeholders during the process of drafting the new Regulations. As part of this process, a full impact analysis of the new Regulations — including the costs and benefits arising — was carried out in a Regulatory Impact Assessment prepared by the Centre for Housing Research on behalf of my Department. This Regulatory Impact Assessment is available on my Department's website at www.environ.ie.

Regulatory Impact Analyses.

398. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46068/08]

399. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, Bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46083/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 398 and 399 together.

Details of the Regulatory Impact Assessments (RIAs) conducted by my Department on Statutory Instruments, Bills and EU Directives since June 2008 are set out in the following table. Reasons for the decisions not to carry out a Regulatory Impact Assessment on relevant legislation are also set out.

Following the Government decision of 21 June 2005, a Regulatory Impact Assessment (RIA) must be applied to:

- i. all proposals for primary legislation involving changes to the regulatory framework (subject to some exceptions);
- ii. significant Statutory Instruments;
- iii. proposals for EU Directives and significant EU regulations when they are published by the European Commission.

Information is also provided in the table on the decision, where relevant, not to conduct a Full Regulatory Impact Assessment subsequent to a Screening RIA being completed.

Date (June-Dec 2008)	Legislation	RIA Applied (Y/N) Screening/Full	Reason for not applying RIA or for not conducting Full RIA subsequent to Screening RIA
4.06.08	Waste Management (Landfill levy) Order 2008 — S.I. 168 of 2008	N	Not significant.
24.06.08	Roads Vehicles (Registration and Licencing)(Amendment) (No.2) Regulations 2008 S.I. 207 of 2008	N	Not significant — minor technical amendments.
07.08	Housing (Miscellaneous Provisions) Bill 2008	Y — Screening	Screening RIAs in relation to Bill submitted to Government in December 2006 and July 2008 without objection by any Department.
1.07.08	European Communities (Energy Performance of Buildings)(Amendment) Regulations 2008, SI No 229 of 2008	N	Not significant.
1.07.08	Waste Management (Landfill Levy) Regulations 2008 — S.I No. 199 of 2008	N	Not significant.
2.07.08	Planning and Development Regulations 2008 (SI 235 of 2008)	N	Not significant — regulations removed unnecessary regulatory burden, rather than making new regulations. Followed from extensive 3 month consultation period.
10.07.08	Planning and Development (Amendment) Regulations 2008 (SI 256 of 2008)	N	See above.
10.07.08	Building Regulations (Part L Amendment) Regulations 2008, SI No 259 of 2008	N	Not significant. Consolidated and revoked three earlier SIs and introduced a methodology to assist practitioners to demonstrate that a building other than a dwelling complies with existing Part L standards, without changing the actual standards in any way.

Date (June-Dec 2008)	Legislation	RIA Applied (Y/N) Screening/Full	Reason for not applying RIA or for not conducting Full RIA subsequent to Screening RIA
16.07.08	Waste Management (Batteries and Accumulators) Regulations 2008 — S.I No. 268 of 2008	Y — Screening	<p>The Purposes of S.I. 268 of 2008 was to transpose the Batteries Directive which contains some single market provisions. The take back systems, on which the Regulations are based, were developed by a working group, established in July 2006, including representatives of the battery industry, retailers, manufacturers, IBEC, SIMI, the waste management sector, local authorities, the EPA. Transposition followed a public consultation. A Screening RIA was undertaken as it is a significant statutory instrument, but with relatively low impact. Following completion of the Screening RIA, a Full RIA was not considered necessary as implementation of the Directive would not:</p> <ul style="list-style-type: none"> (a) have significant negative impacts on national competitiveness (b) cause significant negative impacts on the socially excluded or vulnerable groups (c) cause environmental damage (d) involve a significant policy change in an economic market or have a significant impact on competition or consumers (e) impinge on the rights of citizens (f) impose a disproportionate compliance burden (g) incur additional significant costs to the Exchequer (zero), local authorities (minimal as they no longer have to procure collection and recycling services for waste batteries) or third parties as producer costs were estimated to range from €3.8 million to €9.2 million over a 10 year period, ranging from €118,000 to €294,000 in the first year and €648,000 to €1.6 million in the tenth year of operation, which are significantly under the thresholds (i.e. €10 million in respect of initial costs or €50 million in respect of cumulative costs over ten years) that would require a full RIA.

Date (June-Dec 2008)	Legislation	RIA Applied (Y/N) Screening/Full	Reason for not applying RIA or for not conducting Full RIA subsequent to Screening RIA
22.08.08	Building Regulations (Part G Amendment) Regulations 2008, SI No. 355 of 2008	Full RIA	N/A
23.09.08	Environmental Protection Agency (Licensing) (Amendment) Regulations 2008 (S.I. No. 382 of 2008)	N	Not significant — regulations give effect to the EPA's current practice in making all Integrated Pollution Prevention and Control licensing information available to the public.
23.09.08	Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008 — S.I. No. 375 of 2008	N	Not significant
23.09.08	Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2008- S.I. No. 376 of 2008	N	Not significant
22.10.08	Regulation (EC) No. 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury	N	Screening RIA prepared in June 2007 on the Proposal for a Regulation of the European Parliament and the Council on the banning of exports and the safe storage of metallic mercury. However, RIA was not formalised — the particular proposal had no significant consequences for Ireland.
31.10.08	S.I. 427/08 City of Dublin Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 428/08 City of Cork Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 429/08 City of Galway Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 430/08 City of Limerick Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 431/08 City of Waterford Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 432/08 County of Fingal Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 433/08 Borough of Drogheda Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 434/08 County of Cavan Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 434/08 County of Clare Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 436/08 County of Cork Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 437/08 County of Limerick Local Electoral Areas Order 2008	N	Not significant

Date (June-Dec 2008)	Legislation	RIA Applied (Y/N) Screening/Full	Reason for not applying RIA or for not conducting Full RIA subsequent to Screening RIA
31.10.08	S.I. 438/08 County of Longford Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 439/08 County of Meath Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 440/08 County of Offaly Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 441/08 County of Galway Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 442/08 County of Kildare Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 443/08 County of Kilkenny Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 444/08 County of Laois Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 445/08 County of Leitrim Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 446/08 County of Monaghan Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 447/08 County of Mayo Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 448/08 County of North Tipperary Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 449/08 County of South Tipperary Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 450/08 County of Waterford Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 451/08 County of Westmeath Local Electoral Areas Order 2008	N	Not significant
31.10.08	S.I. 452/08 County of Wexford Local Electoral Areas Order 2008	N	Not significant
19.11.08	Directive on the protection of the environment through criminal law	RIA not yet applied	RIA being prepared.
19.11.08	Directive 2008/103/EC of the European Parliament and of the Council amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market	N	Transposing Regulations not significant.
26.11.08	Proposal for a COUNCIL DIRECTIVE (Euratom) setting up a Community framework for nuclear safety COM(2008) 790/3	N	RIA under consideration.
27.11.08	S.I. 504/08 County of Carlow Local Electoral Areas Order 2008	N	Not significant
27.11.08	S.I. 507/08 County of Donegal Local Electoral Areas Order 2008	N	Not significant
27.11.08	S.I. 508/08 County of Dun Laoghaire-Rathdown Local Electoral Areas Order 2008	N	Not significant

Date (June-Dec 2008)	Legislation	RIA Applied (Y/N) Screening/Full	Reason for not applying RIA or for not conducting Full RIA subsequent to Screening RIA
27.11.08	S.I. 503/08 County of Kerry Local Electoral Areas Order 2008	N	Not significant
27.11.08	S.I. 506/08 County of Louth Local Electoral Areas Order 2008	N	Not significant
27.11.08	S.I. 509/08 County of Roscommon Local Electoral Areas Order 2008	N	Not significant
27.11.08	S.I. 505/08 County of Sligo Local Electoral Areas Order 2008	N	Not significant
2.12.08	S.I. No. 510 / 2008 (Section 75, Water Services Act 2007)	N	Not significant- formal establishment of an already existing Rural Water Services Committee.
8.12.2008	Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008	N	Drafting process for regulations predated the Government decision of 21 June 2005
10.12.08	Housing (Standards for Rented Houses) Regulations 2008	Full RIA applied	N/A
12.12.08	Housing (Home Choice Loan) Regulations 2008	N	Timescale too short
12.12.08	Proposed legislation to increase levies on plastic shopping bags and certain waste facilities	Y, Full RIA	RIA is complete but has yet to be submitted to Cabinet with heads of Bill.
12.08	Draft S.I on the supervision and control of shipments of radioactive waste and spent fuel	N	Not significant.
12.08	Draft European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations 2008.	Screening RIA to commence 15 December 2008	N/A
12.08	Draft European Communities Environmental Objectives ((Groundwater) Regulations 2009	Y, Screening	Not significant : the Groundwater Directive 2006/118/EC was a Daughter Directive of the Water Framework Directive 2000/60/EC. The degree of additionality observed during the RIA process of the Groundwater Directive was not considered significant in overall terms, as the majority of potential impacts reverted back in the first instance to Article 17 of the WFD. Therefore, it was not recommended to carry out a full RIA.
12.08	Draft European Communities Environmental Objectives (Surface Waters) Regulations 2008	Full RIA	Full RIA being prepared.

Local Authority Housing.

400. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will approve funding for refurbishment projects (details supplied) in County Roscommon; and if he will make a statement on the matter. [46098/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): In response to my Department's Call for Proposals under the Remedial Works Programme for 2009, Roscommon County Council submitted proposals for refurbishment works in respect of 11 houses in Boyle and 18 rural houses. The proposals will be considered by my Department in the context of the 2009 allocations to be announced early next year and the competing demands of other housing authorities.

Local Authority Funding.

401. **Deputy Pat The Cope Gallagher** asked the Minister for the Environment, Heritage and Local Government the percentage of the 2009 local government fund of €41,475,164 allocated to Donegal County Council which will be funded from the €40 million expected from the proposed levy from non-principal residences; the way the levy will be collected; and if he will make a statement on the matter. [46130/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): General Purpose Grants amounting to some €935.2 million in 2009 have been allocated to local authorities including Donegal County Council. These allocations take overall account of the €40 million yield projected to accrue in 2009 from the €200 charge on non-principal private residences. I intend to bring forward legislation to implement the proposed charge as soon as possible, and this will set out the detailed measures necessary to give effect to it.

Freedom of Information.

402. **Deputy Noel O'Flynn** asked the Minister for the Environment, Heritage and Local Government if agencies (details supplied) in County Limerick are the subject of the Freedom of Information Act 1997; if not, when it is proposed to include them under the legislation; and if he will make a statement on the matter. [46181/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Limerick Northside and Southside Regeneration Agencies are not at present prescribed under the Freedom of Information Act 1997. However, my Department has requested that the Agencies be included in the next extension of the Act, which it is expected will be completed during 2009.

Fire Services.

403. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government when a fire safety study or fire risk assessment was last carried out for County Meath. [46245/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. Section 10 of the Act also requires fire authorities when undertaking these functions to have regard to the nature of the fire hazards and the probable incidence and extent of fires in its functional area. My Depart-

ment's role is one of supporting and assisting local authorities in delivering fire services through the setting of general policy and the provision of capital funding.

In addition Section 26 of the Act requires each fire authority which maintains a fire brigade to prepare and revise plans for fire and emergency operations showing the provision made by it in respect of organisation, appliances, equipment, fire stations, water supplies and extinguishing agents, training, operational procedure and such other matters as may be relevant, and for dealing with operations of an emergency nature. The making and revision of such plans is a reserved function.

Local Authority Housing.

404. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the number of persons on the council waiting list for housing in County Meath. [46248/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The number of households on a local authority's waiting list continuously fluctuates as households on the list are allocated housing and new households apply for housing support. My Department does not hold information in relation to the numbers currently on waiting lists in County Meath. The 2008 statutory housing need assessment indicated that the net housing need in County Meath at 31 March 2008 was 1,450 households. The breakdown by authority in that county is:

- Meath County Council — 1233 households;
- Kells Town Council — 65 households;
- Navan Town Council — 115 households;
- Trim Town Council — 37 households.

405. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the number of council houses built in County Meath in each of the past five years. [46249/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Data in relation to social housing starts and completions are published in my Department's Quarterly and Annual Housing Statistics Bulletins, copies of which are available in the Oireachtas library and on my Department's website, www.environ.ie.

Private Rented Accommodation.

406. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the number of units of private rented accommodation in use or available for use in County Meath; and the number of these which are registered with the Private Residential Tenancies Board, as required by law. [46250/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department has no function in the operational matters of the Private Residential Tenancies Board (PRTB), which is an independent statutory body established under the terms of the Residential Tenancies Act 2004. The PRTB may be contacted at their offices at O'Connell Bridge House, Dublin 2 or by telephone or email. Contact details and details of tenancy registrations are available on the Board's website at www.prtb.ie.

Rented Dwellings Register.

407. **Deputy Arthur Morgan** asked the Minister for the Environment, Heritage and Local Government the action which has been taken to identify and prosecute, if necessary, those landlords who have not registered with the Private Residential Tenancies Board; the number of prosecutions that have taken place for County Meath; and if he will make a statement on the matter. [46251/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department has no function in the operational matters of the Private Residential Tenancies Board (PRTB), which is an independent statutory body established under the terms of the Residential Tenancies Act 2004. The PRTB may be contacted at their offices at O'Connell Bridge House, Dublin 2 or by telephone or email. Contact details and details of tenancy registrations are available on the Board's website at www.prtb.ie

Road Network.

408. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the proposed N4 route from Mullingar to Longford will impact adversely on some of the county's most scenic and environmentally significant countryside and on heritage sites including the Black Pig's Dyke which runs from Lough Derravarragh to Lough Owel, a cist grave in Fulmort and the Anglo Norman Moat; and if he will make a statement on the matter. [46329/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Selection of routes for national roads is a matter for the relevant road authority (in this case Westmeath County Council), subject to approval by An Bord Pleanála under the Roads Act 1993. Completion of an environmental impact statement (including in relation to any impacts on cultural heritage) is required under the related application process. Consultation with the National Monuments Service of my Department in relation to any impacts on archaeology will take place in the process of the preparation of an environmental impact statement in this case, and my Department, in the exercise of its functions as a prescribed body, will make comments as appropriate to an Bord Pleanála on any application for approval for the proposed scheme. If such a development is approved by an Bord Pleanála, the road authority will then be required to seek directions from me under the National Monuments (Amendment) Act 2004 for all archaeological aspects of works related to the road development.

It is understood that a route has not yet been selected in this case.

Local Authority Housing.

409. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government the progress that has been made in the development of a national housing strategy for people with disabilities; the stakeholders, groups or individuals involved in its development; if the protocols on individual housing needs, social housing supports and strategic assessment of housing needs of people with disabilities have been established between housing authorities and the Health Service Executive and have been developed as per the commitment in his Department's Disability Act Sectoral Plan; and if he will make a statement on the matter. [46506/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The Government's Housing Policy Statement, Delivering Homes, Sustaining Communities, reflects the commitment in Towards 2016 to develop a national hous-

ing strategy for people with a disability. Work on the strategy commenced in October 2007 under the aegis of a National Advisory Group, headed by my Department and involving the Department of Health and Children, the Health Service Executive, social partners and other relevant stakeholders including the National Disability Authority. A full list of the membership of the National Advisory Group is set out below.

The strategy, which will provide a broad framework to inform the future development of local authority Housing Action Plans, will support the provision of tailored housing and housing supports for people with a disability, and have particular regard to adults with significant disabilities and people who experience mental health issues. Work on the strategy is ongoing with a view to completion by end 2009.

As part of this focus, and in line with a commitment under my Department's Sectoral Plan, a suite of protocols governing liaison arrangements between housing authorities and the Health Service Executive is being developed. These protocols will provide a strategic framework for inter agency cooperation at local level.

My Department, in conjunction with the Department of Health and Children, the Health Service Executive and local authorities, developed a protocol governing liaison between the Health Service Executive and housing authorities on the assessment of the individual accommodation needs of people with a disability, who have been assessed under Part 2 of the Disability Act 2005 and identified as being likely to require housing support. This protocol, which has been in operation since July 2007, ensures that there is a smooth and transparent system to facilitate referral between the Health Service Executive and housing authorities in these cases.

The protocol governing funding arrangements between housing authorities and the Health Service Executive in relation to ongoing support costs for social housing projects provided for people with a disability is currently under development and is expected to be implemented early next year. A further protocol, to govern liaison between the housing authorities and the Health Service Executive in relation to the strategic assessment of the nature and extent of local housing needs of people with a disability, will be progressed in the context of the development of the national housing strategy for people with a disability. This protocol will improve the capturing of data in relation to the housing needs of people with a disability.

Membership of the National Advisory Group:

- Department of Environment, Heritage & Local Government (Chair);
- Department of Health and Children;
- Health Service Executive;
- County and City Managers Association;
- Homeless Agency;
- Mental Health Ireland;
- Mental Health Commission;
- National Disability Authority;
- Disability Federation of Ireland;
- Inclusion Ireland;
- National Federation of Voluntary Bodies;
- People with Disabilities in Ireland;

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- Irish Council for Social Housing;
- Not for Profit Business Association;
- Community and Voluntary Pillar;
- Irish Congress of Trade Unions;
- Former Assistant County Manager, Cork;
- Chair Macroom Senior Citizens Housing Development Ltd.;
- Association of Occupational Therapists Ireland.

410. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government the number of local authorities which have new social inclusion units to enhance customer service to people with disabilities; if the 50% target by the end of 2008 as laid out in his Department's Disability Act Sectoral Plan will be reached and will be met; and if he will make a statement on the matter. [46507/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In July 2007 I announced the extension of the social inclusion unit programme to nine more local authorities in line with a commitment in Towards 2016. This brings the total number of units to seventeen and has been accomplished well in advance of the deadline of the end of 2008. The successful local authorities were selected following an objective assessment process which was overseen by an Inter-Departmental Steering Group.

Equal Opportunities Employment.

411. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if the review of the Code of Practice for Employment of People with Disabilities 1999 in the local authority service has been completed as per the target in his Department's Disability Act Sectoral Plan; and if he will make a statement on the matter. [46508/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The review of the Code of Practice for Employment of People with Disabilities 1999 in the local authority service is underway and I expect it to be finalised shortly.

Disability Support Service.

412. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if all bodies under the aegis of his Department are on target to complete accessibility audits and implementation plans, in relation to the delivery of services to and accessibility for people with disabilities, by the end of 2008; and if he will make a statement on the matter. [46509/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In line with the Sectoral Plan under the Disability Act 2005, local authorities are required to carry out an audit of all roads and streets, pavements and pedestrian crossings, public buildings, public parks, amenities and open spaces, heritage sites, public libraries and harbours within their control to identify what remedial action is necessary to make these buildings and facilities accessible to people with disabilities.

Local authorities are further required to draw up an implementation plan setting out a programme of works within specific timeframes to address the deficits identified in the audit. The

Plan requires local authorities to prioritise those buildings in their areas which are most frequented by members of the public as well as accessible public footpaths, streets and crossings in urban areas. In drawing up their plans authorities must have regard to funding and staffing resources available to them for implementation and must consult with organisations representing people with disabilities both in the compilation of the audit and drawing up of the implementation plan.

Local authorities are required to publish their plans and forward a copy to the Department. To date, 32 implementation plans have been received in the Department. Two more local authorities have yet to submit implementation plans.

Fisheries Protection.

413. **Deputy Dara Calleary** asked the Minister for Communications, Energy and Natural Resources if he will clarify aspects of the Wild Salmon and Sea Trout Tagging Scheme (Regulations) 2009 season (details supplied); if the restrictions as outlined are envisaged; if his attention has been drawn to the potential impact on angling tourism; and if he will make a statement on the matter. [45956/08]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power): I recently published, for public consultation, the draft Wild Salmon and Sea Trout Tagging Scheme Regulations, which provide for the distribution of tags for the harvesting of both commercial and angling quotas on a river by river basis in the 2009 season.

The entitlement to a total allocation of 10 tags for the entire 2009 angling season remains unchanged from 2008. The revision introduced in the regulations, on the advice of the National Fisheries Management Executive (NFME), provides that anglers should be allocated a maximum of 3 tags for the period 1 January to 11 May in order to protect spring salmon. The NFME also recommended that during the period commencing 12 May 2009 to the end of the season, tags should be issued by the relevant regional fisheries board in lots of 3 or 4 subject to a maximum of 10 tags per licence holder for the entire season and to the relevant daily bag limits applying.

I am advised that the proposed changes will have no adverse impact on tourism angling as they are designed primarily to deliver better compliance and control of the tagging scheme, real-time feedback on how the harvest of salmon is progressing to ensure the surplus is not exceeded and will also lead to efficiencies in the purchase and allocation of tags.

Alternative Energy Projects.

414. **Deputy Jack Wall** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 351 of 9 December 2008, the location of the regional pilots for the home energy saving scheme launched in April 2008; the success to date of the pilot scheme; the date the scheme will be launched nationally; and if he will make a statement on the matter. [46293/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I launched the pilot phase of the Home Energy Saving Scheme in March 2008 in Counties Limerick (excluding Limerick City), Clare and North Tipperary and in Dundalk. The pilot phase also included a Cluster Strand, which accepted group applicants from anywhere within Ireland.

The pilot phase has successfully established a strong case for a full national scheme. It has shown that there is a considerable appetite for such a scheme among not only potential appli-

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cant households, but also building energy rating assessors, product manufacturers, installers and other market actors.

The data gathered during the pilot phase confirms that there is an attractive return on investment from upgrading efficiency measures in older homes, both for the exchequer and the householder. Targeted supports can bring a house from an F-rating starting point on the Building Energy Rating scale to a D2 rating. This represents an energy saving of up to €700 per year for each house, equating to reduced carbon emissions of 3 tonnes per year.

I am making €20 million available for the scheme next year and expect to be in a position to make an announcement on the commencement of the national scheme in the near future.

Departmental Expenditure.

415. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the number of staff in terms of whole time equivalents who have been assigned by him to give effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45939/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department is fully engaged in the Better Regulation agenda to contribute to the initiative of making it easier to do business in the State and with the State, including the reduction by 25% of the administrative burden on business from State regulation.

As part of the Better Regulation agenda, administrative burden reduction practice is part of the everyday normal work of staff in all Divisions of the Department.

Staff resources are not exclusively deployed to deal with this issue due to the fact that it is part of their ongoing workload. It is not possible, therefore, to disaggregate the costs of servicing the needs of reducing the administrative burden on business due to regulation from overall administration costs.

Mobile Telephony.

416. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the steps being taken to ensure that mobile phone users here are charged fair rates for texts, calls, and roaming charges and to protect customers from being overcharged by mobile phone companies; and if he will make a statement on the matter. [46001/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Primary responsibility for the mobile phone charges rests with the relevant services providers, operating in a fully liberalised market, regulated, where appropriate, by the Independent Commission for Communications Regulation (ComReg).

My role is to formulate regulatory policy to facilitate the provision of high quality telecommunications services by competing private sector service providers. The Deputy may be aware, in addition to consumer protection provisions generally, that it is an offence to overcharge for telecoms services or products under the Communications Regulation (Amendment) Act of 2007.

There is already in place an EU Regulation to protect consumers against excessive mobile phone charges when roaming in other EU Member States. Ireland strongly supported the introduction of this Regulation.

Negotiations are currently in progress at EU level to extend this regulation to protect consumers against excessive text charges and to provide for greater transparency measures for consumers. At the recent EU Telecoms Council of Ministers I strongly supported the initiative by the Commission to extend the Regulation to protect consumers. I look forward to EU Member States and the European Parliament reaching a successful conclusion on these negotiations.

Regulatory Impact Analyses.

417. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46063/08]

418. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46078/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 417 and 418 together.

The information sought concerning regulatory impact analysis on statutory instruments, bills and EU directives since June 2008 is outlined in the following table.

List of Statutory Instruments, Bills and EU Directives since June 2008	Was a screening RIA carried out? Yes/No	Was a full RIA carried out? Yes/No	Explanation of course of action
<p>European Communities (Internal Market in Natural Gas) (BGÉ) (Amendment) Regulations 2008</p> <p>European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008</p> <p>Gas (Amendment) Bill 2008</p>	<p>No</p> <p>No</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p>	<p>Not necessary — this is a Commencement Order</p> <p>The implications of the Regulations are narrow and not significant to warrant the conduct of a RIA.</p> <p>The measure has no regulatory impact and no negative impact on competitiveness, on the socially excluded or vulnerable groups, on the environment, on consumers, on international relations, on citizens' rights or on industry/business. It is in line with existing Government energy policy by supporting the sustainable future of BGÉ and contributing to security of supply, competition and environmental sustainability.</p>
<p>S.I. No 284 of 2008 Electricity Regulation Act 1999 (Public Service Obligations) (Amendment) Order 2008</p>	<p>No</p>	<p>No</p>	<p>This statutory instrument (SI) amends an existing SI [Electricity Regulation Act 1999 (Public Service Obligations) Order 2002 S.I. No. 217/ 2002] to support the construction of the additional renewable energy projects participating in the REFIT support schemes and named in the later Order to give effect to national priorities and an obligation addressed to Ireland in Directive 2001/77/EC on the promotion of renewable energy sources in the internal electricity market. The potential impacts of the REFIT support scheme were considered in the design and approval of the scheme.</p>

Telecommunications Services.

419. **Deputy John O'Mahony** asked the Minister for Communications, Energy and Natural Resources the timeframe for the roll-out of broadband to the Cloonagh, County Mayo exchange; and if he will make a statement on the matter. [46122/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of telecommunications services, including broadband, is a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated where appropriate, by the independent Commission for Communications Regulation, ComReg.

The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers.

I have no role in private sector broadband infrastructure investment undertaken by broadband service providers. However, it is hoped that the facilitation of greater competition in the sector via the introduction of broadband from different technology platforms, will encourage more rapid enabling of all exchanges for broadband.

I would add that, in addition to fixed landline broadband, otherwise known as Digital Subscriber Line (DSL) or broadband over telephone lines, broadband services are available from competing service providers over multiple platforms including cable, fixed wireless and increasingly mobile.

Broadcast Advertising.

420. **Deputy Pat Breen** asked the Minister for Communications, Energy and Natural Resources his views on the recent decision by the Broadcasting Commission of Ireland to ban an advertisement from a shop (details supplied); if he has plans to amend the restrictions on religious advertising as contained in Section 41 of the Broadcasting Bill 2008; and if he will make a statement on the matter. [46169/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Both the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission are independent statutory bodies and I have no role with regard to decisions made by these bodies.

Section 20(4) of the Broadcasting Authority Act 1960 (as qualified by section 65 of the Broadcasting Act 2001) and section 10(3) of the Radio and Television Act 1988 provide that broadcasters cannot accept advertisements that are directed towards any religious or political end or have any relation to an industrial dispute.

The prohibition on religious advertising does not prevent advertisements, which provide information about a religious magazine or periodical being available for sale, or about a religious event or ceremony taking place. The prohibition does not extend to religious broadcasting; sections 28 and 45 of the Broadcasting Act 2001 explicitly require RTÉ and TG4 to carry religious programming.

The Deputy will be aware that in 2004, the prohibition on religious advertising on radio and television was retained following a lengthy consultation during which over 150 submissions from the public were received by my Department. There was a strong argument that religious interests should not be able to buy air-time to deliver an unchallenged message, which other interests, through lack of resources, might not be able to match or counter.

Section 41 of the Broadcasting Bill continues the prohibition on religious advertising but does so in a less restrictive manner. The provision focuses on advertisements that address the

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issue of the merits or otherwise of adhering to any religious faith or belief or of becoming a member of any religion or religious organisation, as opposed to the existing restriction, which relates to advertisements directed towards a religious end. The section also continues the clarification that permits advertisements, which provide information about a religious magazine or periodical being available for sale, or about a religious event or ceremony taking place.

Consultancy Contracts.

421. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the breakdown of the €6,921,989 spent on consultancy fees in 2008 in his Department; the names of the consultant firms used; and if he will make a statement on the matter. [46202/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the following table are details of consultancies amounting to €6,921,989. This figure relates to the period 1st January to 17th November 2008.

Expenditure on consultancies will be significantly reduced in 2009.

Consultancy	Consultant	2008
DCENR Audit Committee	Chair & Board of Audit Committee	5,000
Temporary Head of Internal Audit Unit	Helm Corporation Ltd	56,218
Provision of Mediation Services	Mason Hayes + Curran	11,776
Financial Advisor to DCMNR	ESB Independent Generation	16,940
Spot Checks on Capital Investment 2006	DK Crowley	10,748
Financial Advisor to the Department	Stephen O'Connor	165,472
TechReview of the emergency call answering service (ECAS)	Norcontel (Ireland) Ltd	129,319
Legal Advice on procurement of an ECAS Provider	Matheson Ormsby Prentice	24,543
Drafting of Broadcasting (Amendment) Act 2007	Marie McGonagle	7,500
Drafting of Broadcasting (Amendment) Act 2007	Margaret O'Driscoll	7,865
Media Literacy	Media Literacy Education	9,000
Re-Engineering of annual RTÉ Review Process	Price Waterhouse Coopers	102,197
Legal advice on DTT	Mason Hayes + Curran	30,825
Technical Advice on DTT	Gary Tonge	5,446
Review of public sector benefit of postcodes	PA Consulting	54,450
Assistance on draft policy paper on Next Generation Networks	Analysys Mason Limited	30,849
Legal Advice for BnM — ESOP documentation	A & L Goodbody Solicitors	26,018
Legal Advice for BGÉ — ESOP	Beauchamp Solicitors	62,267
Legal Advice re post sale of INPC/Whitegate Refinery	Matheson Ormsby Prentice	8,492
Review of Ireland's access to commercial Oil Supplies	Purvin & Gertz Inc	271,757
Study on transmission line infrastructure	ECOFYS GMBH	145,052
Study on transmission line infrastructure	Brindley Advertising	22,100
Study on transmission line infrastructure	Golder Associates Ire	3,388
Review of proposed BGÉ investments	KPMG	181,500
Review of proposed BGÉ investments	Mason Hayes + Curran	22,578
Drafting of PSO under Section 39 of Electricity Reg Act 1999	Noel J Travers	9,075
Legal Advice for ESB — ESOP	Beauchamp Solicitors	18,265
Advice on GSI library acquisitions & management 07	Dr. Ralph Horne	5,670

Consultancy	Consultant	2008
Archivist Services for Archived Files	Petra Coffey	14,750
Archivist Services for Archived Files	Eneclann	2,856
Comparative Study GSI/GSINI	CSA Group	14,338
Corrib Verification Process	Keane Offshore Integrity Ltd.	116,963
Environmental Monitoring Group	Members of EMG	5,171
Oil and Gas Industry Support Service	CSA Group	10,249
Petroleum Engineering Support	David Fox	155,483
Legal Advice on Corrib Pipeline	Arthur Cox Solicitor	42,946
Review of Corrib EIS	AEA Technology	47,204
Geophysical Support	Clare Morgan	54,420
TAG on Corrib	Advantia	22,870
IT Consultancy (Landmark Software)	DMAP Ltd	1,178
ICT Strategy	Astron / Sonas / RITS	66,066
ICT Project Consultancy	Magnum Opus Ltd	1,130,524
ICT Project Consultancy	Norcontel (ire) Ltd	15,282
ICT Project Consultancy	Arthur Cox Solicitor	569,580
ICT Project Consultancy	Quantum Equity	12,584
ICT Project Consultancy	Eamonn O'Eachach	27,537
Legal Advice — Schools Broadband	Mason Hayes & Curran	9,273
NBS Consultancy	Aneta Scieplek	53,679
NBS Consultancy	Commission for Communications Regulation	67,517
NBS Consultancy	ESRI Ireland	39,441
NBS Consultancy	McCann Fitzgerald	572,229
NBS Consultancy	Analysys Mason Ltd	32,670
Make IT Secure	Ireach	20,000
Review of National Digital Research Centre	Various	6,392
Digital Terrestrial Television	Maxtel Communications	2,414
Digital Terrestrial Television	BT Ireland	7,986
Gas Technical Standards Committee	National Standards Authority of Ireland	36,000
Energy Research Strategy	Network Resources Ltd (Dr Heather Greer)	65,050
National Energy Efficiency Campaign	Cawley Nea Ltd	1,415,954
INFOMAR	Grainne O'Shea	46,813
INFOMAR	Ronan O'Toole	19,305
INFOMAR	Woods Hole Oceanic Institute	1,194
INFOMAR	John Deasy	5,400
INFOMAR	PWC Belfast	54,996
Petroleum Engineering Support (Sept 07-Aug 08)	David Fox Associates	17,940
Corporate branding and website design	Dara Design & Print Ltd	19,947
Rehabilitation of Clashduff Mine	Hayes Higgins Partnership	1,215
Avoca Remedial Study	Camp, Dresser & McKee Irl Ltd	122,612
Examination of planning application for K2 extension to Galmoy Mine	Cantab Consulting Ltd	10,124
Geological Advice	Ben Dhonau	17,995
Provision of Interviews for site suitability Assessment Training Programme	Cormac O'Suilleabhain	1,125
Gwater Source Prot (Off / Ros / CK)	Dr Robbie Meehan	1,815
Wastewater Septic tank Course	Dr Robbie Meehan	2,068
Wastewater Septic tank Course	Dr Pamela Bartley	4,503
EPA Mine Waste	Dr Vincent Gallagher	56,821
EU Water Framework Directive	ESRI Ireland	3,176
Historic Mines Project	Fionnuala Ni Mairtin	46,858
EPA Mine Waste	AGB	85

[Deputy Eamon Ryan.]

Consultancy	Consultant	2008
Wastewater Septic tank Course	Gerard Murphy	1,091
EPA Mine Waste	Mr Pheilim Lally	259
Irelithos	Claudia Loesch	3,025
Geourban project — data manipulation	Aurum Exploration	26,813
Aggregate Potential Mapping	Mr Pheilim Lally	64,779
GIS Technician Services — GeoUrban Dublin pilot project	Edel O'Regan	33,499
National Mapping Programme -	Tobin Consulting Engineers	247,407
Landslides Susceptibility Mapping	M/S Mouchel Ireland	28,208

Inland Fisheries.

422. **Deputy Tom Sheahan** asked the Minister for Communications, Energy and Natural Resources the reason the Laune River in County Kerry has not been designated as a salmonid river in view of the fact that it is classed as one of the top ten salmon rivers in Ireland and needs to be preserved; and if he will make a statement on the matter. [46401/08]

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power): I am advised that under the EU Habitats Directive, the River Laune is designated as a salmonid river. The river catchment is also designated as a Special Area of Conservation for salmon, which is included in the Castlemaine Harbour Special Area of Conservation.

Consequently, exploitation of the salmon stock of the River Laune is provided for in the Wild Salmon and Sea Trout Tagging Scheme Regulations. The level of permissible harvest is limited to the identified surplus described by the Standing Scientific Committee, following the assessment undertaken in accordance with the Habitats Directive. A number of conservation bye-laws of national and local application further protect salmon stocks in the river.

Pigmeat Sector.

423. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he will travel to Asia via the UK and Germany in mid-December 2008 to address consumer concerns in those countries in respect of Irish pork; and if he will make a statement on the matter. [46000/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department is working closely with An Bord Bia and our embassies abroad to reassure our customers as to the safety of Irish Pork.

For my part I visited France last week to provide the necessary assurances and will have the opportunity this week at the EU Council of Ministers to outline the safety and security of our exports.

In the case of our Asian markets our diplomatic representations are in regular contact with the relevant regulatory authorities. The position in individual markets is being kept under continuous review and I am, of course, ready to visit particular markets if this appears appropriate.

Departmental Expenditure.

424. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number of staff in terms of whole-time equivalents who have been assigned by him to give

effect to the commitment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45937/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The question of the reduction of the administrative burden on Department clients has been pursued at EU level. In line with the Health Check review of the Common Agriculture Policy, the Council and Commission of the EU have declared that they will continue with the objective of obtaining further simplification at both farmer and administrative levels of the cross-compliance requirements.

In March of this year, the Government decided to reduce the administrative burden of domestic regulation on business by 25% by 2012. The Department of Enterprise, Trade and Employment is responsible for devising the approach and methodology to be used across Government, for coordinating this work across Government Departments and agencies and for reporting to Government on progress.

At present, my Department is in the process of screening information obligations. When completed, an exercise in prioritising these information obligations will be undertaken in conjunction with the Department of Enterprise, Trade and Employment and during 2009, measurements of these prioritized obligations will be undertaken. Pending consultation with the Department of Enterprise, Trade and Employment, no decision has been taken in regard to funding, if any, required in 2009.

No staff have been assigned exclusively to this task. The work is being undertaken in addition to ongoing reviews to streamline and simplify the business processes of the Department with a view to easing the administrative burden for both our clients and the Department itself.

Grant Payments.

425. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo did not receive payment for all the animals for which applications were made under the suckler cow welfare scheme; and when they will be granted the remaining amount. [45982/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment of €80 in respect of the fifteenth animal was made on 12 December 2008. The remaining calf will not qualify for payment, as it was registered outside the statutory requirement of 27 days from the date of birth. A letter in relation to this late registration issued on 19 November 2008, and staff from the Suckler Herds Section of my Department in Portlaoise will be in contact with the person named to seek to resolve the matter.

Proposed Legislation.

426. **Deputy Mary Upton** asked the Minister for Agriculture, Fisheries and Food the status of the Animal Welfare Bill; when the Bill will be published; the stance the Bill will take on hare coursing; and if he will make a statement on the matter. [45985/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A good deal of work has been undertaken on drafting the new Animal Health and Welfare Bill which gives effect to a number of animal health and welfare commitments contained in the Programme for Government.

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My officials are currently meeting with organisations that made submissions on the draft Bill following the public consultation process initiated by me earlier in the year. It would not be appropriate to comment on specific issues to be included in the Bill until the consultation process is completed. I would however state that the Bill is intended to update existing legislation to ensure that the welfare of all animals is properly protected and that penalties for offenders are increased significantly.

Grant Payments.

427. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the suckler cow welfare scheme will be granted to a person (details supplied) in County Galway; and if he will make a statement on the matter. [45992/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payments totalling €1029.60 in respect of thirteen animals issued on 14 November and 12 December 2008. The remaining four animals are showing errors on the animal event dates. Staff from the Suckler Herds Section of my Department in Portlaoise will be in contact with the person named shortly.

Pigmeat Sector.

428. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food if he will appoint a task force within his Department to expedite traceability within the pork sector from the processor to the supermarket shelf; and if he will make a statement on the matter. [45999/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following the recall of pork products initiated on 6 December 2008, and on the basis of an ongoing evaluation process by my Department and other agencies involved in this issue I confirmed on 10 December 2008 that all the necessary controls are now in place to enable the restoration of supplies of Irish pork and bacon to consumers.

The purpose of these controls, which were developed over a very short period through decisive and rapid action taken by my Department and other agencies, is to ensure that only pigmeat certified as coming from herds that are completely unaffected by the current feed contamination issue enters the food chain and is supplied to consumers.

The controls allow those involved in the pigmeat industry to resume the supply and sale of Irish pork and bacon products in which the consumer can have full confidence.

This is part of a determined domestic and international marketing campaign and all such products on the home market will carry a special label, developed by An Bord Bia, which will confirm that they are perfectly safe to consume and verifies them as having had no association with potentially contaminated feed.

With regard specifically to the issue of traceability, pigs are currently identified by farm of origin, traceability of pork at slaughter and, on the basis of production batch.

Grant Payments.

429. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food if he will arrange direct payment of grant due under the single farm payment scheme to a person (details supplied) in County Kilkenny. [46039/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The payments due to the person named under the 2008 Single Payment Scheme amounting to €1,237.40 in respect of the 50% advance payment, and the balancing payment, also €1,237.40, have not issued, as the person named has not signed-up for Electronic Funds Transfer (EFT) as required of all Scheme applicants.

Prior to the 2009 EU financial year, farmers could choose to have their payments made by cheque or electronic funds transfer into their bank account or an account with a similar type institution. However, as and from the 2009 EU financial year commencing on 16 October 2008, payment by cheque is no longer permitted in accordance with EU Council Regulation 1290/2005, which lays down the rules on the financing and management of the Common Agricultural Policy from 2007 to 2013. The detailed implementing rules for that Regulation, as set out in EU Commission Regulation 885/2006, require that all EU paying agencies, including my Department, must adopt procedures to ensure that payments are made only via electronic funds transfer from the 2009 financial year.

My Department has notified the new requirement to all farmers on a number of occasions over the past year. An Post have launched a new Postbank service, which will facilitate electronic funds transfer. This service is also available to any Credit Union, which has the appropriate processing facilities.

The person named has been directly contacted by an official from my Department regarding his situation. He has been advised to contact his bank, post office or credit union with a view to facilitating the electronic payment of his Single Payment entitlements.

430. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when payment of installation aid will be made to a person (details supplied) in County Kilkenny whose application was submitted in August 2008. [46040/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned is an applicant under the Young Farmers' Installation Scheme. His application for payment is currently being examined and a decision will be made in regard to the application as soon as possible.

Regulatory Impact Analyses.

431. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46061/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Mussel Seed (Prohibition On Fishing) Regulations 2008 (S.I. 176 of 2008) provided for the closure of certain areas of the mussel seed fishery having regard to the need to conserve the resource and protect the environment. The European Communities (Control On Mussel Fishing) Regulations 2008 (S.I. 347 of 2008) provided for the re-opening of the mussel seed fishery from 23 August 2008 as well as the closure of some areas having regard to the need to protect the environment.

Regulatory Impact Analysis (RIA) was not carried out in advance of the above Statutory Instruments being implemented as the closures were for environmental reasons and needed to be put in place without delay to comply with the Birds and Habitats Directives.

A proposal for the Fish Health Directive was introduced in late 2005 and transposed by European Communities (Health of Aquaculture Animals And Products) Regulations 2008 (S.I. No. 261 of 2008). My Department felt that a RIA was not warranted, as the changes proposed

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were not sufficiently significant. However, extensive consultations with the industry were carried out during the negotiation period and the transposition of the Directive.

The transposition of the Dangerous Substances Directive in respect of marine finfish farms was completed by the introduction of the European Communities (Control of Dangerous Substances in Aquaculture) Regulations 2008 (S.I. 466 of 2008). An extensive consultation process took place both with the industry and with the general public in advance of the Regulations being settled. In this regard, my Department was of the view that a RIA was not warranted.

The European Communities (Transmissible Spongiform Encephalopathies and Animal By-Products) Regulations 2008 (S.I. No. 252 of 2008) and Diseases Of Animals Act 1966 (Transmissible Spongiform Encephalopathies) (Fertilisers & Soil Improvers) Order 2008 (S.I. No. 253 of 2008) relate respectively to Animal By-Products (ABP) EC Regulation 1774 of 2002 and land spread of organic fertiliser and soil improvers derived from ABP. Both Statutory Instruments were subject to extensive consultation with industry stakeholders in particular the composting/anaerobic digestion/waste industries. That consultation was acknowledged as a positive move and welcomed by stakeholders, formal RIA was not considered necessary in light of the technical nature and restricted scope of the Statutory Instruments.

432. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, Bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46076/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): While my Department is drafting a number of regulatory impact analyses at present, none have been completed since June 2008.

Animal Feedstuffs.

433. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if his Department has traced all product that left the feed plant associated with the dioxin scare since 1 September 2008; if it has restricted movement from all holdings that received suspected product; the date on which the plant was inspected in 2006 and 2007; the tests which were performed on the feed product on both occasions; and if he will make a statement on the matter. [46112/08]

434. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the dates in 2005, 2006 and 2007 when the 45 registered food business operators involved in the production of animal feed were inspected by his Department; and if he will make a statement on the matter. [46113/08]

435. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food the dates of all inspections carried out at a company (details supplied) in County Carlow in respect of feedstuffs under the licensing regulations operated by his Department. [46121/08]

445. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will clarify the dates in 2006 and 2007 on which an establishment (details supplied) in County Carlow was inspected by his Department; and if he will make a statement on the matter. [46257/08]

446. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will clarify whether a specific date in November or December 2008 had been scheduled for the inspection of an establishment (details supplied) in County Carlow; if such inspections are planned by appointment or carried out without prior notice; and if he will make a statement on the matter. [46258/08]

447. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will clarify when a licence was first issued to an establishment (details supplied) in County Carlow by his Department; the length of time for which this licence had been held; if the establishment held a licence obtained from another State body; and if he will make a statement on the matter. [46259/08]

450. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if, during inspections in 2006 and 2007 of an establishment (details supplied) in County Carlow, his Department examined whether industrial oil was used by the establishment in the production process; and if he will make a statement on the matter. [46262/08]

455. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of recycling plants licensed by his Department for the production of animal feed; the number of times each plant has been inspected in the past three years; and if he will make a statement on the matter. [46267/08]

456. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of farms or individuals currently licensed to blend their own animal feed; the number of times each of those farms or individuals holding such licences were inspected in 2006, 2007 and 2008; and if he will make a statement on the matter. [46268/08]

457. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the type and number of tests carried out by his Department when inspecting licences held by persons involved in the production or blending of animal feed; and if he will make a statement on the matter. [46269/08]

459. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the date on which his Department was contacted by Dutch authorities; if he will confirm that these authorities identified the product they found to be containing high levels of dioxins to be Irish; and if he will make a statement on the matter. [46271/08]

461. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the details of previous discrepancies found in the 45 registered FBO feed producers; and if he will make a statement on the matter. [46274/08]

467. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food the measures he will introduce to address the inadequate inspection regime in place to date governing those businesses involved in the production of animal feed; if he will examine the areas of licensing, unannounced and, at least, twice annual inspections, fully transparent production methods and raw material sourcing; the penalties he will introduce for those who wittingly or unwittingly employ less than the required standards in their preparation and production operations; and if he will make a statement on the matter. [46304/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos, 433 to 435, inclusive, 445 to 447, inclusive, 450, 455 to 457, inclusive, 459, 461 and 467 together.

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In accordance with EU legislation, the National Feed Inspection Programme, complimented by the National Residue Monitoring Programme, is part of the overall Integrated Annual Control Plan for Ireland. This involves food and feed and details must be submitted to the EU Commission on an annual basis. The aim of the controls is to ensure that feedstuffs and feeding practices do not constitute a hazard to human or animal health or the environment.

The Annual Inspection Programme, involving the carrying out of about 2,400 inspections and the taking of around 1,800 samples per annum for analyses, is drawn up on the basis of potential risk using previous compliance history, the risk potential of the activity, EU co-ordinated controls, the outcome of internal audits and any concerns raised within the industry. The scope of the Programme includes feed importers, feed manufacturing mills; mineral mixture plants; recycling plants who manufacture feed using unused food of non animal origin; feed retailers, wholesalers and hauliers as well as farms. The Inspection Programme complies with the requirements of the EU and in some instances exceeds the inspection level targets set by the EU.

The samples are analysed for composition, presence or otherwise of undesirable substances (such as heavy metals, mycotoxins, dioxins); constituents of animal origin; and banned substances such as antibiotics and growth promoters.

All farm enterprises are registered with my Department as Feed Business Operators under EU Regulation 183/2003, which lays down the requirements for Feed Hygiene. The blending of feed materials, ranging from ‘top dressing’ to the incorporation of medicated feeds into feed rations, is an option available to all farm enterprises. Those enterprises engaged in using medicated feed are required also to be ‘approved’, which involves certain additional requirements. About 850 farms are identified, on a risk assessment basis, for inspection each year. A large number of these inspections involve the taking of feed samples for analysis.

The EU Regulation laying down the requirements for feed hygiene clearly states that primary responsibility for feed safety rests with the feed business operator. That responsibility includes an obligation on the operator to identify, as required under the legislation, hazard and critical control points (HACCP) and ensure that all appropriate actions are taken to eliminate potential risks to the feed chain. While the use of oil in the generation of feed drying facilities has not, heretofore, caused problems within the feed industry, this aspect is now being pursued with the feed industry and with the relevant Regulatory State Agencies that are involved.

My Department is engaged, in conjunction with a number of other State Agencies, in an ongoing overall review of activities associated with the recent dioxin incident and this review will include the Department’s annual feed control programme.

I will now refer to the specifics of the dioxin case where the results of tests carried out by my Department indicated the presence of marker PCBs in pork fat. Having received the results, my Department identified the feed that was the source of the contamination and the farms that received that feed. The feed was detained on these farms and the animals on the farms had movement restrictions placed on them. All the feed remaining on the identified farms in the Republic has been transported back to the establishment from which it came.

Communication was received from the Dutch Food Safety Authority on the evening of Friday 5th December, in response to they receiving the Press Release issued by my Department on Thursday 4th December, indicating that they had identified elevated levels of dioxins in pork fat.

The establishment where the affected feed was manufactured was registered with this Department as a Feed Business Operator under the new Feed Hygiene Regulations which

came into effect on 1 January 2006 and it was inspected in September 2006 and November 2007. No problems were detected at these inspections. Product from the plant was analysed in 2008 for the presence of constituents of animal origin and lead. The sample results were negative. The establishment was scheduled for an unannounced inspection in December 2008.

The establishment concerned also has a permit as a recycling plant from Carlow Co. Co. to recycle unused food material. There is one other such recycling plant manufacturing feed for farmed animals using unused food of non animal origin registered by my Department as a Feed Business Operator. Product from this plant was analysed in 2006 and 2008 for constituents of animal origin and mycotoxins (2006). The samples were negative. Apart from the two dedicated recycling plants which manufacture animal feed from unused food, there are a number of other food business operators who supply their surplus food material directly for animal consumption. These premises are also registered as Feed Business Operators and I am arranging for the information, requested by Deputies Creed and Naughten, relating to inspections of these premises to be collated and made available to them as soon as possible.

Coastal Erosion.

436. **Deputy Brian O'Shea** asked the Minister for Agriculture, Fisheries and Food his proposals to address coastal erosion at Tramore, Ballyvoile, Helvick, Cunnigar, Dungarvan and Bunmahon, County Waterford; and if he will make a statement on the matter. [46159/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In line with a recent Government decision, responsibility for Coastal Protection and Coastal Flooding will become the responsibility of the Office of Public Works with effect from 1st January 2009. Arrangements are currently in train to effect the transfer.

The Office of Public Works will therefore be responsible for the allocation of funding for Coast Protection works for 2009 and onwards. Any queries with regard to coastal erosion should be directed to that office.

Departmental Funding.

437. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food if funding has been allocated under the capital investment programme for marketing and processing of certain agricultural products; and if he will examine the application by a company (details supplied) in County Waterford who are seeking funding under this programme. [46167/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The applications received under my Department's Capital Investment Scheme for the marketing and processing of agricultural products are going through a competitive evaluation process in which the strengths of the various proposals are being assessed and ranked in line with the objectives of the Scheme.

This process will be completed shortly and applicants will be informed of the outcome.

Grant Payments.

438. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme payment. [46172/08]

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

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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.

Most REPS plans are now prepared using eREPS, the electronic planning system approved and funded by my Department. As the information in these plans is in computerised format, the administrative checks can be carried out quickly. However a substantial minority of plans submitted this year were not prepared using eREPS. Administrative checks on these have to be done manually and are extremely time-consuming.

An effect of recent industrial action in my Department's local offices was that this process was delayed. While normal working has resumed in the local offices following the intervention of the Labour Relations Commission, there is still much to be done before the administrative checks are completed. In these circumstances my Department sought some flexibility from the European Commission which would have allowed payment of those REPS 4 cases which had been fully cleared, but the Commission were not prepared to allow this. As a result, it is now apparent that REPS 4 payments cannot issue before the end of 2008.

While I am anxious that the REPS 4 payments should go out as soon as possible, and my Department will make every effort to facilitate this, 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, and I have asked them to make every effort to issue as many payments as possible before Christmas. I have asked senior management in my Department to give me regular updates on the payment situation.

439. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will be awarded their single payment; and if he will make a statement on the matter. [46188/08]

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 8th April 2008.

This application was selected for a cross compliance and satellite eligibility inspection. The cross compliance inspection was carried out on 25th June 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 inspection was carried out on 9th December 2008 and a number of ineligible features have been excluded from the area claimed by the person named. The person named has been informed of the outcome of this inspection. The file is currently being processed and on completion any payment due to the person named will be issued.

440. **Deputy Edward O'Keefe** asked the Minister for Agriculture, Fisheries and Food the position regarding payment of a farm grant to a person (details supplied) in County Cork. [46232/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named is an applicant under the Farm Improvement Scheme. Applications under this Scheme are being processed by my Department up to the level of funding provided for the Scheme in the 2006 Partnership agreement, Towards 2016.

441. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food when REP scheme three payment will be made to a person (details supplied) in County Mayo; and if he will make a statement on the matter. [46236/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Because of concerns about the eligibility of land declared by the person named for REPS payment, it was necessary to have a full investigation, including a farm inspection in November 2008, to determine if the agri-environmental plan submitted meets the requirements of the REP scheme terms and conditions.

The applicant will be notified as soon as possible of the outcome of the investigation.

442. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the area based payment and the single farm payment have not been awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [46253/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): While the person named lodged applications under both the 2007 and 2008 Single Payment Schemes, these have not been fully processed, as issues relating to the transfer of entitlements to the person named remain to be resolved.

An application was received on 24 April 2007 requesting the transfer of 48.36 standard entitlements to the person named under the 2007 Single Payment Scheme. As already advised in reply to a previous Question, the person named is registered as a herd-keeper, not as a herd-owner and, as entitlements can only be transferred to persons who are herd-owners, it has not been possible to process this application. The person named has been advised on several occasions of the need to obtain a herd number and has been directed to Galway District Veterinary Office, the body responsible for the issuing of herd numbers for that county. The required documentation was received by my Department on 10 December and is sufficient to allow the person named be designated as the herd owner.

In addition, as the requested transfer is by way of inheritance, the person named has been requested to submit the standard testamentary documentation relating to inheritance. While the person named has supplied documentation concerning his claim to certain lands, requests for copies of Will and Probate or Letters of Administration have received no response. As of this time, all the necessary documentation has not been provided in support of the claim of the person named. On receipt of this documentation, my Department will process the application and will correspond directly with the person named.

443. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when payment under REP scheme four will be awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [46254/08]

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.

Most REPS plans are now prepared using eREPS, the electronic planning system approved and funded by my Department. As the information in these plans is in computerised format, the administrative checks can be carried out quickly. However a substantial minority of plans

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submitted this year were not prepared using eREPS. Administrative checks on these have to be done manually and are extremely time-consuming. An effect of recent industrial action in my Department's local offices was that this process was delayed. While normal working has resumed in the local offices following the intervention of the Labour Relations Commission, there is still much to be done before the administrative checks are completed. In these circumstances my Department sought some flexibility from the European Commission which would have allowed payment of those REPS 4 cases which had been fully cleared, but the Commission were not prepared to allow this. As a result, it is now apparent that REPS 4 payments cannot issue before the end of 2008.

While I am anxious that the REPS 4 payments should go out as soon as possible, and my Department will make every effort to facilitate this, 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, and I have asked them to make every effort to issue as many payments as possible before Christmas.

I have asked senior management in my Department to give me regular updates on the payment situation.

444. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when full payment will be made under the cow welfare scheme to a person (details supplied) in County Galway; and if he will make a statement on the matter. [46256/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment of €1,749.88 in respect of twenty-two animals was issued on 12 December 2008. Seventeen animals are showing errors on the animal events dates. One calf will not qualify because its dam calved twice within 300 days during 2008. The remaining thirteen animals have not yet been validated, as no weaning date has been submitted. Staff from the Suckler Herds Section of my Department in Portlaoise will be in contact with the herdowner shortly to seek to resolve the remaining errors.

Questions Nos. 445 to 447, inclusive, answered with Question No. 433.

Animal Feedstuffs.

448. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the conditions which must be adhered to, to comply with the type of licence held by an establishment (details supplied) in County Carlow; and if he will make a statement on the matter. [46260/08]

449. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the procedure involved in inspecting if a licensee has complied with a licence such as that held by an establishment (details supplied) in County Carlow; and if he will make a statement on the matter. [46261/08]

458. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if recycling plants involved in the production of animal feed are required to hold a specific type of product liability insurance; and if he will make a statement on the matter. [46270/08]

466. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food the situation pertaining to the suspended animal feed producing operation in County Carlow regarding allegations that plastic and other bread coverings were, as a matter of course, or

occasionally, fed into the heating/drying process at that plant; if so, the advices he has received regarding the dangers involved for animal health and, consequently, as consumer/end user, for human health; and if he will make a statement on the matter. [46303/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 448, 449, 458 and 466 together.

The establishment must comply with relevant National and EU legislation, including those set down in the: European Communities (Food and Feed Hygiene) Regulations, 2005 (SI No. 910 of 2005) giving effect to EU Regulation 183/2005 laying down the requirements for feed hygiene; and European Communities (Undesirable substances in feedingstuffs) Regulations, 2003 (SI No. 317 of 2003) giving effect to EU Directive 2002/32 on Undesirable Substances in Animal Feed.

The specific operational obligations are set out in Annex II of the EU Feed Hygiene Regulations (183/2005). In cases where a feed manufacturer fails to comply with these obligations my Department will, depending on the nature and seriousness of the infringement, issue a warning; detain a product and prohibit its placement on the market; issue a product recall; close down the operation; initiate legal proceedings and ultimately remove the operator from the Register of Feed Business Operators.

The process used by the food business operator concerned involved the mechanical removal of wrapping material. There is no evidence to suggest that any residual wrapping material that may be present in the product presents any health or environmental hazards to human or animal health.

In relation to the registration of feed business operators, there is no legal obligation on feed business operators to hold specific types of insurance policies.

Question No. 450 answered with Question No. 433.

Pigmeat Sector.

451. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of pigs and cattle which have been slaughtered or are to be slaughtered as a result of the recent contamination of meat products; and if he will make a statement on the matter. [46263/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My officials are currently engaged in discussions with producers and the industry with a view to putting in place the framework necessary to deal with issues relating to the slaughter of pigs and cattle that have been exposed to, or are suspected of having been exposed to contaminated animal feed. To date and apart from a small number that were slaughtered for sampling and testing purposes, no pigs or cattle have been slaughtered. The precise number of pigs and cattle that may be slaughtered has not been finalised at this stage.

452. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the way pork products recalled from the market and those in storage which need to be destroyed will be disposed of; the amount this process is expected to cost; the timeframe during which disposal will take place; and if he will make a statement on the matter. [46264/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following the Government announcement on 6 December 2008 that laboratory results of animal feed and pork fat samples obtained by the Food Safety Authority of Ireland (FSAI) confirmed the

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presence of dioxins, the FSAI required the food industry to recall from the market pork products produced from certain pigs slaughtered in Ireland.

Potentially contaminated pork products will be destroyed by rendering and some consignments have already been destroyed under the supervision of my Department. This material is classified as animal by-products (ABP), the disposal of which is strictly regulated under the ABP Regulation (EC) 1774 of 2002.

The recalled product is classified as Category 1 ABP under the Regulation and the options available for disposal are either through rendering at Category 1 rendering plants or export for incineration. Negotiations to ensure that this is done in the most cost effective manner are underway with a view to bringing a swift conclusion to this issue. It is envisaged that the disposal process will take a period of weeks as the material concerned is additional to the normal flow of material for disposal.

The Deputy will be aware that following agreement between my Department and the Pig Processing Sector a facility, to a maximum, of €178m has been set aside to fund the scheme for recalled pigmeat product. A specific scheme, the Pigmeat Recall Scheme is being drawn up at present and this will set out in further detail the steps to be followed by producers wishing to avail of the compensation package which the Government has put in place.

453. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of samples which have been sent by his Department to the United Kingdom to be tested for dioxins since 2001; the cost involved in testing such samples; and if he will make a statement on the matter. [46265/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Between 2001 and 2008 my Department sent 682 samples of animal feed abroad for analysis for dioxins.

In this period as the routine screening for PCBs showed negative results there was no need to send samples from animal products for analysis for dioxin. However, to-date twenty samples associated with the present incident have been sent for testing to the UK.

The cost of such tests varies between €700 and €1000 per sample, depending on numbers, sample type etc. It is expected that the State Laboratory in Backweston will be in a position to carry out the type of analysis after the first quarter of 2009.

454. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if An Bord Bia is to be provided with additional resources in the context of the development of an international campaign aimed at restoring consumer confidence in Irish meat products; and if he will make a statement on the matter. [46266/08]

460. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the funding being provided to An Bord Bia in order to fund the labelling and marketing campaign post the recall of pork products; and if he will make a statement on the matter. [46272/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 454 and 460 together.

Bord Bia is funding the new label campaign from existing resources and will prioritize meat promotion within its budgetary allocation for 2009.

Questions Nos. 455 to 457, inclusive, answered with Question No. 433.

Question No. 458 answered with Question No. 448.

Question No. 459 answered with Question No. 433.

Question No. 460 answered with Question No. 454.

Question No. 461 answered with Question No. 433.

462. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the date and time and manner in which his Department informed the European Commission and European Food Safety Authority of the detection of PCBs in Irish pork; and if he will make a statement on the matter. [46275/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): On 5 December 2008 the Food Safety Authority of Ireland informed the EU Commission through the Rapid Alert System for Food and Feed (RASFF) that an investigation was being conducted by my Department in close collaboration with the FSAI into the source of a contaminant in animal feed. On 6 December 2008 the FSAI informed the European Commission that Ireland was taking steps to remove from sale all pigmeat and pigmeat products.

Following discussions between the FSAI and the EU Commission, on 8th December the EU Commission requested EFSA to provide scientific assistance on the risk for human health of the possibility of the presence of dioxins in pigmeat and pigmeat products from Ireland.

Food Labelling.

463. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the new labelling system being implemented by An Bord Bia for pork products following the recall of pork products; and if he will make a statement on the matter. [46277/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): To reassure consumers, the use of a new label for Irish pork and bacon products has been authorised. This applies both to products produced before 1st September and after 6th December 2008, and in addition products during this period that the food control agencies have verified as being unaffected by the contamination. Only pigs certified by veterinary officers from food control agencies as being free from the contaminant will enter the food chain and carry this label.

Grant Payments.

464. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food the position in relation to a grant application from a person (details supplied) in County Cork. [46278/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The applications received under my Department's Capital Investment Scheme for the marketing and processing of agricultural products are going through a competitive evaluation process in which the strengths of the various proposals are being assessed and ranked in line with the objectives of the Scheme.

This process will be completed shortly and applicants will be informed of the outcome.

Pigmeat Sector.

465. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food if he will confirm that it is the intention to include all producers and processors, including those involved in the preparation of affected value-added products, in a comprehensive compensation scheme arising from the decision to have all pork and bacon products withdrawn from the

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supply chain and to suspend all associated operations pending confirmation and approval to recommence operations and restore the industry to full production levels; and if he will make a statement on the matter. [46302/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following the recall of pork products initiated on 6 December 2008, and on the basis of an ongoing evaluation process by my Department and other agencies involved in this issue I confirmed on 10 December 2008 that all the necessary controls are now in place to enable the restoration of supplies of Irish pork and bacon to consumers.

The recalled product is classified as Category 1 ABP under the Regulation and the options available for disposal are either through rendering at Category 1 rendering plants or export for incineration. Negotiations to ensure that this is done in the most cost effective manner are underway with a view to bringing a swift conclusion to this issue. It is envisaged that the disposal process will take a period of weeks as the material concerned is additional to the normal flow of material for disposal.

A Product Recall Scheme is in course of preparation. This scheme of assistance will apply to product recalled and product in storage resulting from the dioxin contamination. In addition, a scheme to compensate producers of detained animals is being negotiated at present.

Question No. 466 answered with Question No. 448.

Question No. 467 answered with Question No. 433.

468. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food when he expects the evaluation process to conclude (details supplied); and if he will make a statement on the matter. [46305/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Following the recall of pork products initiated on 6 December 2008, and on the basis of an ongoing evaluation process by my Department and other agencies involved in this issue I confirmed on 10 December 2008 that all the necessary controls are now in place to enable the restoration of supplies of Irish pork and bacon to consumers.

These controls, which were developed over a very short period, are being implemented by Department or local authority veterinary personnel at pigmeat slaughtering and processing plants.

The purpose of the controls is to ensure that only pigmeat certified as coming from herds that are completely unaffected by the current feed contamination issue enters the food chain and is supplied to consumers.

The controls allow those involved in the pigmeat industry to resume the supply and sale of Irish pork and bacon products in which the consumer can have full confidence. The decisive and rapid action taken by my Department and other agencies is part of a determined domestic and international marketing campaign.

All such products will carry a special label, developed by An Bord Bia, which will confirm that they are perfectly safe to consume and verifies them as having had no association with potentially contaminated feed.

Specific details of the control arrangements in relation to pigmeat produced up to 6 December 2008 are set out as follows.

With regard to pigmeat produced between 1st September 2008 and 6th December 2008, if the processor can demonstrate to the competent authority (Department of Agriculture, Fisheries and Food or Local Authority Veterinary Service) that individual consignments of pig meat or pig meat products were entirely derived from pigs which did not come from any of the restricted pig herds, then these consignments can be released onto the market.

For pigmeat and pigmeat products produced prior to 1st September 2008, my Department is satisfied, based on the available information, that the pigs from which these products were derived were not fed any of the dioxin contaminated pig feed. These products can remain on the market.

Further information is available on the Department's website or from the special helpline number at 1800 30 30 52.

469. Deputy Caoimhghín Ó Caoláin asked the Minister for Agriculture, Fisheries and Food the steps he will take to secure the most favourable arrangements and terms possible for the producers and processors of pigmeat with the Irish banking and financial services sector to help relieve the difficulties being experienced with cash-flows having dried up, creditors pressing for payment and thousands of workers either on temporary lay-off or protective notice; and if he will make a statement on the matter. [46306/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The agreement the Taoiseach and I concluded with pigmeat processors early last Thursday morning involved making available a facility of €180 million from the public finances to assist processors in funding the recall and destruction of certain pork products from the market and products in storage. This support provided the mechanism to enable processors secure the working capital required to fund their current operations. As a result of the package processing plants resumed operations last week. Contact was made at an early stage by my Department with the main banks involved with the pig processing sector to outline the actions being taken by Government in assisting the withdrawal of product.

Grant Payments.

470. Deputy Bobby Aylward asked the Minister for Agriculture, Fisheries and Food when payment of REP scheme four will issue to a person (details supplied) in County Kilkenny. [46320/08]

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.

Most REPS plans are now prepared using eREPS, the electronic planning system approved and funded by my Department. As the information in these plans is in computerised format, the administrative checks can be carried out quickly. However a substantial minority of plans submitted this year were not prepared using eREPS. Administrative checks on these have to be done manually and are extremely time-consuming. An effect of recent industrial action in my Department's local offices was that this process was delayed. While normal working has resumed in the local offices following the intervention of the Labour Relations Commission, there is still much to be done before the administrative checks are completed. In these circum-

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stances my Department sought some flexibility from the European Commission which would have allowed payment of those REPS 4 cases which had been fully cleared, but the Commission were not prepared to allow this. As a result, it is now apparent that REPS 4 payments cannot issue before the end of 2008.

While I am anxious that the REPS 4 payments should go out as soon as possible, and my Department will make every effort to facilitate this, 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, and I have asked them to make every effort to issue as many payments as possible before Christmas.

I have asked senior management in my Department to give me regular updates on the payment situation.

Installation Aid Scheme.

471. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food if a penalty of €3904.45 imposed on a person (details supplied) in County Kerry following their application for young farmers installation aid will be reversed on the grounds of *force majeure*; and if he will make a statement on the matter. [46321/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A penalty of €3,904.45 was applied in this case for late submission of the application for payment (IAS 2). My Department has not received a documented request for the application of force majeure from the person concerned.

Farm Restrictions.

472. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the course of action that can be taken by a person (details supplied) in County Kilkenny who has had their livelihood put on hold due to the actions of his Department; when the restriction on their farm will be lifted; the compensation that will be granted; and if he will make a statement on the matter. [46336/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The livestock movement restriction placed on this farm has now been lifted.

Departmental Expenditure.

473. **Deputy Ruairí Quinn** asked the Minister for Education and Science the estimated annual cost of extending the free fees scheme to part-time courses in third level institutions. [45988/08]

Minister for Education and Science (Deputy Batt O'Keeffe): There are currently some 21,000 part-time undergraduate students enrolled in the university and institute of technology sectors. It is not known how many of these students would qualify under any extension of the Free Fees Initiative as this would be determined by the eligibility criteria that would apply to such a scheme, including for example, residency, nationality, previous higher education attainment etc.

The availability of free fees would also be likely to impact on future demand for access to higher education on a part-time basis. Accordingly, the Deputy will appreciate that any estimate of costs is very tentative depending on the range of variables referred to. Taking account of these, and factoring in likely growth in numbers and unit cost funding implications for

colleges, it is estimated that the costs of a scheme could be in the range of €40m to €100m per annum.

Schools Refurbishment.

474. **Deputy Ruairí Quinn** asked the Minister for Education and Science the nature of the building work occurring at a school (details supplied) in Dublin 6; the status of same; and if he will make a statement on the matter. [45889/08]

Minister for Education and Science (Deputy Batt O’Keeffe): A major extension/refurbishment project is currently under way at the school referred to by the Deputy it is envisaged that the works will be completed in May 2009.

State Agencies.

475. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 29 of 4 December 2008, the State agency which will be assigned the role of regulator for international education provision; the person who will be responsible for such regulation within the chosen agency; when the chosen State agency will assume these responsibilities; and if he will make a statement on the matter. [45890/08]

Minister for Education and Science (Deputy Batt O’Keeffe): It is my intention that the qualifications body which will arise from the amalgamation of the National Qualifications Authority of Ireland, the Higher Education and Training Awards Council and the Further Education and Training Awards Council should take on responsibility for providing the regulatory framework for the provision of international education programmes.

In the interim, I have asked the National Qualifications Authority of Ireland to take on responsibilities in this area, including for the maintenance of the “internationalisation register” of education programmes which is currently maintained in my Department. Transferring this important area of work is the subject of detailed discussions between my officials and the NQAI, and these discussions include the issue raised by the Deputy regarding who within the organisation will have responsibility for this body of work. I would estimate that the agency will assume these duties in the latter half of 2009.

Special Educational Needs.

476. **Deputy Jack Wall** asked the Minister for Education and Science further to Parliamentary Question No. 491 of 1 July 2007, the position regarding the provision of a special needs assistant for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [45932/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My officials have been in contact with the NCSE and have been advised that an application for Special Needs Assistant support was received on 13 October 2008. The application was incomplete and further documentation was requested from the school authorities, which was subsequently received on 12 December 2008. I am informed that the local Special Educational Needs Organiser has been in contact with the school authorities in relation to the application.

A decision will issue directly to the school authorities once the process has been completed.

Departmental Expenditure.

477. **Deputy Leo Varadkar** asked the Minister for Education and Science the number of staff in terms of whole-time equivalents who have been assigned by him to give effect to the commit-

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ment to assess, measure and then reduce by 25% administrative burdens imposed by his Department's regulations to business; the financial resources that have been spent on such work to date in 2008; the expected expenditure for the remainder of 2008; the budget for 2009; and if he will make a statement on the matter. [45942/08]

Minister for Education and Science (Deputy Batt O'Keeffe): I am aware that the Deputy raised this issues in October last and I wish to inform him that my Department recently completed the process of examining issues relating to the administrative burden on business.

The administrative burden on business focuses on commercial private sector organisations and regulations made by my Department which impact on education related bodies such as schools are not included.

My Department conducted a comprehensive analysis of higher education legislation and has found no substantial administrative costs are imposed on businesses arising from provisions in that legislation. Accordingly, there are no whole time equivalent staff engaged in support of this work and there is no specific budget allocation in this area in my Department.

Inquiry into Child Abuse.

478. **Deputy Richard Bruton** asked the Minister for Education and Science if it is within the scope of the Commission on Child Abuse to consider court committal cases in which children were sent into institutional care; if not, the reason this element of the abuse was excluded from the scope of the investigation; the extent to which the commitment (details supplied) in 1999 to examine the origin and causes of abuse of this element has been excluded; and the legal grounds on which the court committal process was excluded from investigation. [45974/08]

Minister for Education and Science (Deputy Batt O'Keeffe): I wish to advise the Deputy that the Commission to Inquire into Child Abuse was established under statute:

- To afford victims of abuse in childhood an opportunity to tell of the abuse they suffered to a sympathetic and experienced forum.
- To establish as complete a picture as possible of the causes, nature and extent of the physical and sexual abuse of children in institutions and in other places during the period from 1940 to the present.
- To compile a report and publish it to the general public, on the activities and the findings of the Commission, containing recommendations on actions to address the continuing effects of the abuse and actions to be taken to safeguard children from abuse in the future.

There were apparently three means by which children could be placed in institutions:—

- (1) through the Courts,
- (2) by the Health Boards or
- (3) on a voluntary basis.

All former residents, regardless of the circumstances surrounding their placement in an institution, were entitled to apply to the Commission to either recount their experiences or to have their allegations investigated into. Court committal cases were not excluded from doing so.

The Commission is independent in the performance of its functions in accordance with the terms of the prescribed legislation. As Minister for Education & Science, I will not have access

to the Committee's Report until such time as it is published to the general public. Consequently, it would not be appropriate for me to pre-empt its contents in terms of the issues investigated or reported on by the Commission at this time.

Schools Building Projects.

479. **Deputy Richard Bruton** asked the Minister for Education and Science the band rating of the building plan of a school (details supplied) in Dublin 3; the number and value of primary school projects in this band rating and in bands with a higher rating than this school; and the number of primary school projects and their value which have been under construction, given the go ahead to build and given approval to go to tender during 2008. [45975/08]

480. **Deputy Richard Bruton** asked the Minister for Education and Science the funding that can be made available to match funding being raised by parents to replace prefabs which are substandard at a school (details supplied) in Dublin 3; and when same funding will be formally approved and become payable. [45976/08]

Minister for Education and Science (Deputy Batt O'Keeffe): I propose to take Questions Nos. 479 and 480 together.

The proposed building project for the school to which the Deputy refers has a Band 2.4 rating under the published prioritisation criteria for large scale building projects. It is at an advanced stage of architectural planning.

The information requested by the Deputy in relation to the number of projects with a similar and higher band ratings together with details of those under construction in 2008 is being compiled and will be forwarded to the Deputy separately. However, the Department does not provide information on the value of projects prior to tender stage as this could prejudice the tendering process.

I am pleased to inform the Deputy that the Department has taken a decision in principle to replace a number of prefabs at the school. It received information from the school recently which will enable this matter to progress further.

Higher Education Grants.

481. **Deputy Enda Kenny** asked the Minister for Education and Science the minimum duration in respect of being in receipt of a scheme (details supplied) that is required to be approved for the higher education grant; the special rate of maintenance grant in respect of the academic year 2008-09; and if he will make a statement on the matter. [45978/08]

Minister for Education and Science (Deputy Batt O'Keeffe): Students who qualify for a maintenance grant for their attendance on a recognised full-time approved course in a third-level institution may also qualify for the higher, Special Rate of Maintenance Grant if they satisfy the relevant terms and conditions.

The payment referred to by the Deputy is an eligible social welfare payments prescribed under the Scheme. To qualify for the Special Rate of maintenance grant, an applicant must qualify for the ordinary maintenance grant in respect of the 2008/09 academic year. In addition, total reckonable income must not exceed a specified amount which, is €20,147 in the 2007 tax year. Finally, as at 31st December 2007 the reckonable income must include one of the eligible long-term Social Welfare payments prescribed under the scheme.

Schools Building Projects.

482. **Deputy Joanna Tuffy** asked the Minister for Education and Science the way an application for a secondary school building is given a band rating by his Department; the band ratings and the level of priority each band rating indicates; if applications for secondary school buildings in areas with a growing population are given priority under the band rating system; and if he will make a statement on the matter. [45984/08]

Minister for Education and Science (Deputy Batt O’Keeffe): School building projects are selected for inclusion in the School Building and Modernisation Programme on the basis of priority of need.

My Department achieves this by assessing all applications for large scale capital funding against published prioritisation criteria. These criteria were devised following consultation with the Education Partners.

Under the criteria, individual applications are assigned a band rating which reflects both the type of accommodation needed and the extent of any deficit which requires to be addressed. Progress on individual projects is consistent with the assigned band rating. There are four band ratings overall with band 1 being the highest and band 4 the lowest.

Band 1

Band 1 projects address:

- The needs of schools in rapidly developing areas.
- The provision of specialist accommodation for special needs pupils.
- Schools that are structurally unsound.
- Rationalisation projects.

Band 2

Band 2 addresses the needs of schools that have a deficit of mainstream accommodation and or require refurbishment.

Band 3

Band 3 addresses the needs of schools that have no deficit of mainstream accommodation but that have a deficit of ancillary accommodation.

Band 4

Band 4 addresses the needs of schools that have desirable but not urgent needs. A new second-level school required for a major developing area would attract a band 1 rating.

I am satisfied that the prioritisation criteria are clear and unambiguous and that they bring an openness and transparency to the School Building and Modernisation Programme.

My Department also publishes the prioritisation criteria attaching to its devolved capital schemes — again to ensure openness and transparency and that funding is targeted at schools most in need.

Special Educational Needs.

483. **Deputy Richard Bruton** asked the Minister for Education and Science if he intends to

curtail in anyway the appointment of special needs assistants during 2009; if decisions to withdraw SNA's can be appealed to his Department and to the special needs council; and if he will make a statement on the matter. [45986/08]

Minister for Education and Science (Deputy Batt O'Keeffe): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs. The NCSE operate within my Department's criteria in allocating such support.

The NCSE will undertake to review a decision taken by a SENO on foot of a request from a school or parents/guardians, when accompanied by relevant additional information, which may not have been to hand at the time of the decision. The NCSE has outlined this process in its Circular 01/05.

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.

Schools Building Projects.

484. **Deputy Brian Hayes** asked the Minister for Education and Science the reason the building programme at a school (details supplied) in County Wexford has never commenced, even though the school has been approved and had a design team in place since July 2007; if there are plans to commence this building programme; and if he will make a statement on the matter. [45987/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The Board of Management is the client for the project to which the Deputy refers. An issue has arisen in relation to the appointment of certain Design Team members by the Board. This issue must be resolved by it before the project can be considered for further progress.

485. **Deputy Olwyn Enright** asked the Minister for Education and Science the position regarding the provision of a new school building in respect of a school (details supplied) in County Offaly; and if he will make a statement on the matter. [45995/08]

Minister for Education and Science (Deputy Batt O'Keeffe): Officials from my Department are currently reviewing the Stage 2A submission, i.e. Developed Sketch Scheme. On completion of this review my officials will be in further contact with the school authorities.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered on an on-going basis in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

486. **Deputy Olwyn Enright** asked the Minister for Education and Science the position regarding a school (details supplied) in County Offaly; if the school is ready to progress to the next stage; and if he will make a statement on the matter. [45996/08]

Minister for Education and Science (Deputy Batt O'Keeffe): Schedules of accommodation have been accepted by County Offaly VEC for the proposed building project at the school to which the Deputy refers.

[Deputy Batt O’Keeffe.]

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered on an on-going basis in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Schools Refurbishment.

487. **Deputy Enda Kenny** asked the Minister for Education and Science if his attention has been drawn to the facilities that exist at a second level school (details supplied) in County Mayo; if he has received a report from consulting engineers regarding the health and safety issues relating to the situation; if he has read the detail of what is required as a matter of urgency; if, in view of the health and safety implications and access that students have at the moment to potentially dangerous chemicals, he will arrange to have immediate assistance provided; and if he will make a statement on the matter. [46021/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy submitted an application to my Department for funding under the Summer Works Scheme 2008. Neither the report referred to by the Deputy nor the issue to which it refers formed part of that application. My Department will contact the school concerned regarding the matter.

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.

Departmental Statistics.

488. **Deputy Ruairí Quinn** asked the Minister for Education and Science further to Parliamentary Question No. 573 of 25 November 2008, when he expects the completion of the aggregate list of national schools owned by his Department; and if he will make a statement on the matter. [46022/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am advised that officials in the planning and building unit are in the process of finalising the composition of the list of schools referred to by the Deputy and I understand that the list will be forwarded in the coming days.

School Transport.

489. **Deputy Chris Andrews** asked the Minister for Education and Science when and the reason the school transport scheme was introduced originally; the amount it cost the Exchequer

in 2005, 2006 and 2007; his views, in view of the fact that car usage has increased since the introduction of the scheme, on whether the scheme should be reviewed; and if he will make a statement on the matter. [46046/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The school transport scheme was established in the late 1960s. From the outset, the purpose of the scheme was to ensure access to primary and post-primary education for children who, because of where they live, might have difficulty in attending school regularly. The scheme, which is operated by Bus Éireann on my Department's behalf, currently facilitates the transportation of over 135,000 children, including children with special needs, to primary and post-primary schools each day. The school transport system is a very significant operation involving about 42 million journeys of over 82 million kilometres on 6,000 routes every school year.

Expenditure on school transport in 2005, 2006 and 2007 was €122.157 million, €159.684 million and €172.106 million respectively.

While car usage has increased significantly since the introduction of the school transport scheme, the scheme aims to provide comfortable and safe transport for children travelling to and from school. Measures to ensure the highest standards in this regard include:

- In recent years the phasing out of the 3 for 2 seating arrangement on both primary and post-primary services, providing all children with an adult seat each.
- The addition of a considerable number of vehicles to address capacity shortfalls arising from the decision to provide each child with an individual seat and the equipping of all dedicated school buses.
- Inspection by Bus Éireann using an independent agency to satisfy itself that all buses entering the School Transport Scheme have seat belts fitted to an appropriate standard, agreed with the Department of Transport.

In addition, Bus Éireann has put in place a random vehicle inspection process conducted by a leading independent external expert in this field.

I am pleased to inform the Deputy that proposals for the progressing of the review of the scheme, including catchment boundaries which is included in the Programme for Government are well advanced.

Departmental Funding.

490. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to the fact that funding available to a school (details supplied) in Dublin 12 is not sufficient to allow for the employment of a caretaker; and if he will make additional funding available. [46049/08]

491. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to the fact that due to funding constraints a school (denials supplied) in Dublin 12 has only a part-time secretary; and if he will make additional funding available. [46050/08]

Minister for Education and Science (Deputy Batt O'Keeffe): I propose to take Questions Nos. 490 and 491 together.

In general the arrangements for supporting secretarial and caretaking services in schools mirror those for providing support funding to the schools concerned. Primary and secondary

[Deputy Batt O’Keeffe.]

schools are funded through capitation grants and likewise secretarial and caretaking services are funded by grants that are related to the number of pupils in the school. The Ancillary Services grant scheme provides funding for primary schools towards the cost of secretarial and caretaking services. The scheme is flexible by nature, giving Boards of Management discretion as to the manner in which secretarial and caretaking services are provided.

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 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.

Taken together, the budget increases mean that primary schools eligible for the full ancillary services grant will get €355 per pupil — or almost €25 extra — in this school year to cover their day to day running costs. In 2009, a school of similar size to the school in question (just over 120 pupils) will receive an ancillary services grant of almost €19,000. In addition such a school will receive at least €24,000 in respect of capitation payments. This excludes the salary of teachers and Special Needs Assistants which are paid by my Department.

I clearly will want to improve funding as soon as circumstances permit and 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.

School Staffing.

492. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to the implications of the loss of substitution cover for a school (details supplied) in Dublin 12 which due to the small size of the school and classrooms will mean that resource teachers from learning support would have to be pulled to cover classes with negative repercussions for children with special needs; and if he will reverse the decision to withdraw substitute cover. [46051/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Substitution cover will continue to be provided for all other categories of absences currently available such as certified sick leave and maternity leave.

In primary schools there will be substitute cover for teachers on uncertified sick leave other than on the first day of absence. In a school where more than one teacher is absent on the first day of uncertified sick leave, substitute cover will be provided for the second and subsequent teachers that are absent. In schools with two teachers or less cover will be provided where any classroom teacher is absent.

In the period until the end of the school year, there will be a full review of the substitution and supervision scheme and related matters in conjunction with the school management bodies and teacher unions with a view to making up the additional expenditure and thereby ensuring that the budgetary parameters are met.

Schools Building Projects.

493. **Deputy Thomas P. Broughan** asked the Minister for Education and Science the schools in north Dublin which received funding for capital works since 1 September 2004; the facilities that were provided with this funding; and if he will make a statement on the matter. [46057/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I have arranged for the information sought by the Deputy to be assembled and forwarded to him as soon as possible.

Regulatory Impact Analyses.

494. **Deputy Leo Varadkar** asked the Minister for Education and Science the occasions on which he did not carry out any form of regulatory impact analysis on statutory instruments, Bills and EU directives for 2008 since June 2008; the reason in each case for that decision; and if he will make a statement on the matter. [46066/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Since June 2008 there have been 7 statutory instruments promulgated which relate to the education sector.

Four of these are orders of Government; two relate to the delegation of certain Ministerial functions to Ministers of State at my Department, whilst two others were made under the provisions of the Public Service Management Act 1997 to appoint the Special Advisers in accordance with the legislation. None of these are matters which would come within the parameters of Regulatory Impact Analysis (RIA).

One further order was made by the Minister for Education & Science with the consent of the Minister for Justice, Equality & Law Reform and following a motion of each House of the Oireachtas. This order related to an exemption to the Employment Equality Act 1998 to ensure the provision of a specific number of teacher training positions for the Church of Ireland College of Education. This is an existing legislative measure which falls to be renewed periodically and does not lend itself to RIA.

Of the remaining two orders, both were to give effect to the work of external bodies. One was to afford recognition to the Charter of Galway-Mayo Institute of Technology and the other related to regulations governing elections to the Teaching Council — RIA was not considered appropriate in either case.

Details of the 7 orders are as follows:

- Education and Science (Delegation of Ministerial Functions) Order 2008 (S.I. 193/2008);
- Employment Equality Act 1998 (Section 12) (Church of Ireland College of Education) Order 2008 (S.I. 251/2008);
- Qualifications (Education and Training) Act 1999 (Section 31(5)) (Recognition of the Charter of Galway-Mayo Institute of Technology) Order 2008 (S.I. 262/2008);
- Education and Science (Delegation of Ministerial Functions) (No.2) Order 2008 (S.I. 285/2008);
- Teaching Council (Election of Members) Regulations 2008 (S.I. 386/2008) Appointment of Special Adviser (Minister for Education and Science) Order 2008 (S.I. 402/2008);
- Appointment of Special Adviser (Minister for Education and Science) (No.2) Order 2008 (S.I. 410/2008).

495. **Deputy Leo Varadkar** asked the Minister for Education and Science the occasions on which his Department carried out a screening regulatory impact analysis on statutory instruments, Bills and EU directives since June 2008; if, in each instance, the decision was taken to carry out a full regulatory impact analysis subsequent to the screening regulatory impact analysis; if no such decision was taken, the reason in each case that no full regulatory impact analysis was carried out; and if he will make a statement on the matter. [46081/08]

Minister for Education and Science (Deputy Batt O’Keeffe): There have been no occasions since June 2008 on which it has been necessary for my Department to conduct a screening RIA on a statutory instrument or Bill. Consequently the matter of a full regulatory impact analysis does not arise.

Schools Building Projects.

496. **Deputy Michael D’Arcy** asked the Minister for Education and Science if there are plans for extensions to schools (details supplied) in County Wexford; and if he will make a statement on the matter. [46092/08]

Minister for Education and Science (Deputy Batt O’Keeffe): It is my intention to make an announcement in the first quarter of 2009 on major primary and post-primary school projects to proceed to construction. The progression of further projects at the schools referred to by the Deputy will be considered at that time.

497. **Deputy Michael D’Arcy** asked the Minister for Education and Science the position regarding the provision of a second secondary school for Gorey, County Wexford; and if he will make a statement on the matter. [46093/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to inform the Deputy that the secondary school in Gorey is one of seven schools which I have approved for inclusion in the 3rd Bundle of schools to be procured via Public Private Partnership.

The 3rd Bundle will immediately enter pre procurement which will entail my Department commencing a round of stakeholders meetings, preparation of a detailed output specification and securing outline planning permission for each of the sites.

On successful completion of this process the Bundle will then be handed over to the National Development Finance Agency for procurement.

Road Network.

498. **Deputy Michael D’Arcy** asked the Minister for Education and Science the situation regarding the provision of the road at the new schools at Killahue, Gorey, County Wexford which was a condition of planning permission that it be constructed to link up the new Gorey inner relief road; and if he will make a statement on the matter. [46094/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The construction of the proposed link road was not a condition of Planning. Rather the Planning Permission required that my Department provide plans to show the future link to the lands to the rear of the proposed inner-relief road. These links shall be provided when/if future development is permitted on the lands to the north-east of the site which are in the ownership of the Minister for Education and Science.

As part of the Department’s planning compliance, it was asked to provide two number wayleaves measuring 10m each to the south eastern and north western boundaries for future roadways. It is a matter for Wexford County Council to determine which road, if any, will be constructed as part of any future development on the lands to the north-east of the site in question.

Special Educational Needs.

499. **Deputy Emmet Stagg** asked the Minister for Education and Science the reason his Department has decided to cease the practice of allowing parents with autistic children from

availing of the services of one of the five Joinx pre-schools which were funded through the home tuition grants scheme; if his attention has been drawn to the improvements associated with the children's time in Jonix; if he will reverse the decision forthwith. [46110/08]

Minister for Education and Science (Deputy Batt O'Keeffe): My Department has not taken the decision suggested by the Deputy in respect of the home tuition scheme.

I wish to advise the Deputy that my Department is continuing to work with the service provider in question in the context of a proposal which they submitted in relation to home tuition payment arrangements.

Schools Building Projects.

500. **Deputy Liz McManus** asked the Minister for Education and Science his views on the situation facing pupils and staff of a school (details supplied) in County Wicklow due to ongoing structural problems; the status of the school in relation to the school building programme; his further views on whether this school is in urgent need of repair; and if he will make a statement on the matter. [46114/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The proposed building project for the school to which the Deputy refers is at an advanced stage of architectural planning.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

501. **Deputy Charlie O'Connor** asked the Minister for Education and Science if he will investigate the circumstances under which works at a school (details supplied) in Dublin 24 have not been completed in accordance with the agreed formula worked out between the school management and design team on 5 November 2008 and given approval by his Department; and if he will make a statement on the matter. [46120/08]

Minister for Education and Science (Deputy Batt O'Keeffe): An extensive project for the school referred to by the Deputy is nearing completion. As is normal, the school's consultant architect provided certification relating to satisfactory progress at various stages of the works. My Department funded the school, who were the party to the contract, on receipt of the certification to enable payments to be made to the contractor as required under the terms of the contract between the school and the contractor.

Officials from my Department met with the school management to discuss the situation which arose and urged the school to comply with the terms of the contract regarding payment due to the contractor. I understand that the school subsequently met with the consultant architect and exchanged correspondence with the contractor regarding the release of money and the completion of works on the project. It is anticipated that the works will be completed shortly.

Departmental Funding.

502. **Deputy Jack Wall** asked the Minister for Education and Science his views on the way the contents of correspondence (details supplied) can be addressed to the satisfaction of those who supplied the submission in relation to class sizes, transition year, leaving certificate applied, book schemes and educational travel and so on; and if he will make a statement on the matter. [46125/08]

507. **Deputy Ulick Burke** asked the Minister for Education and Science if he can justify a cut of €1.05 million to a college (details supplied) in County Galway and expect the delivery of education services at the same high standard developed there over the years. [46164/08]

524. **Deputy Willie Penrose** asked the Minister for Education and Science if his attention has been drawn to the impact the cutbacks in education spending will have on a school (details supplied) in County Westmeath, and in particular the impact of the loss of teachers in the school due to the increase in pupil-teacher ratio of 2.6 teachers equivalents the loss of disadvantaged allocation one teacher equivalent, the loss of leaving certificate applied and transition year grants, and the loss of the grants for travelling children, together with the loss of the book grant and adverse impacts for the school concerned; and if he will make a statement on the matter. [46338/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 502, 507 and 524 together.

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 and Vocational Education Committees 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 compile either historic information or to create staffing or funding profiles for individual schools or VECs, information which at this time could only be speculative, could not be justified and would in fact impede the process.

Physical Education Facilities.

503. **Deputy Tom Hayes** asked the Minister for Education and Science the position regarding an application by a school (details supplied) in County Tipperary for the provision of a sports hall at the school. [46152/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied to my Department for capital funding for a General Purposes Room. Projects

of this nature attract a Band 3 rating under the published prioritisation criteria for large scale building projects.

Because of the substantial number of higher priority projects that must be funded from the capital budget of the Department, it is not possible to give a timeframe for the progression of this project at this time.

School Staffing.

504. **Deputy John Perry** asked the Minister for Education and Science the school year which will be used in determining teacher numbers in a school (details supplied) in County Sligo from September 2009; if the decision will be based on September 2007 enrolment figures or September 2008 enrolment figures; and if he will make a statement on the matter. [46160/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The staffing allocation for the academic year 2009/10 will therefore be based on the enrolment figures as of 30 September 2008.

The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year. This process, which includes notification to all primary 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. At primary level 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.

An important consideration in relation to the staffing allocations for schools is that schools should be treated in an equitable manner. The staffing schedule operates 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.

School Staffing.

505. **Deputy Michael Ring** asked the Minister for Education and Science if the examination of alternative arrangements for a service (details supplied) in County Mayo has been completed; when the service will be restored in full; and if he will make a statement on the matter. [46162/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has advertised a full-time Visiting Teacher post to be based in County Mayo. It is hoped to fill the post as early as possible in 2009.

Departmental Funding.

506. **Deputy Ulick Burke** asked the Minister for Education and Science if he is satisfied with the consequences of the education cuts to a college (details supplied) in County Galway resulting in a loss of €27,500 to their delivery of adult education in the country; and if he will make a statement on the matter. [46163/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The allocation of funding for 2009 for adult education has not yet been finalised by my Department.

[Deputy Seán Haughey.]

No decisions have been made in relation to funding for any Vocational Education Committee, including County Galway.

Question No. 507 answered with Question No. 502.

508. **Deputy Ulick Burke** asked the Minister for Education and Science if he will re-examine the situation at a college (details supplied) in County Galway following the cutbacks announced in budget 2009 as 16.68 teachers will be lost to the scheme which will have serious consequences resulting in the loss of 550 classes per week or 18,370 per year; and if he will make a statement on the matter. [46165/08]

Minister for Education and Science (Deputy Batt O’Keeffe): 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.

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. The increase in my Department’s budget for 2009 of over €300 million — bringing the total to over €9.6 billion — is a real achievement in the current climate and the challenge will be to ensure that this investment is used to maximum effect.

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 post-primary teachers in schools in September 2009 is projected to be about 200 fewer compared to September, 2008.

The allocation processes include appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. This is particularly relevant at post-primary level where the appellate process considers in particular any specific curricular needs of the school concerned. In addition discrete allocations are made to post-primary schools for example to cater for pupils with Special Educational Needs and those with Language difficulties.

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.

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.

509. **Deputy Ulick Burke** asked the Minister for Education and Science if he will re-examine the effects of the education cuts in budget 2009 on a college (details supplied) in County Galway which will result in a loss of €55,000 in book grants to the scheme which will demolish the scheme and cause great hardship to parents and deprive many students of available text books; and if he will make a statement on the matter. [46166/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Notwithstanding the increase of €302 million in the Education budget for 2009, which is a real achievement in the current

economic climate, a number of tough and difficult decisions had to be taken. These decisions included reductions on the aid for school books scheme. From 2009 this grant will be available only to schools within the DEIS scheme. Three schools under the management of County Galway VEC are designated included in the DEIS scheme and will continue to receive funding for school books.

DEIS (Delivering Equality of Opportunity in Schools), is the action plan for educational inclusion and focuses on addressing the educational needs of children and young people from disadvantaged communities. Approximately €7 million was made available in 2008 to DEIS schools for the school book grant scheme and this fund of €7 million will be made available for distribution to schools in the DEIS programme in 2009. The continuation of the school book grant to these schools is testament to the Government's determination to prioritise social inclusion and protect the most vulnerable in our society.

The Department continues to urge schools to implement book rental schemes as a measure to minimise the cost of school books to all parents. This was the recommendation of a consultancy report, submitted to my department in 1993, which dealt with the factors which contribute to the cost of school text books. The report, copies of which were sent to all schools, contains a number of useful suggestions, including a Code of Good Practice for successful operation of book rental schemes. My Department fully endorses the report's recommendations.

Higher Education Grants.

510. **Deputy Arthur Morgan** asked the Minister for Education and Science if he will reconsider the decision to refuse the higher education grant to a person (details supplied) in County Louth for the academic year 2008-09; and if he will make a statement on the matter. [46168/08]

Minister for Education and Science (Deputy Batt O'Keefe): The condition in the 2008 maintenance grant schemes relating to residency requires, in the case of an 'Independent Mature Candidate' the candidate himself/herself shall have been ordinarily resident in the administrative area of the Local Authority from 1st October 2007.

The candidate, referred to by the Deputy appealed Louth County Council's decision not to award a Higher Education Grant to my Department. The decision of the assessing authority in this case was upheld on appeal.

It is not open to me, or to my Department, to depart from the terms of the maintenance grant schemes in individual cases.

Whole School Evaluations.

511. **Deputy Enda Kenny** asked the Minister for Education and Science the number of whole school evaluations carried out in each of the past five years in secondary schools; the name of each school where such whole school evaluation has been carried out; the cost in each year of carrying out whole school evaluations; if he will provide a copy of the assessment and value of the whole school evaluations and the consequential recommendations and improvements actually carried out as a result of the evaluations in question; and if he will make a statement on the matter. [46171/08]

Minister for Education and Science (Deputy Batt O'Keefe): Whole-school evaluation (WSE) is a model of external evaluation for primary and post-primary schools that was formally introduced during the school year 2003/2004. WSE provides an external view to a school on the quality of its work and advice on how that work could be strengthened and improved.

[Deputy Batt O’Keeffe.]

In the 2004-2008 period, whole-school evaluations were conducted in 241 post-primary schools as follows:

- 2004 — 12 WS;
- 2005 — 53 WS;
- 2006 — 57 WSE;
- 2007 — 59 WSE;
- 2008 — 60 WSE.

Details of the schools in which a WSE was conducted during the 2004-2008 period are in the following table.

As the Inspectorate is part of the Department of Education and Science, all costs associated with its work are paid from the administrative budget of the Department. Whole school evaluations form just part of the Inspectorate’s business plan in any given year. In addition, inspectors are also involved in a wide range of other work such as subject inspections, programme evaluations, the preparation of composite and thematic evaluation reports on aspects of educational provision in schools, participation in appeal boards established under Section 29 of the Education Act, and in contributing to policy formulation and development in areas such as teacher education, special education, and curriculum and assessment policy. It is not possible at present to separate out the costs specifically associated with whole school evaluations from other evaluations and from other costs incurred in carrying out the wider range of duties undertaken by inspectors. In 2007, there were 159 primary and post-primary inspectors at various grades and the total gross salary cost for 2007 was €13,450,363. The total travel and subsistence expenses paid, in accordance with Civil Service rates, in 2007 was €1,688,886.

Whole-school evaluation is designed to encourage a culture of improvement and an emphasis of the quality of provision in schools. It does so by providing an external perspective on the quality of the key aspects of the school’s work including its management, leadership, teaching and learning. It seeks to affirm good practice and constructively identify areas for improvement. In doing so, whole-school evaluation complements the self-evaluation and school development planning carried out by the school (and in post-primary schools, on the development and self-review carried out by individual subject departments). It also provides a rigorous evaluation of the work of the school.

Since Feb 2006, all reports arising from WSE (as well as subject and programme inspections and evaluations of centres for education) are published on the Department’s website. A total of 129 WSE reports on post-primary schools have been published since June 2006. The publication of inspection reports in this way ensures that the school community including parents, as well as other schools and the general public, have access to meaningful information on quality and standards in the education system. It also enables the school community to contribute to implementing the recommendations made by the inspection team. As part of the publication process, the school’s board of management is also offered the opportunity to respond to the inspection report and set out how it intends to use the report to improve provision in the school.

An evaluation of the impact of WSE in each of the individual schools listed in the table has not been carried out. However, the Inspectorate has commissioned an independent review of the effectiveness of its work in schools. This customer survey, conducted by MORI in 2005, found that of teachers who had had recent experience of inspection, over 89% agreed or

strongly agreed with the statement that “strengths as well as opportunities and recommendations were identified” during the inspection; over 86% agreed or strongly agreed with the statement that “feedback and advice were given in a supportive and constructive manner”; 80% agreed or strongly agreed with the statement that “inspectors provided constructive advice about ways of improving educational provision for pupils;” and over 80% agreed or strongly agreed with the statement that “written reports were clear and provided me with valid and constructive recommendations for development.” The same survey conducted among principals whose schools had recently experienced inspection found that over 87% of principals agreed or strongly agreed with the statement that “inspectors provided constructive advice to the school about ways of improving educational provision for pupils;” and 91% of principals agreed or strongly agreed with the statement that “written reports were clear and provided the school with valid and constructive recommendations for development.” Evidence from the school responses submitted by school management in response to the individual inspection reports listed for the deputy shows that in many cases, schools had either planned to implement recommendations or had already commenced doing so.

Responsibility for the implementation of improvements suggested by the inspection lies primarily with the board of management, principal and staff of each school. In some cases, schools may seek the assistance of school support services to assist them in implementing some changes. My Department deals, through its Schools Division, with the very small number of cases where very serious weaknesses are pointed out by the inspection. In such cases, it is sometimes necessary for my Department to engage with the patron, trustees or management of the school to ensure that the need for improvement and change is fully appreciated by the school and those responsible for its management.

Roll No.	School	Address	Year of WSE
63840C	St. Joseph's C.B.S.	Newfoundwell Rd, Drogheda, Co Louth	2004
71960I	Community College Dunshaughlin	Dunshaughlin, Co Meath	2004
60140F	Mount Anville Secondary School	Mount Anville Rd, Dublin 14	2004
70610W	City Vocational School	New Street, Kilkenny	2004
91301D	Holy Family Community School	Kilteel Road, Rathcoole, Co Dublin	2004
63150A	St. Jarlath's College	Tuam, Co. Galway	2004
64300V	Scoil Carmel	O'Connell Avenue, Limerick	2004
61370E	St. Michael's College	Listowel, Co. Kerry	2004
62140P	St Aloysius College	Carrigtwohill, Co Cork	2004
70041J	Collinstown Park Community College	Neilstown Rd., Rowlagh, Clondalkin, Dublin 22	2004
76062B	Castleknock Community College	Carpenterstown Road, Castleknock, Dublin 15	2004
91335U	Tallaght Community School	Balrothery, Tallaght, Dublin 24	2004
60300B	Manor House School	Watermill Road, Raheny, Dublin 5	2005
60370W	St. Fintan's High School	Dublin Road, Sutton, Dublin 13	2005
61051L	St Clare's College	Ballyjamesduff, Co. Cavan	2005
63520H	Ballinamore Post Primary Schools	Ballinamore, Co Leitrim	2005
63920A	Dundalk Grammar School	Dundalk, Co Louth	2005
71970L	St. Fintinas Post Primary School	Longwood, Enfield, Co Meath	2005
72190N	Castleblayney College	Dublin Road, Castleblayney, Co Monaghan	2005
72330D	Grange Vocational School	Grange, Co Sligo	2005
76072E	Abbey Community College	Boyle, Co Roscommon	2005
76083J	Magh Ene College	Church Road, Bundoran, Co Donegal	2005
91512Q	St Attracta's Community School	Tubbercurry, Co. Sligo	2005
91517D	Athboy Community School	Athboy, Co. Meath	2005
60342R	Colaiste Eanna	Ballyroan, Dublin16	2005
60361V	St Raphaela's Secondary School	Upper Kilmacud Road, Stillorgan, Co Dublin	2005

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Roll No.	School	Address	Year of WSE
60530S	Gonzaga College	Sandford Road, Ranelagh, Dublin 6	2005
61130H	St Mary’s Knockbeg College	Knockbeg, Co. Carlow	2005
61520U	St. Brigid’s College	Callan, Co. Kilkenny	2005
61830M	St David’s Holy Faith Secondary	Co-Educational School, Greystones, Co Wicklow	2005
63640R	Christian Brothers Secondary School	Thomas St, Wexford	2005
70410O	Coláiste Eoin	Hacketstown, Co Carlow	2005
70820K	Abbey Community College	Wicklow, Co. Wicklow	2005
71680C	Wexford Vocational College	Westgate, Wexford, Co Wexford	2005
91310E	Cabinteely Community School	Cabinteely, Dublin 18	2005
91343T	St. Tiernan’s Community School	Parkvale, Balally, Dublin 16	2005
61930Q	Coláiste Mhuire	Harmony Row, Ennis, Co Clare	2005
62980N	St. Mary’s College	St. Mary’s Road, Galway	2005
63090I	Holy Rosary College	Mountbellew, Co Galway	2005
70901K	St Anne’s Community College	Killaloe, Co Clare	2005
71840V	Colaiste Chiarain	Croom, Co. Limerick	2005
72370P	Borrisokane Community College	Borrisokane, Co Tipperary	2005
91414Q	Dunmore Community School	Dunmore, Co Galway	2005
91461C	Ballyhaunis Community School	Knock Road, Ballyhaunis, Co. Mayo	2005
62080A	Árdscoil Phobal Bheanntair	Bantry, Co Cork	2005
62200H	Colaiste Muire	Crosshaven, Co. Cork	2005
62420V	Christian Brothers Secondary School	Mitchelstown, Co Cork	2005
62470N	Mount St Michael	Rosscarbery, Co Cork	2005
62691G	Regina Mundi College	Douglas Road, Cork	2005
64922J	Stella Maris	Pond Rd, Tramore, Co Waterford	2005
64930I	C.B.S. Mount Sion, Waterford	Barrack Street, Waterford	2005
65010R	Newtown School	Waterford, Co. Waterford	2005
65270U	C.B.S.	Carrick-On-Suir, Co Tipperary	2005
70520V	Castleisland Community College	Tonbwee, Castleisland, Co. Kerry	2005
70970G	Cobh Community College	Carrignafof, Cobh, Co. Cork	2005
71110H	Nagle Community College	Mahon, Blackrock, Cork	2005
60741I	St Michaels Secondary School	Wellmount Road, Finglas, Dublin 11	2005
60851P	Assumption Secondary School	Walkinstown, Dublin 12	2005
61702D	St Pauls Secondary School	Monasterevin, Co Kildare	2005
63750B	St. Mel’s College	Longford, Co. Longford	2005
71430C	Columba College	Killucan, Co Westmeath	2005
72520I	Coláiste Naomh Cormac	Kilcormac, Co Offaly	2005
76077O	Larkin Community College	Champions Avenue, Dublin 1	2005
91302F	Phobailscoil Iosolde	Palmerstown, Dublin 20	2005
91427C	Heywood Community School	Ballinakill, Portlaoise, Co. Laois	2005
60750J	Holy Faith Secondary School	1 Belgrove Road, Clontarf, Dublin 3	2006
63841V	St Mary’s Diocesan School	Beamore Road, Drogheda, Co. Louth	2006
64450R	Scoil Mhuire	Convent Of Mercy, Trim, Co Meath	2006
64750G	Patrician High School	Carrickmacross, Co. Monaghan	2006
65150K	Jesus & Mary Secondary School	Enniscrone, Co Sligo	2006
70010V	Balbriggan Community College	Pine Ridge, Chapel St., Balbriggan, Co Dublin	2006
71150T	Carrick Vocational School	Carrick, Co. Donegal	2006
71241W	St. Catherine’s Vocational School	Donegal Road, Killybegs, Co. Donegal	2006
71750U	Bush Post Primary School	Riverstown, Dundalk, Co Louth	2006
91342R	Pobalscoil Neasáin	Baldoye, Dublin 13	2006
91506V	Coláiste Cholmcille	College St, Ballyshannon, Co Donegal	2006
60050E	Oatlands College	Mount Merrion, Co Dublin	2006

Roll No.	School	Address	Year of WSE
60490J	C.B.S. Westland Row	Westland Row, Dublin 2	2006
60820E	Loreto College	53 St Stephens Green, Dublin 2	2006
61150N	Presentation / De La Salle College	Royal Oak Road, Muine Bheag, Co. Carlow	2006
61590S	Presentation Secondary School	Loughboy, Kilkenny	2006
63610I	Good Counsel College	New Ross, Co Wexford	2006
70710D	St Patrick's Community College	Limerick Road, Naas, Co. Kildare	2006
70740M	Arklow Community College	Coolgreaney Rd., Arklow, Co Wicklow	2006
76092K	Presentation College	Terenure, Dublin 6W	2006
91305L	Ballinteer Community School	Ballinteer, Dublin 16	2006
91360T	Community School	Castlecomer, Co Kilkenny	2006
91431Q	Ramsgrange Community School	Ramsgrange, New Ross, Co Wexford	2006
61940T	Meánscoil Na mBráithre	Ennistymon, Co. Clare	2006
62880J	Colaiste Sheosaimh	Gearrbhaile, Beál Áth na Slua, Co na Gaillimhe	2006
64280S	Salesian Secondary School	Fernbank, North Circular Road, Limerick	2006
64610N	Coláiste Cholmáin	Claremorris, Co Mayo	2006
71250A	Colaiste Cholmcille	Indreabhán, Co na Gaillimhe	2006
71850B	Hazelwood College	Dromcollogher, Co. Limerick	2006
71920T	St Nessian's Community College	Moylish Park, Moylish, Limerick	2006
72050U	St. Brendan's College	Belmullet, Co. Mayo	2006
72280O	Elphin Community College	Elphin, Castlereagh, Co Roscommon	2006
91412M	Scoil Phobail	Clifden, Co Galway	2006
61360B	The Intermediate School	Iveragh Road, Killorglin, Co. Kerry	2006
61450C	Presentation Secondary School	Tralee, Co Kerry	2006
62330U	Patrician Academy	Mallow, Co Cork	2006
62460K	St Francis Capuchin College	Rochestown, Co Cork	2006
62630J	St Aloysius School	St Maries Of The Isle, Sharman Crawford Street, Cork	2006
65300D	Rockwell College	Cashel, Co Tipperary	2006
65490L	The Abbey School	Station Road, Co. Tipperary	2006
70990M	Coláiste an Chraoibhin	Duntaheen Road, Fermoy, Co Cork	2006
72420E	Central Technical Institute	Clonmel, Co Tipperary	2006
76066J	Meánscoil San Nioclás	Rinn O gCuanach, Co. Phort Láirge	2006
91386O	Ballincollig Community School	Innishmore, Ballincollig, Co Cork	2006
91390F	Millstreet Community School	Millstreet Town, Co Cork	2006
60100Q	Castleknock College	Castleknock, Dublin 15	2006
60481I	St. Aidan's C.B.S.	Collins Avenue Ext, Whitehall, Dublin 9	2006
60843Q	St Josephs Secondary School	Stanhope St, Dublin 7	2006
60870T	Our Lady Of Mercy College	Beaumont, Dublin 9	2006
63211R	St Joseph's College	Summerhill, Athlone, Co Westmeath	2006
63221U	Meán Scoil an Chlochair	Kilbeggan, Mullingar, Co Westmeath	2006
63290Q	Loreto College	Mullingar, Co Westmeath	2006
70700A	Maynooth Post Primary School	Moyglare Rd, Maynooth, Co Kildare	2006
71520D	St Fergal's College	Rathdowney, Co Laois	2006
91338D	St Aidan's Community School	Brookfield, Tallaght, Dublin 24	2006
91505T	St Wolstan's Community School	Ballymakeely, Clane Rd, Celbridge, Co Kildare	2006
91515W	Gallen Community School	Ferbane, Co. Offaly	2006
60390F	St Josephs C.B.S.	Merville Ave, Fairview, Dublin 3	2007
62770C	Scoil Mhuire Secondary School	St. Oran's Road, Bunclara, Co. Donegal	2007
63880O	Colaiste Rís	Sraid an tSéipéil, Dún Dealgan, Co Lú	2007
64350N	St Patrick's Classical School	Moatlands, Navan, Co Meath	2007
64820B	St. Louis Secondary School	Monaghan, Co. Monaghan	2007
65180T	Ursuline College	Finisklin, Sligo	2007

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Roll No.	School	Address	Year of WSE
70390L	Virginia College	Virginia, Co Cavan	2007
71220O	Mulroy College	Milford, Letterkenny, Co Donegal	2007
71570S	Vocational School	Drumshanbo, Co Leitrim	2007
72210Q	Beech Hill College	Monaghan, Co. Monaghan	2007
76078Q	Skerries Community College	Skerries, Co. Dublin	2007
81005Q	St Aidans Comprehensive School	Cootehill, Co Cavan	2007
91318U	The Donahies Community School	Streamville Road, Dublin 13	2007
60261R	St Benildus College	Upper Kilmacud Rd., Stillorgan, Blackrock, Co Dublin	2007
60341P	Sancta Maria College	Ballyroan, Rathfarnham, Dublin 16	2007
60500J	Marian College	Ballsbridge, Dublin 4	2007
60540V	Catholic University School	89 Lower Leeson Street, Dublin 2	2007
61730I	Coláiste Naomh Mhuire	Convent Of Mercy, Sallins Rd., Naas, Co Kildare	2007
61790D	St Brendan’s College	Woodbrook, Bray, Co Wicklow	2007
61860V	Dominican College	Wicklow, Co. Wicklow	2007
63630O	Our Lady of Lourdes Secondary School	Rosbercon, New Ross, Co Wexford	2007
70400L	Borris Vocational School	Borris, Co Carlow	2007
70620C	Coláiste Cois Siúire	Mooncoin, Co Kilkenny	2007
70790E	Coláiste Bhríde Carnew	Carnew, Co. Wicklow	2007
91492N	Gorey Community School	Esmonde Street, Gorey, Co. Wexford	2007
62020F	St. Joseph’s Secondary School	Tulla, Co. Clare	2007
62900M	Coláiste Mhuire	Ballygar, Co. Galway	2007
63001G	Jesus & Mary Secondary School	Salerno Secondary School, Threadneedle Rd., Salthill, Galway	2007
64130W	Scoil Pól	Kilfinane, Co. Limerick	2007
64200R	Colaiste Mhichil	Sexton Street, Limerick	2007
64270P	Laurel Hill Coláiste FCJ	Cnoc Na Labhras, Luimneach	2007
64630T	Jesus & Mary Secondary School	Gortnor Abbey, Crossmolina, Co Mayo	2007
65241N	St Josephs College	Borrisoleigh, Thurles, Co Tipperary	2007
71270G	Gairmscoil Mhuire	Athenry, Co Galway	2007
81007U	Shannon Comprehensive School	Shannon, Co Clare	2007
91462E	Ballinrobe Community School	Convent Road, Ballinrobe, Co Mayo	2007
91498C	Gort Community School	Gort, Co. Galway	2007
62130M	Coláiste An Chroí Naofa	Carraig na bhFear, Co Chorcaí	2007
62310P	De La Salle College	Macroom, Co Cork	2007
62440E	Scoil na mBráithre Chríostaí	Bakers Road, Charleville, Co Cork	2007
62590A	St Vincent’s Secondary School	St Mary’s Road, Cork	2007
70450D	Killarney Community College	New Road, Killarney, Co Kerry	2007
70920O	Colaiste Ghobnatan	Baile Mhic Ire, Co Chorcaí	2007
71050P	St Colman’s Community College	Youghal Road, Middleton, Co Cork	2007
71102I	Schull Community College	Colla Road, Schull, Co Cork	2007
76063D	Colaiste Dun Iascaigh	Cashel Road, Cahir, Co Tipperary	2007
91400F	Mayfield Community School	Old Youghal Road, Mayfield, Cork	2007
91503P	Pobalscoil Inbhear Sceine	Kenmare, Co. Kerry	2007
91509E	Blackwater Community School	Ballyanchor Road, Lismore, Co Waterford	2007
60420L	Árdscoil Rís	Griffith Avenue, Dublin 9	2007
60430O	St Pauls C.B.S.	Christian Brothers, Nth Brunswick Street, Dublin 7	2007
60491L	St Declan’s College	Nephin Road, Cabra, Dublin 7	2007
60571J	Patrician College	Deanstown Ave, Finglas West, Dublin 11	2007
60720A	Saint Dominic’s Secondary School	Kylemore Road, Ballyfermot, Dublin 10	2007
61690W	Cross And Passion College	Kilcullen, Co Kildare	2007
63730S	Cnoc Mhuire	Granard, Longford	2007

Roll No.	School	Address	Year of WSE
72560U	Tullamore College	Riverside, Tullamore, Co. Offaly	2007
91426A	Community School	Mountmellick, Co Laois	2007
91491L	St.Brendan's Community School	Birr, Co Offaly	2007
60380C	St Dominic's High School	Santa Sabina, Greenfield Road, Sutton, Dublin 13	2008
60791A	St Marys Secondary School	St Brigids Road, Killester, Dublin 5	2008
61080S	Royal School Cavan	College Street, Cavan, Co. Cavan	2008
63850F	Our Ladys College	Greenhills, Drogheda, Co Louth	2008
64410F	Eureka Secondary School	Kells, Co. Meath	2008
70120F	St Finians Community College	Swords, Co Dublin	2008
70121H	Fingal Community College	Seatown Road, Swords, Co Dublin	2008
70380I	Breifne College	Cootehill Rd., Cavan, Co Cavan	2008
71140Q	Crana College	Crana Road, Buncrana, Co. Donegal	2008
72170H	Ballybay Community College	Ballybay, Co Monaghan	2008
91325R	Malahide Community School	Broomfield, Malahide, Co. Dublin	2008
91508C	Boyne Community School	Trim, Co. Meath	2008
60042F	Coláiste Íosagáin	Bóthar Stigh Lorgan, Baile an Bhóthair, Co Átha Cliath	2008
60090Q	Rathdown School	Glenageary, Co Dublin	2008
60340N	Loreto High School	Beaufort, Grange Rd., Rathfarnham, Dublin 14	2008
60410I	C.B.S. James Street	James's Street, Dublin 8	2008
60561G	St Michaels College	Ailesbury Road, Dublin 4	2008
60640C	Sandford Park School Ltd	Sandford Road, Ranelagh, Dublin 6	2008
63550Q	F.C.J. Secondary School	Bunclody, Enniscorthy, Co Wexford	2008
70200D	Technical Institute	Cambridge Road, Ringsend, Dublin 4	2008
70260V	St Mac Dara's Community College	Wellington Lane, Templeogue, Dublin 6W	2008
70600T	Coláiste Mhuire	Johnstown, Co Kilkenny	2008
71650Q	Kilmuckridge Vocational College	Kilmuckridge, Co. Wexford	2008
91356F	Tullow Community School	The Mullawn, Tullow, Co. Carlow	2008
91376L	St. Kilian's Community School	Ballywaltrim, Bray, Co. Wicklow	2008
62000W	Mary Immaculate Secondary School	Lisdoonvarna, Co Clare	2008
62870G	Presentation College	Athenry, Co Galway	2008
62981P	Coláiste Einde	Threadneedle Road, Galway	2008
63170G	Presentation College	Currylea, Tuam, Co Galway	2008
64510J	St Muredachs College	Sligo Road, Ballina, Co Mayo	2008
64590K	Naomh Iosaef	Clochiar na Trócaire, Caisleán An Bharraigh, Co. Mhaigh Eó	2008
64640W	St Joseph's Secondary School	Foxford, Co Mayo	2008
70900I	Scariff Community College	Scariff, Co Clare	2008
71870H	Vocational School	Abbeyfeale, Co. Limerick	2008
76061W	Colaiste na Trocaire (Mercy Community College)	Rathkeale, Co. Limerick	2008
76069P	Colaiste Phobáil Ros Cré	Corville Rd, Roscrea, Co Tipperary	2008
81014R	Crescent College Comprehensive	Dooradoyle Rd., Dooradoyle, Limerick	2008
61320M	Coláiste Bhréanainn	Cill Airne, Co Chiarraí	2008
62061T	Coláiste Na Toirbhirte	Árd Aoibhinn, Bandon, Co Cork	2008
62490T	Mercy Heights Secondary School	Skibbereen, Co Cork	2008
62531H	Gaelcholáiste Mhuire	An Mhainistir Thuaidh, Corcaigh	2008
62650P	Ursuline Secondary School	Blackrock, Cork	2008
64890W	St Augustines College	Abbeyside, Dungarvan, Co Waterford	2008
64940L	Waterpark College	Park Road, Waterford	2008
64971W	Our Lady of Mercy Secondary School	Ozanam St., Waterford	2008
65320J	Árdscoil na mBráithre	Clonmel, Co Tipperary	2008
70540E	Causeway Comprehensive School	Causeway, Co. Kerry	2008

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Roll No.	School	Address	Year of WSE
70960D	Coachford College	Coachford, Co Cork	2008
76086P	Maria Immaculata Community College	Dunmanway, Co Cork	2008
91497A	Cashel Community School	Dualla Road, Cashel, Co Tipperary	2008
91504R	Scoil Phobail Sliabh Luachra	Rathmore, Co. Kerry	2008
60264A	Coláiste Phádraig CBS	Roselawn, Lucan, Co Dublin	2008
60400F	St Vincents C.B.S. Glasnevin	Glasnevin, Dublin 11	2008
60510M	St Johns College De La Salle	Le Fanu Rd., Ballyfermot, Dublin 10	2008
61682A	Holy Family Secondary School	Newbridge, Co. Kildare	2008
65630B	Killina Presentation Secondary School	Rahan, Tullamore, Co Offaly	2008
70040H	Deansrath Community College	New Nangor Road, Clondalkin, Dublin 22	2008
71450I	Mullingar Community College	Millmount Road, Mullingar, Co. Westmeath	2008
81017A	Trinity Comprehensive School	Ballymun Road, Dublin 9	2008
91316Q	Blakestown Community School	Blanchardstown, Dublin 15	2008

Irish Language.

512. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the reason the demand for schooling through the medium of Irish is not one of the criteria listed to be taken account of by the forward planning section in its process of identifying areas in which additional schools are required; if this runs contrary to his policy; and if he will make a statement on the matter. [46185/08]

513. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if his attention has been drawn to the fact that the existing Gaelscoileanna servicing the demand for Irish-medium education in Dublin 12, including schools (details supplied) are full to capacity and have waiting lists, sometimes three times their capacity; the plans to cater for this demand; if consideration is being given to the proposal to open a new Gaelscoil in 2009; and if he will make a statement on the matter. [46186/08]

514. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science his views on whether his statement that new schools will not be established for reasons unrelated to demographic growth in areas in which there is already or in which increases can be catered for by extending existing school accommodation runs counter to the status of Irish as the national language. [46187/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 512 to 514, inclusive, together.

As the Deputy will be aware I have recently established a Technical Working Group under the Commission on School Accommodation to undertake a full review of the criteria and procedures for the recognition of new primary schools, including Gaelscoileanna. This working group will begin work shortly and it is expected that the review of procedures for recognising primary schools will be completed and revised arrangements in place within a two year time-frame. All the partners in education will be represented during this review process, including an Foras Pátrúnachta.

In the interim period it is not proposed to recognise any new primary schools, except in areas where increases in pupil 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 not related to demographic growth in areas where there is already sufficient school accom-

modation or where increases can be catered for by extending existing school accommodation. It, of course, remains open to existing schools to apply for capital funding under the Department's large scale Capital Building Programme to cater for long term accommodation needs to meet increasing demand for places. All such applications are assessed in the context of the existing and projected demographics of an area.

Site Acquisitions.

515. **Deputy Michael McGrath** asked the Minister for Education and Science the position regarding the acquisition of a site in respect of a proposed new primary school (details supplied) in County Cork. [46191/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, has been requested to source a site for the school referred to by the Deputy.

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.

Special Educational Needs.

516. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the reason tuition grant fees cannot be used to fund educational assistance for a person (details supplied) in County Kildare and the other 47 families who have children attending this facility; if this matter will be reviewed; and if he will make a statement on the matter. [46203/08]

Minister for Education and Science (Deputy Batt O'Keeffe): My Department has taken no decision in relation to this matter.

My Department is continuing to work with the service provider in question in the context of a proposal which they submitted in relation to home tuition payment arrangements.

Schools Refurbishment.

517. **Deputy Paul Kehoe** asked the Minister for Education and Science the status of the application from a school (details supplied) under the summer works scheme; and if he will make a statement on the matter. [46235/08]

Minister for Education and Science (Deputy Batt O'Keeffe): It is 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 are currently being considered and this work will be completed as soon as possible.

The Professional and Technical Reports provided by schools for 2008, including the application from the school referred to by the Deputy, can be used again for future projects so that schools will not be at the loss of expenditure already incurred on them. My Department will be in contact with the school in relation to the application in due course.

Higher Education Grants.

518. **Deputy Eamon Gilmore** asked the Minister for Education and Science the reason a person (details supplied) in County Wicklow has had their application for a higher education grant from Dun Laoghaire Rathdown County Council turned down; and if he will make a statement on the matter. [46239/08]

Minister for Education and Science (Deputy Batt O’Keeffe): 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.

Tax Code.

519. **Deputy Seán Fleming** asked the Minister for Education and Science if a private college (details supplied) in County Kildare has applied for approval by him for the purposes of tax relief in respect of tuition fees paid by an individual in respect of third level education; and if he will make a statement on the matter. [46252/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Section 473A, 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 EU Member States and postgraduate courses in non-EU countries.

An approved college in the State, in relation to a year of assessment, is defined under Section 473A, Taxes Consolidation Act, 1997 to mean a college or institution of higher education in the State which (i) provides courses to which a scheme approved by the Minister under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992, applies, or (ii) operates in accordance with a code of standards laid down by the Minister.

The college referred to by the Deputy has applied for approval for tax relief. However, it would appear from the information provided by the College to date that the College does not meet the definition of an approved college for the purposes of Section 473A, Taxes Consolidation Act, 1997 and this has been confirmed to the College by the Higher Education Training and Awards Council (HETAC).

Schools Refurbishment.

520. **Deputy Thomas P. Broughan** asked the Minister for Education and Science if he will initiate a new schools insulation programme to bring all schools up to a minimum standard and to reduce heating costs for schools; and if he will make a statement on the matter. [46285/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department is at the forefront of design with respect to energy efficiency in school buildings. Its Technical Guidance Documents, which set the benchmark for low energy design in schools are clearly focused on energy efficiency and are based on solid energy research projects. It has been demonstrated that all Primary School’s designed and built in line with this can have an energy performance that is 2.3 times more efficient than International best practice and nearly five times more efficient than schools built in the late 80’s.

My Departments policy is supported by a strong research programme with over thirty research projects at various stages currently in hand. A hybrid approach is taken with respect

to low energy design in schools based on maximising natural resources and energy efficient technologies. Schools are positioned to maximise gain from the sun during the day for passive solar heating and natural daylight. Passive solar design saves 20 % of early morning heating period and adequate natural daylight when combined with automated lighting systems in the classrooms can eliminate the need for electrical light for up to 80% of the schools teaching hours.

Energy efficient boilers and individual room temperature controls combined with a strong emphasis on air tight testing and high insulation levels minimise heat requirements.

The performance of my Department in the area of low energy design has been recognised at both National and International level with sustainable energy awards for excellence in Design and Specification.

A programme for thermal improvements in existing schools is currently being developed and the Planning and Building Unit of my Department is developing a technical and administration guidance document that will provide school authorities with the necessary criteria and specifications to implement an insulation programme. Case studies will also be provided.

In addition, an Energy Management Guide for Schools is being developed in partnership between my Department and Sustainable Energy Ireland and this will be available on line in early 2009. This guide will be specifically directed to schools and will provide school managers with advice and guidance on how to improve energy management within the school and thereby reduce costs.

Departmental Expenditure.

521. **Deputy Bobby Aylward** asked the Minister for Education and Science when payment due in respect of works carried out to a school (details supplied) in County Waterford will issue. [46290/08]

Minister for Education and Science (Deputy Batt O’Keeffe): An extension and refurbishment project for the school to which the Deputy refers is at an early stage of architectural planning.

The Department received a stage 1/2 submission from the Design Team, however, further information has been requested from it on foot of this.

Design Team fees only accrue for payment when a stage submission is fully complete and approved by the Department.

School Staffing.

522. **Deputy Richard Bruton** asked the Minister for Education and Science if his recent proposals for education in 2009 have any impact on the staffing levels or funding going to special schools; and if he will make a statement on the matter. [46299/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to advise the Deputy that the recent budgetary announcements do not affect the criteria used for the allocation of additional teaching and care resources in Special Schools. Capitation funding for Special Schools has also been increased bringing the top rate up to almost €1,000 per pupil.

I am particularly pleased that, in order to strengthen and enhance services, and continue the preparation for the full implementation of the EPSEN Act at a later date, the Government has provided €20m in 2009 — €10m for education services and €10m for health services.

In my Department this additional funding will provide for an expansion of the NEPS service, so that all schools in the country will be covered by the service, as well as enhancing the capacity

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of the NCSE to co-ordinate the provision of services to children with special educational needs. In addition, there will be further investment in teacher training in this area.

An integrated approach is being adopted by the education and health sectors to target these additional resources to the areas of greatest need. Progress in both sectors will be kept under review by the Office for Disability & Mental Health and the Cross-Sectoral Team during 2009.

Special Educational Needs.

523. **Deputy Richard Bruton** asked the Minister for Education and Science if his attention has been drawn to the initiative within Trinity College, Dublin to develop a third level option for students with a mild intellectual disability; if he plans to undertake an assessment of this initiative with a view to extending it to other colleges; and if he will make a statement on the matter. [46300/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I understand that the initiative referred to by the Deputy is the Certificate in Contemporary Living which is delivered by the National Institute for Intellectual Disabilities (NIID) in Trinity College. This is a two-year, full-time programme which commenced in October 2005.

The Certificate programme aims to promote the full inclusion of individuals with intellectual disabilities by providing them with the strategic skills to become independent self-reliant adults and to facilitate their lifelong learning. Career development is an integral part of the course.

The NIID received funding from my Department under the second cycle of the Strategic Innovation Fund in February 2008 to develop this programme across a number of higher education institutions. The development of the programme in collaborating institutions will involve institutional visits and mentoring of the institutions staff from staff associated with the established TCD programme. This will ensure that the project is consistently monitored to ensure best practice in the field.

UCC is the first collaborating institution and it will pilot the first module in January 2009, and the programme is expected to commence in the 2009/10 academic year. Other institutions have expressed an interest and it is proposed to commence pilot programmes next year in Dundalk Institute of Technology and Sligo Institute of Technology.

Question No. 524 answered with Question No. 502.

School Transport.

525. **Deputy Denis Naughten** asked the Minister for Education and Science if, further to correspondence (details supplied), he will approve school transport in view of the fact that the nearest school can not physically cater for the pupil concerned; and if he will make a statement on the matter. [46386/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): As previously advised, the pupil referred to by the Deputy in the details supplied is not eligible for transport as he resides less than 3.2 kilometres from his nearest school. Furthermore, there is no provision under the terms of the school transport scheme to provide transport, in the circumstances, outlined by the Deputy.

In order to be eligible for transport, under the terms of the scheme, pupils must reside 3.2 kilometres or more from, and be attending their nearest primary school or Gaelscoil as determined by my Department.

Site Acquisitions.

526. **Deputy Joe Costello** asked the Minister for Education and Science the progress that has been made to date in finding permanent accommodation for a school (details supplied) in Dublin 7; if he will facilitate a round table meeting between his Department, Dublin City Council, the GAA club, the board of management and the parents association; and if he will make a statement on the matter. [46389/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As the Deputy was informed in response to a Dail Adjournment on the 11th December, 2008, the Office of Public Works, OPW, which acts on behalf of the Department in site acquisitions generally was requested to source a greenfield site for the school in question. However, on foot of advertising, no proposals were received for a greenfield site in the Cabra area.

Further to this, the OPW was requested by the Department to look into building a permanent school on the existing temporary site. In order to pursue this further, meetings have taken place between the Department and Dublin City Council regarding the potential availability of this site.

The Department has written to the council with a proposal suggesting a lease arrangement be put in place. A response is awaited. When the Department has received that response, it will be in a position to consider the next steps. It will continue to liaise with stakeholders.

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.

School Enrolments.

527. **Deputy Seán Ardagh** asked the Minister for Education and Science if he will examine the concerns expressed in correspondence from the school principal of a school (details supplied) in Dublin 6w; if he will respond to their concerns; and if he will make a statement on the matter. [46395/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am aware of the concerns raised by the school referred to by the Deputy. The Government’s commitment to education is clear both from its track record over the past decade in providing substantial additional resources, most notably extra teachers to meet previously unmet needs and from the programme the Government set for itself when it came into office. A lot has changed in the past year and the first and foremost imperative is that we stabilise the public finances. It is only by doing so that we can shelter gains made and put ourselves in the position of being able to make improvements in the future.

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. 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.

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 co-operation from all the education partners in meeting the challenges facing us both as an education community and as a country.

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It is a matter for each school’s Board of Management to have an enrolment policy and to then operate that policy in a fair and consistent manner having regard to the overall physical space capacity of a school. My Department has a responsibility to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice. That is no more than a normal feature of the enrolment process in any community.

My Department will continue to ensure that those schools with the greatest increase in pupil numbers will still qualify for developing school status thus enabling them to get their increased staffing in September 2009 — a year in advance of other schools.

The Forward Planning Section of my Department is currently in the process of identifying the areas where significant additional school accommodation will be required at primary and post-primary level. Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area.

The demand for junior infant places in the area in question will be considered within this context.

What is not acceptable is that any school authority would in the coming year alter its approach to enrolment simply because it wants to pressurise the government or to give support to a campaign being conducted by a teacher union.

As I have already pointed out in the House in recent weeks the changes to the classroom staffing of primary schools reverts schools to the position that applied just over one school year ago. Schools are given teaching resources commensurate with their enrolment and under the staffing schedule schools with like enrolments are treated in the same way. In terms of accommodating pupils I believe it is totally reasonable to expect schools to operate from next September no less favourably than they did in 2006/2007.

Any school acting dishonourably in this regard must ultimately answer to its local community and to the parents and children in that community in particular.

In terms of the staffing implications at school level 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.

Schools Refurbishment.

528. **Deputy Willie Penrose** asked the Minister for Education and Science when approval for refurbishment works which have been promised for a school (details supplied) in County Longford will be allowed to proceed in 2009; and if he will make a statement on the matter.
[46400/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The project for the school to which the Deputy refers is at an advanced stage of architectural planning.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current

competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Schools Building Projects.

529. **Deputy Mary O'Rourke** asked the Minister for Education and Science the planning and construction status of a school (details supplied) in County Westmeath; if his attention has been drawn to the fine and varied curriculum on offer in this school and its regard for pupils of all abilities; and if he will make a statement on the matter. [46404/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The proposed building project to which the Deputy refers was announced to commence architectural planning on the 8th November 2006. The schedule of overall accommodation for the school in question was recently agreed with the school management and County Westmeath VEC.

The progression of all large scale building projects, including this project from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

530. **Deputy Mary O'Rourke** asked the Minister for Education and Science the planning and construction status of a school (details supplied) in County Longford; if his attention has been drawn to the fine and varied curriculum being offered in this school and the particular care it has for disadvantaged students. [46405/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The project for the school to which the Deputy refers is at an advanced stage of architectural planning.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

School Enrolments.

531. **Deputy Seán Ardagh** asked the Minister for Education and Science if he will examine the concerns expressed in correspondence from the school principal of a school (details supplied) in Dublin 12; if he will respond to their concerns; and if he will make a statement on the matter. [46514/08]

Minister for Education and Science (Deputy Batt O'Keeffe): I am aware of the concerns raised by the school referred to by the Deputy. The Government's commitment to education is clear both from its track record over the past decade in providing substantial additional resources, most notably extra teachers to meet previously unmet needs and from the programme the Government set for itself when it came into office. A lot has changed in the past year and the first and foremost imperative is that we stabilise the public finances. It is only by doing so that we can shelter gains made and put ourselves in the position of being able to make improvements in the future.

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

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given the scale of public expenditure on education it is simply not possible to avoid tough decisions. 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.

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 co-operation from all the education partners in meeting the challenges facing us both as an education community and as a country.

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 appreciate that the abolition of a number of grants for some schools will impact on funding levels in 2009 but it is also the case that the enhanced levels of funding announced in the Budget for the capitation and ancillary services grants will help to alleviate the impact of this.

The Education Budget for 2009 has provided for improvements to the overall level of funding for the day to day running costs of primary schools which will see funding increase from €167 million in 2008 to almost €190 million in 2009. The Government is committed to making further improvements as resources permit.

Substitution cover will continue to be provided for all other categories of absences currently available such as certified sick leave and maternity leave.

In primary schools there will be substitute cover for teachers on uncertified sick leave other than on the first day of absence. In a school where more than one teacher is absent on the first day of uncertified sick leave, substitute cover will be provided for the second and subsequent teachers that are absent. In schools with two teachers or less cover will be provided where any classroom teacher is absent.

In the period until the end of the school year, there will be a full review of the substitution and supervision scheme and related matters in conjunction with the school management bodies and teacher unions with a view to making up the additional expenditure and thereby ensuring that the budgetary parameters are met.

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.