



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 18 December 2008.

Requests to Move Adjournment of Dáil under Standing Order 32	453
Order of Business	453
Council of Europe: Appointment of Representatives	468
International Agreements: Motion	469
Recapitalisation of Credit Institutions: Statements	469
Electoral (Amendment) Bill 2008:	
Order for Report Stage	484
Report and Final Stages	484
Gas (Amendment) Bill 2008:	
Order for Report Stage	490
Report and Final Stages	490
Spent Convictions Bill 2007:	
Second Stage	491
Referral to Select Committee	508
Message from Seanad	508
Ceisteanna — Questions	
Minister for Justice, Equality and Law Reform	
Priority Questions	508
Other Questions	521
Adjournment Debate Matters	529
Adjournment Debate	
Hospital Services	530
National Drugs Strategy	533
Special Educational Needs	535
School Placement	538
Questions: Written Answers	541

DÁIL ÉIREANN

Déardaoin, 18 Nollaig 2008.
Thursday, 18 December 2008.

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

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Anois, iarratais chun tairisceana a dhéanamh an Dáil a chur ar athló faoi Bhuan Ordú 32. I call on Deputy James Bannon.

Deputy Jan O’Sullivan: I wish to raise the need for the Tánaiste and Minister for Enterprise, Trade and Employment to make a submission to the EU Commission in response to their invitation to member states on the effect of a proposed aid package of €52.7 million to Dell Products, Poland, in view of the possible effect of such a package on Dell’s operations here and the further need for the Tánaiste to again meet senior management in Dell to ensure their commitment to maintaining their operations in Ireland.

An Ceann Comhairle: Tar éis breithnithe a dhéanamh ar an níardaithe, níl sé in ord faoi Bhuan Ordú 32. Having considered the matter raised, it is not in order under Standing Order 32.

Order of Business.

The Tánaiste: It is proposed to take No. 13, motion re proposed approval by Dáil Éireann of the terms of the three interim economic partnership agreements, back from committee; No. 25a, statements on the recapitalisation of credit institutions; No. 26, Electoral (Amendment) Bill 2008 — Order for Report, Report and Final Stages; No. 27, Gas (Amendment) Bill 2008 — Order for Report, Report and Final Stages; and No. 37, Spent Convictions Bill 2007 — Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that No. 13 shall be decided without debate, the proceedings on No. 25a shall, if not previously concluded, be brought to a conclusion after 65 minutes, and the following arrangements shall apply: the statements shall be confined to a Minister or Minister of State and to the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, who shall be called upon in that order, who may share their time, and which shall not exceed 15 minutes in each case. A Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes.

The Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 27 January 2009.

An Ceann Comhairle: Is the proposal for dealing without debate of No. 13, motion re proposed approval by Dáil Éireann of the three economic partnership agreements, agreed to?

Deputy Enda Kenny: I object to this Order of Business. The Government intends make an announcement today on Building Ireland's Smart Economy. It is smart and contemptuous treatment of this House, that after calling for debates on the recapitalisation programme for the banks and agreement is reached on the holding of a short debate on the matter in the House today, and at the same time, the Government decided to launch in Dublin Castle its framework for economic recovery — Building Ireland's Smart Economy. This business should be set aside. These two issues are interdependent. There cannot be a banking system unless there is an economy that works, and *vice versa*. The Tánaiste should know this better than most. It is contemptuous treatment of the House that the Government should go to Dublin Castle today after briefing the social partners at 12 noon——

Deputies: Hear, hear.

Deputy Enda Kenny: ——leaving this House and Members of all parties without any information about what it intends.

Deputies: Hear, hear.

Deputy Paul Kehoe: Shame.

Deputy Enda Kenny: It is a case of the Government's leaving here, wounded and discredited, trying to get over the Christmas line with the least amount of damage that can be inflicted on it. I understand the framework to be announced today is high on vision and low in ideas. We have had reports after reports of Dáil reform.

Deputy Seán Power: The Deputy would know a great deal about that.

Deputy Enda Kenny: There have been very many instances when major announcements should have been made to this House, the primary political forum in the country.

Deputies: Hear, hear.

Deputy Enda Kenny: Here we have evidence of a discredited Taoiseach, who is either afraid to come into the House or just does not wish to do so.

Deputy P. J. Sheehan: He is afraid.

Deputy Enda Kenny: He will not come in on any Thursday. He follows the example of his predecessor in that regard, slinking out of here on a Thursday. It is grand to be in Athlone today, announcing 200 jobs. We welcome that for the people of Athlone, Westmeath and Roscommon. However, this House is the primary political forum and it is in this House that major announcements which affect every person in the country should be made.

Deputy P. J. Sheehan: Hear, hear.

Deputy Enda Kenny: I object to the Order of Business on that basis and I regard it as highly contemptuous treatment of this House, and, in consequence, of all the people.

Deputy Dinny McGinley: We fought to get it out of the Castle and now it has gone back to the Castle. Dublin Castle is a castle. What about this House?

Deputy John Cregan: The Deputy should not upset himself.

Deputy Dinny McGinley: They are Dublin Castle people.

Deputy Paul Kehoe: Lord Cowen.

Deputy Charles Flanagan: You would not co-operate with Dublin Castle when you were asked.

An Ceann Comhairle: Deputy Gilmore to continue without interruption.

Deputy Eamon Gilmore: The Labour Party is also opposed to the Order of Business for the same reasons stated by Deputy Kenny. If a major national announcement is to be made in Dublin Castle today, it should be made in the House. All major announcements of national significance are made in the House. This is where the Budget Statement is made and where the major statements on Northern Ireland have been made during the years. The only things engaged in Dublin Castle are public relations stunts. The documents launched there are not ones for the recovery of the country but of Fianna Fáil.

Deputy David Stanton: And the Green Party.

Deputy Eamon Gilmore: If we look back over the various jamborees we have had, one can take any document in recent years——

Deputy Seán Power: And a printing press.

Deputy Eamon Gilmore: ——and if it has been announced in Dublin Castle, it is not worth the paper on which it is written. Where is Transport 21, for example? That was announced in Dublin Castle.

Deputy Dan Neville: Twice.

Deputy Eamon Gilmore: Where is the document on public service reform? Even the national development plan is now a work of fiction.

Deputy John Perry: What about primary care?

Deputy Eamon Gilmore: If it is announced in Dublin Castle, it is a public relations stunt.

Deputy Frank Feighan: Smoke and mirrors.

Deputy Eamon Gilmore: If it does turn out to be a major document and a statement of major national significance——

Deputy Dinny McGinley: Dream on.

Deputy Eamon Gilmore: ——it should be announced in the House.

Deputy Michael D. Higgins: Hear, hear.

Deputy Eamon Gilmore: If it is a major national statement and made in Dublin Castle, I will be asking the Ceann Comhairle to have the Committee on Procedure and Privileges examine its appropriateness. It is not acceptable that the Government makes announcements there on the economy, for example. This has been built up as something tantamount to a Budget Statement. If it is of that significance, it should be announced in the House where it would be subject to examination and scrutiny and those proposing it could defend it. However, if it is announced in Dublin Castle, it is being done for the cameras, PR and spin and cannot be taken seriously.

Deputy Caoimhghín Ó Caoláin: We are faced with a situation where the Government intends to announce this afternoon what it describes as a major economic plan for the recovery of the economy, yet it will not be put before the representatives of the people in this Assembly. That is critically important. We have to remind the Government that in the first instance it is accountable to the Dáil and the people, of whom we are its representatives. In the crisis we are facing all Deputies have a collective responsibility to address the issues that need to be addressed, to seek together a formula to find a way out of the current recession, yet there is neither consultation nor accountability. Opposition voices will not even have the opportunity to respond to what will be proposed by the Government this afternoon because it will not be put on the floor of the House. That is a real problem. We had the example last evening, despite the fact that the Labour Party and Sinn Féin had made very constructive proposals to address two of the most glaring needs in Irish society — social housing and homelessness——

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

Deputy Caoimhghín Ó Caoláin: The Government and the Independent Deputies which supports it voted down the carefully crafted, considered and reasonable proposals brought forward by Opposition parties and supported by all Opposition voices last night. That is an example of the terrible gulf in the relationship between the Government and other elected voices in the House. We are called on time and again by the Taoiseach to act in the collective national interest, yet there is no consultation or respect. The exercise this afternoon, as other voices have said, is an exercise in PR.

The Tánaiste: First, we have had to listen in recent months to the Opposition criticising us for not having a plan or framework. Now we have to listen to the hypocrisy of the Opposition on the basis of having one.

Deputy Paul Kehoe: Big deal.

Deputy Seymour Crawford: What about democracy?

An Ceann Comhairle: Order, please.

The Tánaiste: Can I say——

Deputy Paul Kehoe: The Government is afraid. It is afraid to bring it into the House.

The Tánaiste: Can I say——

Deputy Paul Kehoe: Bring it in here. It is full of flaws.

Deputy Dermot Ahern: The Deputy's nose is out of joint.

An Ceann Comhairle: Please allow the Tánaiste to finish.

The Tánaiste: Perhaps Members who have been in the House for a considerable number of years will recall that their national plan was launched in Dublin Castle.

Deputy Bernard J. Durkan: At least, it was a national plan.

Deputy John Cregan: It was a national disaster.

The Tánaiste: There will be ample time on the return of the House to discuss the matter in due course.

Deputy Michael D. Higgins: A Cheann Comhairle, I want to——

An Ceann Comhairle: I must put the question.

Question put: “That the proposal for dealing with No. 13 be agreed to.”

The Dáil divided: Tá, 70; Níl, 53.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.

Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Lenihan, Brian.
 Lowry, Michael.
 Mansergh, Martin.
 Martin, Micheál.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Keefe, Edward.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Treacy, Noel.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Crawford, Seymour.
 Creed, Michael.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.

Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McManus, Liz.
 Morgan, Arthur.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.

Níl—*continued*

O'Mahony, John.
O'Shea, Brian.
O'Sullivan, Jan.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Ring, Michael.

Sheahan, Tom.
Sheehan, P.J.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.

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. 25a, statements on the recapitalisation of credit institutions, agreed to? Agreed. Finally, is the proposal that the Dáil on its rising today should adjourn until 2.30 p.m. on Tuesday, 27 January 2009 agreed to?

Deputy Enda Kenny: It is not agreed. I made the point yesterday that people who are lucky enough to have a job get a week's holidays at Christmas. In his statement yesterday, the Taoiseach announced the Government would be back in business on 7 January, as would the Dáil committees. There is no reason the Dáil itself should not also meet on 7
11 o'clock January. Therefore, I propose that Members should reject the date of 27 January.

At a time of national crisis, when 10,000 people in the private sector are losing their jobs every month, it is perverse and outrageous that the Government can propose that the Dáil will not reconvene until 27 January.

Deputies: Hear, hear.

Deputy Enda Kenny: Had the Government any sense of connection with the raw events on the streets, where retail sales have fallen by up to 40% and people are in crisis every day of the week, it would realise this House must be seen to be working.

I propose an amendment to the Order of Business, to delete 27 January and that we return on 7 January, to deal with the amendment to the legislation on the use or otherwise of money from the National Pensions Reserve Fund and get on with business. The Minister for Finance faces a series of challenges encountered by none of his predecessors and in that sense, Fine Gael Members will stand by their country and economy. However, this House must be seen to be putting its shoulder to wheel in the interests of the people and the country.

Deputies: Hear, hear.

Deputy Dermot Ahern: Deputy Kenny is in here making criticisms every week.

Deputy Enda Kenny: It is wrong to go away until 27 January and the people will not thank the Tánaiste for it.

Deputy Eamon Gilmore: I support Deputy Kenny's proposal that the House should resume on 7 January. There is no justification for it to adjourn until 27 January. As I noted yesterday, the long recesses in January go back to a time when the budget was announced at the end of January. The argument was that the Government needed time to prepare the budget. However, this no longer applies.

Deputy Dinny McGinley: It may need to do so.

Deputy Eamon Gilmore: A range of things are happening. For example, the Government is only providing 65 minutes today to debate the issue of bank recapitalisation. Although the document on the economic recovery programme will be published this afternoon, the House will not have an opportunity to debate it until 27 January. Moreover, the severe cuts in the health service about which Members have heard could have a huge impact on front line services. Yesterday, Members learned that CIE and Bus Éireann intend to reduce their fleets and driver numbers, which will have a great impact on public transport. Moreover, the Government must make a decision sometime between now and the resumption of the House on its response to the Ryanair bid to buy the shares in Aer Lingus. The House should have an opportunity to debate this matter before the Government makes a decision.

In addition, a raft of legislation has not been published. For example, on 20 November the Tánaiste informed me in the House that legislation on the levy for health insurance would be published and dealt with. However, it has not appeared nor has it been dealt with. There is business to be done and those who are deeply concerned about what is happening to the economy, their livelihoods, incomes, jobs and businesses will be scandalised that the Government intends to close down the Dáil until 27 January. Whatever justification for so doing may have existed in the past, no such justification exists this year.

Deputy Caoimhghín Ó Caoláin: Last Tuesday, the Minister for Health and Children indicated she had signed off on the service plan for the HSE for the coming year, which indicated there would be cuts in service provision in 2009 in excess of half a billion euro. Members have learned since that even that service plan costing did not reflect the true reality and that it now is just short of €1 billion.

Deputy Mary Harney: That is not true.

Deputy Seymour Crawford: Monaghan Hospital has been closed.

Deputy Caoimhghín Ó Caoláin: While the Minister may state it is not true, Members should make no mistake but that accident and emergency units, beds and staff will be cut and patients' lives also could be cut short as a consequence.

Deputy Seymour Crawford: Absolutely.

Deputy John Cregan: This is a Second Stage speech.

An Ceann Comhairle: We cannot have a running commentary.

Deputy Caoimhghín Ó Caoláin: There is ample evidence of this throughout the country. While many other issues must be addressed, this issue transcends all political opinion. All Members, or others in their families, will depend on this service at some point in their lives. They have a responsibility to address this most important of issues, together with the others. Consequently, I would welcome an indication from the Tánaiste of an earlier resumption of the Dáil in order that Members can address this matter in the serious manner in which it must be addressed on the floor of this House.

The Tánaiste: The Ceann Comhairle is aware there always will be a perception that just because the House is not sitting—

Deputy Charles Flanagan: It is a reality.

The Tánaiste: —Deputies, of which he is one, are not working.

Deputy Enda Kenny: Make it a reality.

The Tánaiste: On that basis, I must——

Deputy Paul Kehoe: What about Government Deputies? The Tánaiste's crowd is never working.

An Ceann Comhairle: We must be clear. Excuse me Deputy Kehoe, but the Tánaiste is entitled to reply with the same respectful silence that the party leaders received.

Deputy Seán Power: The Deputy should show some manners.

An Ceann Comhairle: I call the Tánaiste, without interruption.

The Tánaiste: I stated there is a perception that because the House is not in session, Deputies are not working. As I am sure all Members will agree, this is factually incorrect.

Deputies: No.

Deputy Charles Flanagan: This House is being treated as a nuisance.

Deputy Seán Power: The hypocrisy of them.

The Tánaiste: All Members are working, regardless of whether the House is sitting.

Deputy Paul Kehoe: What about the Ministers?

The Tánaiste: On occasions such as this, there is the usual call for the House to be brought back or to resume early.

Deputy Charles Flanagan: This is not the usual.

Deputy Bernard J. Durkan: This is different.

The Tánaiste: The only point I can make is in the context of the legislation that may be necessary to deal with the issue of the recapitalisation of the banks.

Deputy Emmet Stagg: Raiding the pension fund.

The Tánaiste: If necessary, the House can return. Other than that, I propose to put the question to the House.

(Interruptions).

An Ceann Comhairle: There can be only one intervention. I must put the question on the amendment in the name of Deputy Kenny.

Question put: "That the words proposed to be deleted stand."

The Dáil divided: Tá, 69; Níl, 54.

Tá

Ahern, Dermot.
Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.

Ardagh, Seán.
Brady, Cyprian.
Brady, Johnny.
Browne, John.
Byrne, Thomas.

Tá—*continued*

Calleary, Dara.
 Carey, Pat.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Lenihan, Brian.

Lowry, Michael.
 Mansergh, Martin.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Keeffe, Edward.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Treacy, Noel.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Barrett, Seán.
 Behan, Joe.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.

Kenny, Enda.
 Lynch, Kathleen.
 McEntee, Shane.
 McGinley, Dinny.
 McManus, Liz.
 Morgan, Arthur.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Sheahan, Tom.
 Sheehan, P. J.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.

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

Question declared carried.

Amendment declared lost.

Question put: “That the Dáil on its rising today shall adjourn until 2.30 p.m. on Tuesday, 27 January 2009.”

The Dáil divided: Tá, 69; Níl, 56.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.

Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kirk, Seamus.
 Kitt, Michael P.
 Lenihan, Brian.
 Lowry, Michael.
 Mansergh, Martin.
 McEllistrim, Thomas.
 McGrath, Michael.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Feargháil, Seán.
 O’Connor, Charlie.
 O’Dea, Willie.
 O’Flynn, Noel.
 O’Hanlon, Rory.
 O’Keeffe, Batt.
 O’Keeffe, Edward.
 O’Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Treacy, Noel.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Barrett, Seán.
 Behan, Joe.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Clune, Deirdre.
 Connaughton, Paul.
 Costello, Joe.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.

Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Higgins, Michael D.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McEntee, Shane.
 McGinley, Dinny.
 McManus, Liz.
 Morgan, Arthur.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O’Donnell, Kieran.
 O’Dowd, Fergus.
 O’Keeffe, Jim.
 O’Mahony, John.
 O’Shea, Brian.

Níl—*continued*

O'Sullivan, Jan.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Ring, Michael.

Sheahan, Tom.
Sheehan, P. J.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.

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

Question declared carried.

Deputy Enda Kenny: For the purpose of clarity, I refer to a comment made by the Tánaiste before the Ceann Comhairle called the vote. He came out of the traps very quickly and, like a good barman, he did not want to catch anybody's eye. The Tánaiste stated that, if necessary, the House could be recalled to deal with the recapitalisation issue. This will be necessary because the principal Act will have to be amended to allow the use of moneys from the National Pensions Reserve Fund to recapitalise the banks. That was the point I wanted to make and the Ceann Comhairle would have saved himself some time if he had allowed me to make it.

An Ceann Comhairle: The difficulty is that Standing Orders are very clear in regard to interventions on the Order of Business. A proposal was made on the Order of Business and I had no alternative but to adhere to it.

Deputy Charles Flanagan: Standing Orders may be clear but the Tánaiste was not.

The Tánaiste: The question was not clear.

Deputy Enda Kenny: They are confused about what they are supposed to be doing.

As today is the last day of this sitting of the Dáil, on my behalf and on behalf of the Fine Gael Party I wish the Ceann Comhairle and his staff the best for this holy season and for Christmas and the new year. I thank the staff of this House for their loyalty, courtesy and hospitality at all times to all Members. The Ceann Comhairle has learned to be more restrained than he was during his initiation period in the Chair and has proven himself to be pragmatic and understanding in his role. I pay tribute to the staff for their unfailing dedication to ensuring the Oireachtas works. The members of the fourth estate, who are absent at present from the Gallery, also have a job to perform.

Deputy Richard Bruton: They are busy doing it.

Deputy Billy Timmins: Gone on holidays.

Deputy Richard Bruton: A lone swallow.

Deputy Enda Kenny: Members of the House, this speaker included, may not like what they write on occasion but they have a professional function to perform and I thank them for carrying out their duty of reporting the news and politics as they see them.

I wish Deputies on all sides of the House the very best for this season. I regret the passing of Séamus Brennan, whom I regarded as a good friend. From our own staff, we lost a young woman, Mary O'Shea, who was the Ceann Comhairle's townsperson from Cahirciveen. Go

[Deputy Enda Kenny.]

ndéana Dia trócaire orthu. We have economic and political difficulties but, for this moment, I wish everybody the best for the season.

Deputy Eamon Gilmore: On behalf of the Labour Party, I wish the Ceann Comhairle and all his staff, the staff and Members of the House and the members of the press who report our business a very happy Christmas. It is probably tempting fate to wish anybody a prosperous new year but I wish everybody the best for the new year. This session has been quite long since our return after the summer. All Deputies, whether they are in Government or Opposition, as well as those who work in the House or report our business, deserve a break. I wish everybody the best for the festive season.

Deputy Caoimhghín Ó Caoláin: I join Deputies Kenny and Gilmore in extending good wishes of the season to the Ceann Comhairle, the Clerk of the Dáil, the superintendent and all the support staff of the Houses of the Oireachtas. I also extend good wishes for Christmas to the Tánaiste and her colleagues in Government, and to the leaders and Members of the Opposition parties, including Independent Deputies.

This has been a difficult year for Government and Opposition. I reiterate the remarks I made earlier about our collective responsibility for charting a course through the difficulties currently presenting. I hope that approach is in evidence in the new year and that the House can accommodate opportunities to address issues of grave importance for ordinary people in their daily lives.

I conclude by extending good wishes to Members and staff who may not be well this Christmas. I have people in mind in making these remarks. I extend our good wishes to them and assure them they are in our thoughts and prayers at this time of the year.

The Tánaiste: I concur with the sentiments expressed in the House. I hope people will have time to rest and relax, and to watch their voices so they will be sharply tuned when we return. To the Ceann Comhairle and all the staff of the House, I extend our best wishes. Without a shadow of a doubt, we would all agree that the courteous manner in which we are treated by the staff of this House is superb and is something we respect. I hope everyone will enjoy the Christmas break and let us hope it will be a prosperous new year. It may be challenging but let us keep the vision of a successful outcome.

An Ceann Comhairle: Thar ceann an Leas-Cheann Comhairle agus thar mo cheann féin, gabhaim buíochas le ceannairí na bpáirtithe as an méid atá ráite acu. Tacaím an deis seo chun buíochas a ghabháil le gach duine sa Teach agus i gcóngar dó a chintíonn gur féidir linn ár ghnó a dhéanamh gach lá go héifeachtach. Gabhaim buíochas le mo chomhghleacaithe parlaiminteacha as a gcomhoibriú i rith na bliana agus as a dtiomantas do phróiseas an daonlathais. Tuigim cé chomh dian dícheallach a oibríonn siad, ní hamháin nuair a bhíonn an Dáil ina suí, ach freisin nuair nach mbíonn.

Gabhaim buíochas le Cléireach na Dála agus lena fhoireann agus leis an bhfoireann i m'oifig féin as an Teach a reáchtáil go rí-éifeachtúil. Gabhaim buíochas freisin le comhaltaí na meáin as a ndian shaothar, ár gcomhfhreagrachaithe polaitíochta a dhéanann tuairisciú do na nuachtáin, don raidió agus don teilifís. Ba mhaith liom Nollaig shona agus gach rath san athbhliain a ghuí ar ghach duine sa Teach.

On my behalf and on behalf of the Leas-Cheann Comhairle, I thank the party leaders and the Tánaiste for their comments. I take this opportunity to thank everyone in the House and its precincts who ensured that we were able to go about our daily business efficiently and effectively. I thank in particular my parliamentary colleagues for their co-operation during the

year and their commitment to the democratic process. I know how hard all my colleagues work not only when the Dáil is in session, but also when it is out of session. I thank the Clerk of the Dáil and his staff and the staff of my office for their smooth and efficient running of the House and their unfailing courtesy and professional commitment throughout the year. I wish the Members who have generously acted as Acting Chairpersons during the year a very happy Christmas; Members of the House and the democratic process owe them deep gratitude. I thank members of the media and the political correspondents who report for newspapers, radio and television; they have a crucial role to play in the interests of democracy of informing the wider public about Parliament and how politics work.

I sincerely wish everyone in the House a very happy Christmas and successful new year. It is only appropriate that we wish our many fans, who join us often on television, every possible happiness and success also. We will now move to the Order of Business proper.

Deputy Tom Sheahan: I inquire about No. 59, the mental health (amendment) Bill, but No. 56, the health information Bill, may be easier for the Tánaiste to answer on. A Minister of State indicated recently that 12 psychiatric facilities are to be sold in the near future. To be specific, St. Finian's in Killarney is one, and we have been told the proceeds from these sales——

An Ceann Comhairle: The Deputy was doing well for a while.

Deputy Tom Sheahan: ——will be ring-fenced. Will the Tánaiste confirm——

An Ceann Comhairle: We must deal with the mental health (amendment) Bill.

Deputy Tom Sheahan: ——that the proceeds of these sales will be ring-fenced for mental health facilities for and accommodation of patients in the county?

An Ceann Comhairle: She cannot go into that now, as the Deputy well knows. I call the Tánaiste on the mental health (amendment) Bill.

The Tánaiste: It will be next year.

An Ceann Comhairle: It is next year. Deputy Sheahan has had a good run.

Deputy Tom Sheahan: What about the health information Bill?

An Ceann Comhairle: The Deputy has made his point.

Deputy Terence Flanagan: The Housing (Miscellaneous Provisions) Bill was recently passed by Seanad Éireann. Will it be a priority after the Dáil returns from recess and will it also include provisions for the sale of apartments?

The Tánaiste: I am not familiar with the particulars in the legislation but it is our intention to have it on the floor of the House as quickly as possible.

Deputy Joan Burton: The Minister for Finance indicated in his budget speech that he was commissioning a report from Mr. Maurice O'Connell with regard to the National Pensions Reserve Fund. He advised me by way of a parliamentary question that he had the report and the question of the contribution of the 1% to the National Pensions Reserve Fund is a matter which the Government is still thinking about. Any change in this would require legislation. If I understood her correctly, the Tánaiste herself said that it was likely that the Dáil would be recalled early after Christmas to effect legislation on the National Pensions Reserve Fund and

[Deputy Joan Burton.]

the recapitalisation of the banks. Will the Tánaiste indicate if she proposes to bring in legislation relating to the 1% transfer?

I feel sorry for the Tánaiste but sorrier for the country as we have just got a figure indicating that gross national product has declined by 4.9% in the third quarter.

An Ceann Comhairle: We cannot have a debate on that. Is legislation promised?

The Tánaiste: There is none.

Deputy Joan Burton: It must be the largest fall on record.

An Ceann Comhairle: I thank the Deputy and call on Deputy Crawford.

Deputy Joan Burton: It is a 4.9% decline.

An Ceann Comhairle: We cannot go into that now.

Deputy Joan Burton: It is a 4.9% decline in the quarter.

An Ceann Comhairle: We cannot go into that now. I call Deputy Crawford.

Deputy Joan Burton: None of us will have a job.

Deputy Seymour Crawford: I wish everybody a happy Christmas as well. Unfortunately, for some people it may not be so.

An Ceann Comhairle: We cannot discuss Christmas now. The Deputy should move on.

Deputy Eamon Gilmore: Bah, humbug.

Deputy Seymour Crawford: The Minister for Health and Children has indicated she must save almost €1 billion. Her colleague and the former Minister for Justice, Equality and Law Reform promised us several times in the House that he would bring through a legal costs Bill to try to curtail the cost of the tribunals.

An Ceann Comhairle: Is there a legal costs Bill?

The Tánaiste: It will be introduced next year.

Deputy Bernard J. Durkan: *Mañana.*

The Tánaiste: Next year is not that far away now.

Deputy Bernard J. Durkan: *Mañana.*

Deputy Seymour Crawford: In light of the fact that acute medical care is being removed from Monaghan General Hospital, when will the National Council on Ageing and Older People (abolition) Bill come before the House? It seems there is nothing but abolition in our area.

The Tánaiste: Next year.

Deputy Bernard J. Durkan: The Taoiseach advised the House a couple of days ago regarding proposed legislation on estate management companies, with the original target being that the legislation would come before the House by the end of this session. Will the Tánaiste update

us as to whether a finalisation of the heads has been reached and if we are likely to see it early in the new year?

Another issue is close to the heart of the Ceann Comhairle. I am quite sure that like me, he is deeply concerned about the present whereabouts of the legislation to give effect to the Dalton report. It is out there coursing around somewhere but has not yet reached its destination.

Deputy Eamon Gilmore: The dogs in the street know where it is.

The Tánaiste: They are both next year.

Deputy Bernard J. Durkan: Next year?

The Tánaiste: Unless the Deputy wants to sit this year. The way we are going we will get nothing done today. It is almost 11.40 a.m.

Deputy Bernard J. Durkan: The way the Government is going, we will be dealing with everything next year.

An Ceann Comhairle: The Tánaiste answered the question.

Deputy Bernard J. Durkan: We were told the legislation for the estate management companies was imminent. What does that mean? Will it be next year?

An Ceann Comhairle: That is what the Tánaiste said. It is a very good interpretation.

Deputy Bernard J. Durkan: If imminent refers to next year, God help the country.

An Ceann Comhairle: I call Deputy Costello.

Deputy Bernard J. Durkan: Thank you, a Cheann Comhairle, and happy Christmas.

An Ceann Comhairle: The same to you.

Deputy Joe Costello: I would like to be associated with the good wishes expressed here. In particular I wish an early recovery to my two constituency colleagues, Deputy Tony Gregory and Senator Tony Kett. I do not know if the Tánaiste had the opportunity to listen to Pat Kenny's radio show.

An Ceann Comhairle: I have said before that we do not discuss radio shows.

Deputy Joe Costello: I will ask a question. The show had a description of the appalling conditions in Gaelscoil Bharra that have operated for the past 13 years. In the context of the Health and Safety Authority and health and safety legislation, is there any intention to amend this as the type of conditions in that particular school are as bad as one would find on any building site and worse?

An Ceann Comhairle: The Deputy will have to table that matter on the Adjournment or ask a question of the Minister for Education and Science.

Deputy Joe Costello: Is there an intention to amend legislation to such an extent that conditions of this nature in prefabricated buildings will be condemned?

The Tánaiste: I will ask the relevant Minister to advise the Deputy as I am not aware of the specifics.

Deputy Mary Upton: I had the same query as Deputy Durkan regarding the estate management legislation, as it is a significant issue. I hope regulations will be put in place. Can we expect movement on the Irish Sports Council (amendment) Bill, as we all need a bit of sport in the coming year?

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

Deputy Michael D. Higgins: In the atmosphere of good wishes, which I share, I will make a comment on No. 13 on today's Order of Business. I will not be conflictual about it. That speaks of interim economic partnership agreements with three African countries. The report came from the committee, which was not unanimous yesterday. When a committee is not unanimous it will be my intention in the forthcoming session to take all these agreements and debate them in the plenary session, as well as in committee. In this case one country had signed the agreement and the other two had neither signed nor ratified it. That is out of the spirit of a new dialogue which we need in response to relationships with developing countries.

My question specifically relates to two pieces of legislation. The compliance with labour law legislation is listed in section D of the outgoing list for Second Stage but when will it be taken? The final communiqué from the social partners in September 2008 spoke of an agreed piece of legislation relating to amendment of competition legislation to take account of the position of people such as the Musicians Union of Ireland and so forth. When will that legislation be available?

The Tánaiste: As the Deputy knows, we are in final discussions with the social partners on the compliance legislation, so it is our intention to introduce it as quickly as possible in the new year.

We are currently carrying out a review of competition law and it is my intention to include that agreement. It will also include an amendment arising from the decision made by the IMO. Quite a considerable amount of work is involved in the legislation, but we are trying to bring it in as quickly as possible next year.

Deputy Emmet Stagg: As regards Dáil reform that requires legislation, I first want to thank you, a Cheann Comhairle, for the initiative you took that led to a package of limited but very important Dáil reforms being agreed by all parties in the House. In the 40 days before the Dáil resumes, will the Tánaiste use her good offices in this regard? That package of reforms, which was agreed by the Fianna Fáil-led Government last summer, has been referred to the Tánaiste and Minister for Enterprise, Trade and Employment. No pressure was put on the matter, however, because there was a new regime which was busy and had other things on its mind. It is a limited but important package that has been agreed by all sides of the House under the chairmanship of the Ceann Comhairle. Can we get a decision on that at least by the time we come back in January or, perhaps in between, through the Whips?

The Tánaiste: I know the recommendations are being considered, but I sincerely hope that one of them will be that we can get the Order of Business over in less than an hour.

Deputy Emmet Stagg: It would be abolished, in fact.

The Tánaiste: It would be a great idea. We could get something done.

Council of Europe: Appointment of Representatives.

An Ceann Comhairle: I call on the Minister of State at the Department of the Taoiseach, Deputy Pat Carey, to make an announcement regarding the Council of Europe.

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): I wish to inform the House that the following persons have been selected and nominated as representatives and alternates from Ireland to the parliamentary assembly of the Council of Europe until the end of 2009: Deputy Frank Fahey, as leader of the delegation, Deputy Pat Breen, Deputy Joe Costello and Senator Cecilia Keaveney. The alternates are Deputy Peter Kelly, Deputy Tony Gregory, Senator Terry Leyden and Senator Joe O'Reilly.

International Agreements: Motion.

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

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 10 December 2008.

Question put and agreed to.

Recapitalisation of Credit Institutions: Statements.

Minister for Finance (Deputy Brian Lenihan): Last weekend, the Government announced that it is prepared to support, alongside existing shareholders and private investors, a recapitalisation programme of up to €10 billion for credit institutions in Ireland. I want to set out the reasons for this announcement. At the outset, I want to make clear that this is a measured response to the dynamics of international capital markets, where expectations with regard to capital levels have altered in recent weeks. This has taken place in the context of an international financial crisis, which led to numerous state interventions in national banking systems across the world.

International financial markets have yet to normalise and the international financial system remains in a very fragile position. It is generally accepted that the fallout from the financial market difficulties is proving to be more acute and prolonged than anyone calculated at the outset.

The difficulties that began in August 2007 deepened significantly through September of this year with a succession of threatened collapses and rescues of financial institutions across the developed world. A pervasive uncertainty about credit risk emerged such that the market for interbank lending became extremely challenging. Matters worsened considerably when the big US investment banks came under stress, and across Europe the failure of the 158-year-old Lehman Brothers was a tipping point for the recent unprecedented turn of events.

Following this, the wholesale markets began to avoid all but the most minimal risks and this led to a drying-up of short-term lending. Despite liquidity injections to lower borrowing costs,

[Deputy Brian Lenihan.]

the fear of further bank failures continued to deter interbank lending and led corporations, funds and banks to hoard cash.

Against this background and on the advice of the Central Bank, the Government acted with purpose and determination to guarantee the liabilities of credit institutions so that they could access funding in interbank lending markets. The prompt and decisive action on the part of the Government to guarantee all the deposits and certain debts was taken to allow the banks the support they needed to maintain their normal liquidity position in interbank lending and debt markets. The unequivocal advice to the Government from the Governor of the Central Bank was that this move was essential to allow banks to continue their normal ordinary business of providing credit in this country — what I have described as the lifeblood of the economy.

Following the initial announcement on 30 September, the Government brought the necessary legislation before the Houses of the Oireachtas to approve, first, the Banks (Financial Support) Act 2008 and, subsequently, the scheme to implement the Act. The Government's guarantee has been very successful. Irish banks have continued to do their business and all of our people and businesses have been able to deposit with financial institutions in confidence.

As with every country in Europe, Ireland has moved to ensure the security and stability of its banking system. For banks everywhere, liquidity — that is, the cash that comes in the form of deposits and interbank moneys — provides the funds that they then lend on. The guarantee has ensured that the banks can obtain that liquidity.

Since the guarantee scheme was introduced, my Department, the Financial Regulator and the Central Bank have been in ongoing discussions with the institutions concerned surrounding their obligations under the scheme. In addition, I have personally met with the chairpersons and CEOs of the institutions on a number of occasions. During these discussions I have asked the banks to examine options to attract or raise private capital to underpin their long-term sustainability and support their lending to the economy. These discussions have been productive and informative. This process of consultation, involving as it did close contact with the relevant institutions, provided a context for the Government's announcement of 14 December of support for a recapitalisation programme for Irish banks.

As I have said, banks need deposits and wholesale borrowings in order to have money to lend to the economy. The guarantee has enabled them to maintain this liquidity in very adverse circumstances. Capital is what allows the banks to take on the risk associated with lending into the economy, because capital provides a buffer against losses if they occur; less capital means less ability to lend. Even where a bank has plenty of liquidity, if it does not have capital it cannot afford to lend, and it will not be able to persuade others to lend to it. So recapitalisation will help to boost the ability of banks to lend and will place them on a more secure footing to contribute to our economy over the longer term. Moreover, it should also protect their ability to borrow money for their operations in the future, since higher capital levels reassure interbank lenders about the overall security of the banks they are lending to.

Recently, international capital market expectations in regard to capital levels in the banking sector have altered. Although Irish banks are capitalised above minimum European regulatory requirements, high loan impairments, whether already acknowledged or anticipated in the next few years, mean that the markets now expect that banks should have a higher level of quality capital. This expectation was reinforced when the United Kingdom carried out the recapitalisation scheme targeting this higher level. Other European countries have followed suit.

Significant falls in the share prices of Irish banks in recent times point to the capital market's belief that the Irish banks are undercapitalised. The Government's plan to recapitalise is intended to stabilise the Irish financial system and secure its funding base. Moreover, the

Government's plan will enable banks to increase lending into the economy. Currently, the incentive is for banks to hoard capital to meet market expectations on capital levels. Reducing this incentive by injecting capital will facilitate lending to the real economy. Since the announcement of the guarantee scheme, many other countries have introduced state guarantees and recapitalisation programmes.

In Ireland, we have been able to monitor the actions taken by others and develop our own recapitalisation programme. Through this recapitalisation programme, the Government, working with the banks, intends to address the capital levels of the Irish institutions which have been the focus of capital markets in recent weeks.

As the House will be aware, the programme that the Government has announced envisages recapitalisation for banks in Ireland of up to €10 billion. This programme will include appropriate terms and conditions, and capital will be provided through the National Pensions Reserve Fund or otherwise. Accordingly, legislation to amend the National Pensions Reserve Fund Act 2000 will be brought before the Houses early in the next session.

The Government's detailed statement of 14 December set out the main principles that would guide its approach to the recapitalisation of the banking system in Ireland. Important issues, such as the mechanisms through which the State could invest, the options available to the State for investment in the banking system and the maximum size of the fund, were all dealt with in the statement. It made explicit that the detailed guidance set out in the European Commission communication on recapitalisation on key issues, such as pricing, would be a central element of the Government's approach.

The nature of the State's investment may be by way of preference or ordinary shares and the State may, where appropriate, participate on an underwriting basis. I will now engage further with the banks themselves — indeed, I have engaged with them already since the announcement — with a view to specific proposals being brought forward by them in early January. Any capital investment will then need to be approved by shareholders and the Financial Regulator as appropriate.

I have met in recent weeks with a number of banks and investment businesses regarding their proposals for investment in Irish banks. Any serious propositions were referred to the institutions themselves.

Some existing shareholders have expressed an interest in subscribing for new capital. The Government has indicated that it intends to support the recapitalisation of banks alongside private investors and that, in principle, existing shareholders will be expected to have the right to subscribe for new capital on the same terms as the Government. Any role for private investors will reduce the need for State investment.

State investment will not be forthcoming without conditions. A key principle in the operation of such a fund will be to secure the interests of the taxpayers through an appropriate return on and appropriate terms for the investment. The relevant financial institutions have been asked to submit detailed proposals on how they might avail of the recapitalisation programme announced by the Government.

The Government guarantee scheme sets out strict terms and conditions for covered institutions in terms of commercial conduct, control and oversight on remuneration and bonuses, requirements to establish appropriate funding structures, compliance with the regulator's targets on assets and liabilities if necessary and drawing up the restructuring of management plans. Any capital support will build on the measures contained in the guarantee scheme, including those to secure an adequate return and to safeguard the interest of taxpayers. In addition, the Government may require compliance with such further transparency and commercial conduct requirements as it sees fit.

[Deputy Brian Lenihan.]

In the period after the guarantee, the State commissioned an extensive report, conducted by PricewaterhouseCoopers, into the asset quality of the covered institutions. On receipt of that report in November, I immediately arranged meetings with the relevant credit institutions to raise issues in the report and matters that also arose in the context of the business plans submitted to me by the covered institutions. That dialogue process has been ongoing and intensive. Deputies will appreciate that, as I am in a negotiating position with the banking sector on these issues, I am not in a position to give further detail to the House. However, I am most anxious to ensure that the negotiations are brought to a conclusion as swiftly as possible.

Concerning the availability of capital for small and medium-sized enterprises, SMEs, the Government is committed to ensuring that funds are available to sound businesses to support their commercial activity. I have asked the institutions covered by the bank guarantee scheme to consider the contribution that they should make to the economy through appropriate credit initiatives for SMEs and otherwise. On foot of this request, several institutions have announced comprehensive SME support packages.

I have also met Mr. Plutarchos Sakellaris, vice-president of the European Investment Bank which announced that it was providing additional funding through its lending facility for SMEs in the European Union. Mr. Sakellaris confirmed that the bank has been in discussion with a number of Irish financial institutions about participating in this facility and that the investment bank hopes that agreements to provide such loan facilities can be finalised as soon as possible. I have urged Irish banks to utilise the facility to the maximum extent possible with a view to making the additional funding available to SMEs as soon as possible. I note that a number of banks have announced their intention to do so.

I wish to refer to the action taken at a European level and to outline how our proposals accord with European Commission guidance and action taken in other member states. Any investment of capital by the State in any bank will be undertaken in line with best practice in the EU and elsewhere and consistent with EU state-aid rules, in particular the recent Commission communication on recapitalisation. These guidelines address how member states can recapitalise banks in the current financial crisis to facilitate adequate levels of lending to the rest of the economy and to stabilise markets without unduly distorting competition.

Ireland has been participating in this work at EU level in the past year to enhance financial stability arrangements and the ability of authorities to respond to serious disturbances in financial markets. The programme of actions involves reviewing, along with the EU's international partners, how to improve the transparency of complex financial instruments, valuation standards, the prudential framework, risk management and supervision and market functioning, including the role of rating agencies. Ireland will continue to help to progress this agenda so that the EU, working closely with its international partners, can bring about a far-reaching reform of the international financial system, underpinned by principles of transparency and integrity.

Deputies would profit from examining an interesting interview conducted in today's *Financial Times* with the deputy governor of the Bank of England. He pointed out that monetary policy must be directed towards getting credit flowing to every component of the economic chain. He made the point that an obsession with capital ratios would not necessarily be the most successful way to do so and expressed doubts about whether the degree of capitalisation decided upon by the United Kingdom's Government some weeks ago is adequate to ensure that type of credit flow in the real economy.

I mention this because I have noticed in public commentary some impatience that capitalisation has not proceeded at a faster pace. We should be careful about how we get involved. For

this reason, I have insisted that the onus was on the banks in the first instance to capitalise themselves, as they are private institutions. In an earlier debate, Deputy Rabbitte may have mentioned the possible use of the National Pensions Reserve Fund. I agree that it can be applied where there is a prospect of an upswing for the taxpayers in an investment in a particular financial institution, which was made clear in the Government's statement last weekend.

We have done a great deal of work since the guarantee was given. The detailed examination of the asset quality within the banking sector and the submission of the detailed business plans have enabled my officials and I to have a far more informed view of the state of the Irish banking sector. Together with the structured dialogue, this was the context that led to the Government's announcement last Sunday, which will be implemented in a short timeframe.

Deputy Richard Bruton: With the permission of the House I propose to share time with Deputy O'Donnell.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Richard Bruton: I agree with the Minister that we must be careful about this issue. Equally, it is a matter in which the Dáil must exercise careful scrutiny of what is occurring, but that position is inconsistent with the Government's decision to dismiss the Dáil for six weeks in the midst of this delicate and important business.

When the guarantee was offered on 30 September, I happily offered the support of the Fine Gael Party. The scheme was necessary and bought time for the Government to develop a strategy. In the intervening period, I have not seen the emergence of that strategy. Rather, I have seen 35,000 jobs lost, credit dry up, as evidenced by the Central Bank's statistics, and regard for Irish banks shrink more quickly after the guarantee than previously. Last Sunday was a positive move forward, in that the Government dropped its untenable position of viewing recapitalisation as a last resort. No other state regarded government involvement in recapitalisation in that way.

That said, I still cannot see a strategy emerging. We are expected to believe that the Government is working to some master plan, but the document produced was full of undecided options and demanded no new conditions, which would have given a sense that the Government was driving the process in a particular direction. The Government seems to be looking for someone else to come up with the answers and ideas as to how we can get out of this hole.

The Government's prevarication has become a part of the confidence problem, not its solution. It is not setting an agenda to which banks must respond. It is waiting for them. They were given ten days in which to revert with a plan, but we have heard nothing about how the Government rejected some parts of the plan and improved it. They were given another ten days to produce a remedy for small businesses. All that the Minister can do is tell the House that they announced things, most of which are regarded by the small business sector as PR operations. The sector informed Members that 54% of its members are being refused loans, but the Government is sitting back and telling us that those few announcements are somehow dealing with the issue.

The banks were given seven days to respond to the issue of mergers and consolidations, which the Government seemed to indicate would be necessary. Those seven days passed, but there were no mergers or consolidations and the issue disappeared from the agenda. I do not know where the proposal lies now. The Government is now giving them 20 days in which to revert with a proposal for recapitalisation.

We need a Government that sets the standards and tells every bank which new capital ratios are required of them, not just the banks seeking State support for recapitalisation. We want to

[Deputy Richard Bruton.]

know what requirements the Government will set on banks in terms of their behaviour, how they will manage their toxic loan books and the manner in which they will deal with the drying up of credit for small business. We need a Government that is clear and confident concerning the terms on which it will offer taxpayers' support. We have not been provided with information in that regard. We taxpayers are in this up to our necks. We have guaranteed liabilities of €400 billion and we need to know that the Minister, as our representative, is operating on the basis of a credible strategy that will extricate us from the position in which we find ourselves.

Time is not on our side. I accept that the Government must be careful but it has had two and a half months to examine the details of what is involved. The Minister must dictate what is going to happen and lay down the conditions under which private equity will be provided. How will the Minister protect the taxpayer when there is private equity involvement? What conditions will he impose with regard to the behaviour of banks after recapitalisation occurs?

At present, banks are reducing their loan to deposit ratios. They have indicated that they intend to solve their problems by raising further deposits. However, everyone knows that they cannot all do so. As a result, they are squeezing down credit. The banks pretend that this is not happening but the statistics prove otherwise. Due to the fact that they are not facing up to difficulties relating to properties on their loan books, they are using up the scarce money that is available in order to roll-over loans. Where credit is being issued, it is going to the property sector. Loans to that sector are non-performing in nature and are soaking up any ability to deal with this crisis.

The banks have axed overdraft limits. Last month's returns show that such limits were cut by 25%. I refer here to unused overdrafts that provide businesses that are under pressure with some wriggle room. The Minister did not indicate how businesses are supposed to access overdraft facilities. He is correct to state that capitalisation is not a magic bullet. Will he indicate, however, the ammunition he possesses to allow him to formulate a strategy to deal with this matter? We are all aware of the problems and we expect a response in respect of them.

People are looking on in horror at what is happening. The Minister stated that the banks are meeting the regulatory requirements relating to capital ratios. The truth is that the market values their capital ratios not at 5% or 6% but rather, in the best case scenario, at 1%. In the worst case scenario, the market valuation is probably less than 0.25%. That is where matters stand.

History tells us that allowing the banks to deal with this problem on their own will not result in the best outcome for either the country or the taxpayer. There are perverse incentives for banks to take a punt on and increase their exposure to bad loans in the hope that something positive might happen. When banks are short of capital, their behaviour changes.

One can already see that much of the discussion with regard to shunning new capital is designed to save the position of those within the existing management structures of the banks and avoid the possibility that shareholder interests might coalesce and demand change. That is what is occurring rather than a strong, authoritative response to the crisis in the banking sector. The banks are managing down their loan books rather than trying to protect credit lines for decent businesses. I am concerned that the banks will persist with the policies on bad loans and ration the credit available to good businesses, thereby forcing them to the wall. Those in charge of the banks are more interested in saving their own skins rather than trying to achieve that for which we put our money at risk.

I welcome the fact that the Minister has moved away from the position of last resort. However, he continues to state that the Government is awaiting the proposals with which the banks are due to make.

Deputy Brian Lenihan: The position is far more advanced than that.

Deputy Richard Bruton: I would have preferred if the Minister could have provided more information on the advances that have been made——

Deputy Joan Burton: The Minister is just waiting for the Christmas recess.

Deputy Richard Bruton: ——and indicated what is envisaged and how taxpayers will be protected. At present, taxpayers are being run ragged as a result of what is happening with the banks.

The cost of the State's borrowing has already risen by 1.5%, which will add almost €1 billion to our total debt next year. Taxpayers are, therefore, being screwed in respect of the cost of this borrowing. It is obvious that we, as taxpayers, will be obliged to offer commitments in respect of liabilities created by the banks beyond 2010. The Minister's announcement last week did not instil the confidence he hoped it would. I accept that this pre-emptive move bought time at a point at which the markets were extremely concerned.

The Minister must begin to answer some of the difficult questions. How does he intend to manage joint funding involving private investors? There is a real concern that the Government, the Financial Regulator and the Central Bank and Financial Services Authority of Ireland lack both the skill and ideas necessary to deal with this matter effectively. Ideas such as those to which I refer have not been articulated and people are dubious as to whether the Government has a clear strategy that will allow it to negotiate with the wolves and emerge with a credible package that will protect taxpayers. The Minister has not outlined the framework within which he proposes to manage the difficult negotiations to which I refer and emerge with a deal.

Deputy Brian Lenihan: I would be devoured by the wolves to whom the Deputy refers if I announced my strategy in the House.

Deputy Richard Bruton: There are different views on that matter. One of the most respected commentators in this area, Patrick Honohan, has made it clear that the Government ought to articulate the conditions on which a deal of this sort should be done. He also stated that, rather than what the Minister is doing, we would be better protected if public pronouncements were made in order that everyone might know the rules of the game.

The Minister must outline his vision with regard to what form the repaired banking system will take. He must also indicate how the State is going to repair that system. It appears the Government is being dragged along reluctantly, requesting people to react to particular proposals and then resting on its oars while awaiting further developments. Such an approach is not good enough in the current climate.

Deputy Kieran O'Donnell: I concur with everything Deputy Bruton said. Everyone accepts that a recapitalisation of the banks must take place. However, such a recapitalisation must occur in the context of the facts as they exist. We understand that the PricewaterhouseCoopers is due to present its report to Government by 20 December. However, we have not been provided with any details in respect of this report. The purpose of the PWC report is to investigate the position regarding bad debts within the banking sector, which forms the nub of the problem in respect of the loan books of the financial institutions.

It is not merely a case of recapitalising the banks. We must be informed as to how much money will be required in this regard and the Minister must indicate whether this will be the first, the first of many or the only round of recapitalisation. Members of the public are of the view that the banks are dictating the pace in respect of recapitalisation. Representatives of the

[Deputy Kieran O'Donnell.]

two main banks, AIB and Bank of Ireland, came before the Joint Committee on Finance and the Public Service earlier in the week. If the share prices of client companies of these and other financial institutions had fallen by 95%, those institutions would seek that CEOs and boards of directors of such companies be removed and EGMs would be held. However, this has not happened in the banking sector.

Members of the public have a great distrust of the banks. They want the Government to show leadership but are of the view that it has not done so. We have been informed that tier 1 capital ratio levels are not sufficient to meet market requirements. However, AIB has publicly stated that it will not be seeking any recapitalisation funds from the Government. There is a contradiction in this regard. As a result, the Government must take a leadership role. The Minister indicated that the banks have put forward plans in respect of providing funds to the business sector. That may well be the case. AIB has agreed to guarantee an aggregate of €3 billion in overdraft facilities to its customers, but it is withdrawing such facilities on a daily basis.

Bank charges and interest rates in this country are significantly higher than the EU average. However, the banks will not answer questions in respect of this matter. The Government must insist the banks provide details on how they will guarantee the flow of funds when recapitalisation takes place. There is every likelihood the banks will take the funds and use them to soak up bad debts. Will funds flow to the small business sector and will the Minister obtain a guarantee in respect of house repossessions? The Government must take care of Ireland Inc. and its citizens. That is its role and is what it should be but is not doing. The banks are acting as though there have been no changes.

I am concerned, in terms of private investors coming in, that the Minister will sell out our financial sovereignty. The concern is that the Government will have no input into this and that investors will strip the cupboards bare and make a killing. Side by side, Ireland Inc. will literally fail in terms of the flow of funds. The Government should take up the suggestion made by the Small Firms Association at a meeting of the Joint Oireachtas Committee on Finance and the Public Service. It is important that round-table discussions on this measure, involving the banks, the small business sector and Government take place and that this measure is adopted by Government and made a precondition in terms of recapitalisation.

The Government is acting in a form epitomised by procrastination. This does not instil confidence and shows a lack of leadership. The Government needs to take the lead with the banks. As of now, the banks are leading the Government.

Deputy Joan Burton: I wish to share time with Deputy Pat Rabbitte.

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

Deputy Joan Burton: This debate takes place just as the Central Statistics Office has announced that GNP for the third quarter has fallen by 4.9%. This is, unfortunately, not recession but depression territory for the tens of thousands of people whose jobs are at stake and for the hundreds and thousands of businesses which may be forced to close next year.

The Minister in his short comments, most of which have been published before, evaded the issue. The purpose of this debate is to allow the Minister to set out and give to the House a sense of how he is approaching this problem. The Labour Party is asking that the Minister protect the national interest over and beyond the many invested interests that are lurking in respect of all of these issues.

The banks' senior executives and boards have strong vested interests in terms of the protection of their reputations, jobs and wealth given most of them are major investors. The Minister

has not identified or addressed the strategic national interest. An issue arises also in respect of whether there needs to be an Irish banking industry which is significantly dominated by Irish interests, although it may include foreign investment, as is currently the case. The fact that the Minister is unwilling to take questions indicates that he has not yet made up his mind as to what he will do. However, I know the Minister has made up his mind and that he is choosing not to tell us what he proposes to do. He informed us of three options in terms of how the State might express its interest in this regard.

I know the banks are playing hard ball. I know also that when the Minister came up with the Farmleigh formula of inviting in people such as the Mallabracca consortium, J.C. Flowers & Co. and Carlisle Investments——

Deputy Brian Lenihan: They were not at Farmleigh.

Deputy Joan Burton: These foreign venture capitalists who lie behind some of the recapitalisation proposals, if allowed to take control of significant sectors of the Irish banking industry, pose an extreme danger. I can understand that the Minister is in some difficulty but this is a Parliament and he should not have refused to answer questions on this matter if, as he suggests, he has a plan.

Perhaps the most striking aspect of the banking crisis has been the complete lack of accountability at the highest levels. It beggars belief that the same CEOs and board chairmen are in place almost three months after the Government threw them a safety blanket guarantee. We were then first movers, for which the Minister claimed advantage and acclaim. However, the Government's first-mover status and advantage has long been eroded by its pussy-footing around and entertainment of any and all-comers. It has sent out the wrong signals. It has sent out signals that it is dithering rather than acting with due consideration, diligence and speed.

We are now considering injecting billions of euro into these banks. The Minister referred earlier to the Labour Party request at the time of the debate on banking that the Government deal with the adequacy of the banks' capital. He poo-pooed that proposal on that occasion because he said it was liquidity and not recapitalisation of the banks that was at issue. The reason the Labour Party focused on recapitalisation is that the banks' core problem is the unknown levels of bad debts on their balance sheets. This unknown level of bad and potential bad debts is what is poisoning the banking system in this country. It is when these bad debts come to be written-off that the level of capital impairment will go way below that to which the Deputy Governor of the Bank of England referred. The Bank of England recognised way back that bad debt impairment in the UK banking system needed to be addressed. It is what caused the complete destruction of the Icelandic system.

Let us be clear on what it is the Labour Party is talking about in terms of recapitalisation. Recapitalisation arises because banks here have built up unsustainable levels of bad debts largely related to the property construction boom. There is no evidence, as yet, that they have addressed this issue in a manner that is convincing to the capital markets or bankers in other banks not affected by this issue.

There has been a gross failure of oversight. I am baffled that the Financial Regulator continues to insist all is well in Irish banking and that all capital adequacy ratios have been met. It appears all regulations have been complied with and all the boxes have been ticked. This comes from the cat's milk school of auditing, namely, checking if the €100 one spent on the cat's milk is accounted for while all enterprises are in peril of sinking. As I said before, this is akin to saying that the State rooms in the *Titanic* are in perfect order, clean and refurbished while the ship is going down.

[Deputy Joan Burton.]

The regulator, from what the Minister said, is insisting that Irish banks are adequately capitalised. However, as I stated earlier, the arbiters in the markets, who do not get everything right but nonetheless play an extremely important role in this, are saying that is not the case. The Minister showed through budget 2009 that he can be tough on pensioners and school children. When does he propose to get tough on bankers and people in the regulatory system who failed to do their job properly?

I wish now to raise an important issue which I raised privately with the Minister. We have had no explanation or discussion in this House in respect of what happened with the Financial Regulator and the Quinn Insurance Group and company. We know that the largest fine in the history of Irish regulation was levied and that the regulator acknowledged that the moneys of an insurance company to the tune of more than €200 million were used to assist in some way unidentified people in purchasing positions, via contracts, or shares in one of the banks most related to the construction industry.

We are told by the regulator that the insurance company is fine subject to the chairman standing down despite it being levied with the largest fine in the history of Irish regulation. On the other hand we are told the bank in which the share positions or the options through which CFDs were taken is fine also. That is a gravely worrying series of events in related financial institutions, which are regulated by the same regulator. No explanation has been forthcoming, except to say that the disciplinary approach that was taken is a private agreement. That is not good enough.

We, in the Labour Party, favour the Swedish model where the State seeks to have an equity investment in the banks, and that investment is available for sale when the bank shares recover and taxpayers can recover their money. We are afraid the Minister is opting still for the Japanese model, where bad banks were nursed along and allowed to limp along by the state by not recognising the level of loan write-offs they had to have.

I understand that the PwC report may have suggested levels of loan write-offs of approximately 2% a year for up to three years or five years. The Minister did not publish that report either, so we do not know what we are talking about, but we can guess it must be at least 2% a year for three years. That is a total of 6%. The banks are doing nothing like that. They are basically picking approximately half of that figure because they can deal with that by not paying dividends and through a variety of other devices. In the meantime they will starve the economy and businesses, large and small, of credit in order to assist that.

There is a law in economics called Gresham's law where the bad money drives out the good. Are we having an Irish version of Gresham's law where a number of bad banks that are hopelessly compromised by their level of bad debt, especially in respect of the construction industry, are going to drive out the good banks, which with reorganisation are capable of constituting a strong, competitive banking force with State equity? If the Minister is compromising his approach in order to hold up bad banks then he is not serving the national interest.

Deputy Pat Rabbitte: Listening to Deputy Bruton and Deputy Burton I am bound to say I have some sympathy for the Minister for Finance. Of all the Ministers in the former Taoiseach, Deputy Bertie Ahern's second Government he is least responsible for getting us into the terrible mess we are in now. He has taken the worst hospital pass in modern politics from his predecessor. Whereas he was a good Minister for Justice, Equality and Law Reform, I am bound to say that when it comes to economics he has proved to be a slow learner. However, the middle of a crisis is no place for on-the-job training.

The Minister misjudged the downturn. He got it wrong on the pay deal. He got it wrong on the budget. He bet the country on the banks and that has not solved anything. The Minister is back where he was on 29 September except that this time the banks have him over a barrel because of the guarantee. He did what he did on 29 September because the Government argued then that if one bank went down it could cause difficulty for other banks. That same bank is again in danger, despite the guarantee. We have not heard from the Minister whether it is his intention to nationalise Anglo Irish Bank. If he does, what are the implications for where that bank interacts with the Bank of Ireland? Does the Minister intend to use Anglo Irish Bank as a vehicle to strip out some of the toxic loans in some of the other banks or does he intend to reorganise along the lines Deputy Burton, I and the Labour Party favour, which is the way the Swedish Government did it?

The problem is that in the meanwhile the real economy is suffering. Small companies are hurting, people are losing their jobs and, in some cases, their homes. The banks are stalling, share prices are sliding and credit is tightening. There can be no economic stability, not to mention economic recovery without a functioning banking system. The Minister is correct to say that on day one I referred to the likelihood of capitalisation being necessary from the National Pensions Reserve Fund, but I said that would be the case because the core problem, as Deputy Burton indicated, is the quality of some of the big loans on the loan books of the banks.

Whereas we may not have a full-blown credit freeze, small companies are fearful of what the first quarter of 2009 will bring. All the while the Minister is locked in a never-ending embrace with the banks reminiscent of that scene in "They Shoot Horses, Don't They?" where each is afraid to let go of the other.

The two Brians boasted of how speedily, decisively and instantaneously they reacted on 29 September when they got a telephone call at close of business from the two big banks and that a guarantee was in place by midnight. Meanwhile, Mr. Seán Fitzpatrick slept soundly, disturbed only by the closing scenes of the play he had attended that evening. I did not believe a word of that then and I do not believe a word of it now, but if the Minister could react so speedily then what has he been doing for the past 11 weeks? It is this drift, uncertainty and prevarication that is doing so much damage to the morale of our people and to the confidence of the business sector.

There have been press releases to the effect that we do not need an economic plan because we have one, called the national development plan. Then we are told we will get an economic plan. Another press release indicated the banks did not require capitalisation but then we heard we are going to set up a recapitalisation fund. The Minister for Finance told the Dáil he would raise the issue of pay with the unions but the Taoiseach said no, he is not. Sunday night's announcement from the war room in the Cabinet office, on examination, amounted to no more than an invitation to the banks to "Come up and see me some time". The banks will write to the Minister over Christmas and we will work out something.

Following the debate, we still do not know what is the shape of the fund, what it will comprise, which bank will get what, we do not know what will be the terms and conditions. We need to know whether the Minister is going the route of Irish fund managers' investment with the National Pensions Reserve Fund or whether he will go outside the State to some of the private equity consortia. We have not had any indication.

I accept the Minister is constrained by what he can say but he is not constrained in terms of what he can do. It is 11 weeks since 29 September. Business is hurting. Jobs are being lost. Credit is beginning to freeze up and we still do not have the shape of a solution.

Deputy Arthur Morgan: It is now 80 days since the Minister for Finance announced his bank guarantee scheme in the House. Even though he then promised he was not “protecting the interests of the banks” but was instead “safeguarding the economy and everyone who lived and worked in this country” there has been an air of inevitability about recapitalising Irish banks. Over the past two months we have seen one state after another launch a recapitalisation scheme to save their deteriorating economic circumstances, while the Government dithered. Worse still, there is no good news for struggling mortgage holders today as home repossession rates soar, and neither for SMEs, the backbone of our economy, which are shedding workers daily.

The warning signs were there long before September and yet again the Government did nothing. Earlier this year Permanent TSB became the first of a series of banks to withdraw 100% mortgages and cut the maximum percentage of the cost of a house they were willing to lend for to 80% of the property value.

The reason for withdrawing the 100% mortgage was that the bank wanted to have “a more prudent lending policy” — somewhat late, I suggest.

In July Bank of Ireland, BoI, and Irish Life and Permanent, ILP, began to cut back on commercial lending and in the case of Irish Life and Permanent, an early July slump in share prices saw it lose a quarter of its value in a week. Newspaper reports at the time said ILP had driven its lending business not through growing deposits but by borrowing from other banks and lending that money to home buyers in the buy to let market. The *Daily Telegraph* reported in the first week of July that Bank of Ireland told British customers it would take on no new commercial lending for three months. In the same week BoI disclosed that it was unable to predict future profits because of the slowdown and the problems being faced in loan repayments by some of its business customers.

The Irish Wind Energy Association reported in late June that wind farm operators were finding it difficult to finance new projects as banks were only willing to fund 70% to 75% of the construction costs compared to over 80% before the credit crisis and the smaller wind farm operators were being hit hardest. Faced with all these realities of a growing crisis the Government did exactly in July what it is doing today — it went on holidays. Given the amount of time that has elapsed, one would have thought the Government would be in a position to provide details of a clear and comprehensive recapitalisation project that would boost confidence in our financial institutions and inject much needed credit into our economy. What we got in last Sunday’s announcement, however, was a vague statement that inspired little confidence in the Government’s ability to deal with one of the greatest economic challenges to face us in a lifetime.

Rather than a decisive plan of action, the latest Government announcement has been described as an “approach to recapitalisation”, with broad parameters that have left us in the dark as to what exactly it all means. The Government has reiterated that the interests of the taxpayer are paramount. Based on certain signals it has made, however, I remain far from convinced that this is the case. Among my core concerns is the Government’s reiteration that it will “supplement and encourage” private equity investment. The involvement of corporate raiders in the Irish banking——

Deputy Brian Lenihan: Excuse me. The Government never indicated it would support private equity investments. The Deputy should not say that.

Deputy Arthur Morgan: The Minister has said on many occasions that he would welcome and listen to them, talk and meet with them. He said that here. It is on the record of the House.

The involvement of those corporate raiders in the Irish banking sector has been described by even the most right wing economists as one of the worst things that the Government could do, yet even today we do not have even have names of those private equity interests but it is pretty clear that the sharks smell easy prey and are circling ever closer. If the Government proceeds with inclusion of private equity investors, it will have used the guarantee, paid by Irish taxpayers, to subsidise a tiny number of investors making quick profits at the expense of our economy.

It is hard to see why we are not facing another Eircom debacle of five owners in seven years, with an ever increasing debt burden, large dividends for shareholders and a failure to invest adequately in the customer network. These vulture investors are only interested in high profits in very short periods and if they are successful in getting a controlling stake over any of our major banking institutions, we will be in a perilous situation.

Any involvement of private investors threatens the public interest as we will not be in a position to restructure the banking sector in a way that is necessary to secure our economic future. Again there is nothing in the Government's statement that suggests a radical overhaul of the banking business model which created the type of irresponsible and reckless lending behaviour that has brought our economy tumbling down. The culture of banking is going to have to change forever to ensure stability and if this is not addressed the banks may well go on acting irresponsibly and recklessly. Key to this is the replacement of those senior executives in certain banking institutions who have misled us as to the true nature of their debt problems and encouraged the type of behaviour which has contributed to the credit crunch.

The banks should not get a single penny from recapitalisation until there are wholesale changes in their senior management and those who are accountable for the mess that we are now in should be sacked, without any type of golden handshake, before they even commence their applications to be recapitalised. While this seems to be recognised as imperative by almost everyone, the Government's failure to achieve either of these demands at the time of the guarantee leads me to believe that very little will change with recapitalisation.

One of the most disappointing aspects to the Government's approach is its refusal to use the leverage of recapitalisation to protect the people who are paying for it. We have all heard this week that 13,391 mortgage accounts were three months or longer in arrears by June 2008. This was an increase of 11,252 from December 2006. The number of repossession orders being heard in the High Court is increasing at an alarming rate while there may a substantial number of voluntary repossessions that will never be heard about.

My party has been calling for a moratorium for the duration of the guarantee scheme for those who fall into financial difficulty. The Government missed the boat at the launch of the guarantee scheme to make this happen. However, there is another opportunity with recapitalisation to help the hundreds of thousands of families whose homes are now threatened. Another crucial measure which must be taken is to open up credit streams for the SME sector. When the banking officials visited the finance committee last Tuesday, I was disappointed, but not surprised, at their failure to appreciate how serious things have become for this sector. A couple of weeks ago an ISME survey showed that half of its members were being refused credit. These were not unknown companies, but well established businesses which have long established relationships with their banks. The result is that a large number of SMEs are now in serious financial difficulties, which has massive employment implications. Yesterday it was reported that almost half of all firms in the small and medium sector experienced a fall in employee numbers in the last three months. While all of this is happening the banks are continuing to sit back. The sector has moved at a snail-like pace in dealing with the credit crisis, negotiations

[Deputy Arthur Morgan.]

are still ongoing with the EIB in relation to its small operational fund while the banks have done really nothing to capitalise themselves.

If we are really to place the public interest at the core of recapitalisation the issues of mortgage repayments and credit for our SMEs must be core conditions. There is no guarantee that the banks will lend out the funds as opposed to sitting on them. This was a problem that the US Roosevelt Administration faced when it stepped in to recapitalise the banks in 1933. For this reason, the Government will have to ensure that the State becomes a major shareholder in our banking institutions to get credit going again. This will have to be done through part or full nationalisation of our banking sector, with the Government retaining ownership of one of the major financial institutions to protect our national interest.

It is clear to even the most right wing of economists, who have suddenly decided that the State must intervene in our economy, that the public interest can only be prioritised if the State plays a leading role in our financial sector. There was a time when we had the solution to this problem in Ireland, known as the State banking sector. For business and industry we had the Industrial Credit Corporation, for farm business there was the Agricultural Credit Corporation and for insurance there was the State owned Irish Life. The Post Office had a savings bank, and building societies were only allowed to lend to prospective home owners, not into the buy-to-let market which now accounts for 36% of the housing market in Ireland. None of this was the glitzy banking sector of today. It was boring and solid, but it worked and it was trusted by the public, unlike the banks today. None of these banks ever made a loss, the profits were not enormous but business was done, money was lent, houses were built and some businesses grew. The model and scale was very limited but the principle was well-established. This cannot be done through any involvement of foreign private equity and my party will oppose any recapitalisation plans that support this.

Finally, I should mention an initiative I spoke about on last night's Private Members' business. The recapitalisation scheme may provide a golden opportunity to tackle the impending housing crisis. While speaking to an Oireachtas committee on 14 October last, Mr. Patrick Neary, CEO of the Irish Financial Service Regulatory Authority, told us that speculative lending to the construction and property sectors in the country amounted to €39.1 billion and that he anticipated "losses on property-related loans" and that "increased provisions and write-offs will be necessary". Mr. Neary also revealed that a PwC audit of the six largest Irish banks had found that €15 billion of property lending was secured on the properties alone. Can we learn anything from the Swedish experience in the early 1990s, where a similar case of ill-advised commercial lending in a property boom led to a collapse in its banking system?

As part of the Swedish bailout, the Swedish Government forced banks to write down losses and sell off the distressed assets. In the Irish case, some of the assets in question are the land banks amassed by speculators, the unfinished housing estates and commercial retail ventures that should be sold off as bad debts. The Swedish Government formed a new agency to supervise institutions that needed recapitalisation and another that sold off the assets, mainly property, that the banks held as collateral.

In Ireland, we have a unique opportunity to return control of the planning process and commercial development to local government, by breaking up the property cartels that have been holding Dublin and many other towns ransom to their own development strategy, wilfully thwarting local council development plans. As property prices fall and these assets are sold, local government could have a unique route to dealing with the growing housing crisis, and taxpayers can be given a better return for their investment in the banks, rather than allow cash-strapped developers sit on their assets now only to make more profits in decades to come.

Minister for Finance (Deputy Brian Lenihan): Deputy Bruton made a fair point when he asked what was the vision for the banking sector. If we strip away the political charges made by the Opposition speakers and consider what they want for the banking sector, it is what we all want. It is what the people want, that the banks will serve borrowers and small and medium sized enterprises in an honest way and ensure that those in default on their home loans are treated in a reputable and respectable way. These are core objectives of both the Government and Opposition parties and are not an issue in this debate.

However, with regard to the political charges made and, in particular, to the suggestion there has been a delay in dealing with this matter by the Government, I wish to point out that I have spent night and day, since budget time, working on this issue. The issues involved are of fundamental importance, both to the economy and the taxpayer. I received the final report from PwC on 18 November. Therefore, Opposition speakers who contributed to this debate cannot say there has been some——

Deputy Joan Burton: That was the final report. The Minister had several drafts before that.

Deputy Brian Lenihan: Will the Deputy allow me speak without interruption, for once? As soon as I received drafts, I worked on them. I assure the Deputy of that.

Deputy Joan Burton: Be honest.

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

Deputy Brian Lenihan: As far as vested interests are concerned — Deputy Burton is very fond of insinuating vested interests in public debate — I act in the public and national interest, nothing else, in this matter and if there are questions of detailed negotiations to be conducted, they are referred to the National Treasury Management Agency.

The question of private equity, which is an important subject, was mentioned by a number of speakers in the debate. Banks are approached all the time by private equity investors and they draw their own conclusions about them. Were private equity to be involved in the recapitalisation now under way, it would have to act in terms in accordance with the public interest and the fundamental importance of retaining a viable, sustainable banking sector here in Ireland for the long term. There is no question about that. With regard to credit for small and medium sized businesses, I thank Deputies for their views. They are the same as that of Government and have been fully factored into the negotiations.

A number of Deputies referred approvingly to the Swedish model. Deputies should be aware of the facts relating to the Swedish model. It was a total nationalisation of the bank sector. A total nationalisation of our banks——

Deputy Joan Burton: It did not include all the banks. The biggest bank was not included. We have read about the Swedish model also.

Deputy Brian Lenihan: I am aware the biggest bank opted out. Let us be clear about this. Were we to nationalise our banks, we would be required to compensate the shareholders of the institutions at current market values under our current Constitution. That would not ——

Deputy Joan Burton: That would be about €3 billion.

Deputy Brian Lenihan: Deputy Burton may think €3 billion can be loosely thrown around the street like that and turned into——

Deputy Joan Burton: I did not say it should be thrown around, but it is not that much.

Deputy Brian Lenihan: —dead money in the hands of shareholders all over the globe, but I do not think that is a sensible course for the State to pursue in this context.

Deputy Joan Burton: There is almost €11 billion in the national pension reserve fund in shares all over the globe that have tanked. That is the Minister's strategy.

Deputy Brian Lenihan: May I speak without interruption?

An Leas-Cheann Comhairle: Allow the Minister speak, without interruption.

Deputy Brian Lenihan: The strategy on the pension fund, which was signalled by Deputy Rabbitte in the original debate on the guarantee — for which I give him credit — is that Irish pensioners, from 2025 onwards, can participate in the upswing in the Irish banking sector which will, inevitably, happen when the reform and repair of the Irish banking system takes place. It is a good investment for the pension fund to invest in the banks that have prospects of an upswing.

Deputy Joan Burton: Is that in banks in Ireland or around the world?

Deputy Brian Lenihan: Currently, the pension fund has investments in banks all over the world. What I am doing is ensuring that funds at the disposal of the pension fund can be invested in the Irish banks to provide them with the essential capital buffer that will give further confidence to these institutions and ensure that they lend into the real economy.

Electoral (Amendment) 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.

Electoral (Amendment) Bill 2008: Report and Final Stages

Amendment No. 1 not moved.

Deputy Terence Flanagan: I move amendment No. 2:

In page 11, between lines 27 and 28, to insert the following:

“PART 5A

10.—Section 13 of the Electoral Act 1992 is amended by the insertion of a new subsection (5) as follows:

“(5) (a) The marked copies of the register of voters in each constituency shall be made available for public inspection in the local authority offices and public libraries within the constituency to which the register relates.

(b) Any document under paragraph (a) shall, after a period of five years, be maintained in the national archives.’”.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): Under existing law, the marked copies of the register are made available for inspection by the Clerk of the Dáil under section 131 of the Electoral Act 1992

for a six-month period after a Dáil election. At European and local elections, which are nowadays held at the same time and with the same register documentation, the marked copies are retained by the local authority returning officer for public inspection over a similar period.

The effect of the proposed amendment would be to require the marked registers to be available in both local authority offices and libraries. Logistically, it would involve over 6,000 documents from each election being available for a five-year period instead of six months and them being transferred to the national archives afterwards instead of being destroyed. There are already detailed arrangements in place for inspection of registers of elections. I am satisfied that these operate in a satisfactory manner, given the issues that inevitably arise with custody, transportation and inspection of the over 6,000 marked registers involved. Therefore, I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 3 and 4 are related and may be discussed together.

Deputy Michael P. Kitt: I move amendment No. 3:

In page 20, to delete lines 17 to 26 and substitute the following:

“13.— The Second Schedule to the European Parliament Elections Act 1997 is amended—

(a) in rule 17—

(i) in paragraph (a)(i) by substituting “six” for “four”, and

(ii) in paragraph (a)(ii) by substituting “four” for “three”,

and

(b) in rule 88 by substituting the following paragraph for paragraph (3):

‘(3) When the last vacancies can be filled under this rule, no further transfer of votes shall be made unless any of the continuing candidates has not been credited with a number of votes exceeding one quarter of the quota and it is necessary for the purposes of section 21 of the Electoral Act 1997 or section 13A(1)(e) to make such transfer in order to establish whether such a number of votes could be credited to that candidate.’”.

This amendment is grouped with Labour Party amendment No. 4 and has been introduced in response to the amendment tabled by Deputy Tuffy on Committee Stage and re-entered in modified form for Report Stage. It relates to the filling of casual vacancies in the European Parliament. The Deputy proposed that political parties would be able to nominate replacement candidates where the replacement list was exhausted, or those remaining on the list were unable, for whatever reason, to take up the position. The Minister was not inclined to accept the amendment on Committee Stage because of the existing provision for the Dáil to resolve the matter should it ever arise. Also, it is undesirable to have political parties selecting candidates without the electorate first having an opportunity to see who might represent them in Europe. The focus should be on parties and non-party candidates operating and making best use of the current arrangements for nominating replacements.

[Deputy Michael P. Kitt.]

However, the Minister indicated on Committee Stage that he would reflect further on the matter. Currently, a registered political party may nominate such a number of replacement candidates in each constituency that does not exceed by more than four the number of candidates of that party nominated for the constituency. Therefore, if three candidates stand for a party, there can be seven names on the replacement list. If there are four candidates, there can be eight replacements etc. I am satisfied the number of replacements already provided for is sufficient for the circumstances likely to arise.

However, in view of the concerns expressed by Deputies on the opposite side of the House, and taking account of the fact that candidates themselves may, and often are, included as replacements, the Government amendment proposes to increase the limit from four to six for registered political parties. In future, if three candidates are standing for a party nine names are permitted on the replacement list, if four candidates are standing, ten are permitted etc. This is more than a sufficient number for any scenario likely to arise.

The amendment also proposes to increase the number, from three to four, of replacement candidates that a non-party candidate may nominate. This is contained in the proposed new paragraph (a) of section 13 and it adequately addresses concerns about people not being available to fill seats, while at the same time maintaining the important link with voter preferences expressed at election time.

In the circumstances, and in a spirit of compromise, I ask the House to accept the Government amendment. I ask that Deputy Tuffy consider withdrawing the Labour Party amendment.

Deputy Ciarán Lynch: I welcome the Minister's response on this matter. The Labour Party will withdraw the amendment. I commend the Minister for the consideration he gave to the amendment as presented by Deputy Tuffy and for taking on board its intent.

Amendment agreed to.

Amendment No. 4 not moved.

An Leas-Cheann Comhairle: Amendment No. 5, in the names of Deputies Lynch and Tuffy, also arises from Committee Stage.

Deputy Ciarán Lynch: I move amendment No. 5:

In page 20, between lines 39 and 40, to insert the following:

“15.—It shall be a function of each local authority to prepare and make available to the public without charge accurate and up to date maps of the local electoral areas within the functional area of the authority.”.

This concerns a simple day to day aspect of the efficient management of elections and local elections, both for those who engage in the electoral process and for the public.

I am not sure of the situation in the Minister of State's constituency, but in my own area of Cork South-Central and in others around the country there appear to be two clear difficulties. One is that the local franchise office may, or may not, have a map of the constituency available to people. If they do, that map is probably several years out of date and does not take into account the build in recent housing estates. The estate I live in is not on the electoral map, for instance. There are tracts of land in Cork city and in its suburban areas that are not on the map. Moving further out of Cork city, the county franchise office has no street map or town map for the town of Carrigaline.

The amendment tabled by the Labour Party calls for a common sense requirement to facilitate the efficient operation of elections. Just as the franchise office is required to maintain, update and provide as accurate a register as it can, another part of its duties is to provide accurate maps and other details. The local authority should be responsible for making such maps available just as they make available copies of the register. This should be a day to day operational function of the local authorities. It is with the intent of having good sense and good practice that I put forward this amendment. I ask the Minister to accept it on the basis that it is an improvement on the existing scheme.

Deputy Michael P. Kitt: This was discussed on Committee Stage, as Deputy Lynch is aware. Maps of local electoral areas, as recommended by the Boundary Commission, are available in its published reports. These reports are on my Department's websites at *www.environ.ie* and are freely available for viewing.

While maps are important and easy to use they are for illustrative purposes only and have no legal basis with regard to the composition of local electoral areas. The legal basis for local electoral areas is the different ministerial orders which contain detailed technical descriptions of the areas concerned. However, maps of local electoral areas are of benefit to candidates and I agree with the Deputy on this. They are also of benefit to political parties and to the public in general. The Minister has indicated he intends to write to local authorities requesting them to produce and make available maps of the local electoral areas relevant to their councils' functional areas. I hope the House will agree this is the appropriate way forward. In this circumstances, and in the light of what I have said, I ask that the amendment be withdrawn.

An Leas-Cheann Comhairle: Deputy Lynch has two minutes in this part of the debate.

Deputy Ciarán Lynch: One could write about this matter to local authorities until the cows come home because, in the absence of legislation, there is no directive or direction. The Minister is correct when he states there is no legislative function. The amendment in question proposes to put a legislative function in place.

It is also about accuracy. If people walk into their franchise office or local post office they can look at their estate and see where their vote is in a local electoral area. Often boundaries in local electoral areas run down the middle of a road. An accurate map would help people find out who are their candidates and what local electoral area they are in. I would have no difficulty withdrawing the amendment if the Minister were to examine the issue as he did with the earlier Labour Party amendment. There is not much expectation to be drawn from writing to local authorities on the matter.

Deputy Terence Flanagan: I agree with the Labour Party amendment. It is a common sense proposal. Candidates who wish to run in elections should at least be able to see their areas in map form and this should be available through the local authority.

I have a question about Ordnance Survey Ireland in general. I purchased an Ordnance Survey map of my constituency only to find that not all roads, particularly newer ones, were on the map. It was impossible to discover all the roads without walking them and getting to know them in that way. How often are Ordnance Survey maps updated? Can this be done on a more regular basis? As a minimum, the Minister of State should ensure that maps are available for candidates. That would be a good initiative.

Deputy Michael P. Kitt: Local authorities are responsible for the planning, organisation and holding of local elections in their areas. They are best placed to produce such maps, given their range of local responsibilities. It should be left to local authorities to decide on the arrange-

[Deputy Michael P. Kitt.]

ments for making them available and whether to charge for them. The production of maps is not appropriate for inclusion in legislation, particularly if the maps under discussion do not have any legal standing. This is an administrative matter for the local authorities.

With regard to Deputy Flanagan's point, the Minister is in contact with local authorities, and with managers in particular, to discuss these issues. In respect of Dáil constituencies, previous Ministers have circulated to Deputies and Senators maps following constituency revision. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, is continuing this practice and has arranged with the Ordnance Survey Ireland to produce maps of each constituency provided for in the Bill. These maps will be circulated to Deputies and Senators and will assist them to familiarise themselves, if they need to, with changes to individual constituencies. There is no legal basis for maps on their own.

I referred to other matters earlier. I hope this amendment will be withdrawn and that we can agree on what the Minister proposes.

An Leas-Cheann Comhairle: How stands the amendment?

Deputy Ciarán Lynch: The Labour Party will withdraw the amendment. While I take on board the issue raised by the Minister with regard to legal standing, there is an issue of good practice. The Labour Party would be happy to withdraw the amendment if the Minister were to give an assurance to the House that this is a matter——

An Leas-Cheann Comhairle: Is the amendment withdrawn?

Deputy Ciarán Lynch: In withdrawing the amendment, can I ask the Minister of State——

An Leas-Cheann Comhairle: The Minister of State cannot speak again.

Deputy Ciarán Lynch: In that case, I withdraw the amendment.

Amendment, by leave, withdrawn.

Bill reported with amendment and received for final consideration.

Question proposed: "That the Bill do now pass."

Deputy Dan Neville: I want to again put on the record the concerns of people in my constituency and our neighbouring constituency, formerly Limerick East. We do not welcome the Bill. We were advised there would be minimal change when the commission was given its instruction yet we have seen our two constituencies butchered, to put it mildly. Limerick is losing a seat in that it had eight seats but now has just seven.

People are quite engaged and upset about this issue. We do not understand the logic as to why places in the west such as Abbeyfeale, Athea, Monagea, Templeglantine, Tournafulla, Mountcollins and Glin were essentially moved to Kerry North, with a transfer of over 13,000 votes into Kerry North. Political activists of all parties, the general public and those who supported people like myself, Deputy Noonan and our colleagues in both constituencies do not understand why this has happened when it was not flagged or expected and was not logical when it did happen. We received more than 17,000 votes from the former Limerick East into the new constituency of Limerick, where I live.

I do not welcome the Bill. I am very happy to represent the new areas of Doon, Cappamore, Oola, Pallasgreen, Caherconlish, Boheroe, Hospital, Murroe and Drumkeen. However, what

has happened is unacceptable. We in Limerick believe this was politically motivated to ensure Kerry would hold its six-seat representation and Limerick would lose one seat.

Deputy Joanna Tuffy: The Labour Party still has problems with the way the drawing up of constituencies is dealt with. One of the particular issues we raised concerned the undesirability of three-seat constituencies. While this has not been taken on board, as Deputy Neville said, it remains an issue whether it is sustainable to have three-seat constituencies. When the Ceann Comhairle sits in a three-seat constituency, for example, only two other Members can be elected, which limits the operation of democracy in that constituency. Obviously, the more seats in a constituency, the more likely the smaller parties will get to be represented and people who use their vote will have an opportunity to actually elect someone.

I thank the Minister and the Minister of State for making an amendment on the issue of how European candidates should be dealt with, although this was not exactly as we proposed. We welcome that the Minister engaged in discussion on Committee Stage and took on board the Labour Party view.

Deputy Kieran O'Donnell: There was no logical reason for the constituencies to be redrawn in Limerick, which has lost one seat, other than the desire to retain two three-seaters in Kerry. Logic would have dictated that Kerry should have gone from two three-seaters to one five-seater but that has not happened.

The area I was elected to represent, Limerick East, took in the city and a portion of east county Limerick, including areas already referred to such as Murroe, Cappamore, Doon, Pallasgreen, Oola and Templebraiden, which have now all transferred to Limerick West. This huge new constituency, which is called Limerick County, stretches as far as Glin. The people of Limerick East were represented by Deputies from the area for decades but they now feel disconnected. They still come to local Deputies with constituency queries and I will certainly continue to represent them at all times. It needs to be put on record that the people of east Limerick feel disenfranchised. What has happened would not have happened except for reasons which are unknown but which clearly indicate that some people wanted two three-seaters in Kerry when it should have been one five-seater.

It is a sad day for Limerick in terms of losing a Dáil representative overall, with eight seats being reduced to seven between the two constituencies. However, I will continue to represent the people who elected me.

Deputy Ciarán Lynch: At the beginning of this debate, the whole area of how the drafting process works and the formation of electoral commissions was questioned. One of the issues we need to consider in future, and Limerick is a case in point, is that when the commission brings its report before us, it is a *fait accompli*. The Labour Party argues that there needs to be a draft process whereby the commission publishes a draft, public consultation follows on that draft, which remains with the commission, and the commission then forwards it to the Minister, who moves it into legislation. What we are doing at present is drafting at the legislative stage, which is not the way we should operate. There should be a particular period in which drafting is completed.

While I am not suggesting this is a miscellaneous electoral Bill, there was an expectation that before the Dáil concluded its business for the Christmas recess, a general if not a specific indication would have been given with regard to spending in next year's local elections. I envisaged that this Bill would have been a platform on which we could have achieved that measure. While the Minister does not need to indicate the specific amount, he might have indicated a general amount or guideline as to what that expenditure would be.

[Deputy Ciarán Lynch.]

Most political parties are in the process of developing, or in some cases are up and running with, their plans for next year's local elections. However, they cannot budget because they do not know the specifics with regard to poster size, what posters can be used and so on. I do not know if it is a question of the Minister, Deputy Gormley's, indecisiveness, whether there are complexities involved or whether this will be rolled out before 4 June, when I understand the local elections are to take place. In the absence of providing us with any specifics in the Bill, I call on the Minister to indicate what the general sum of expenditure will be for the local elections. The Minister is on record as stating that spending limits will be in place for next year's local elections. It behoves him and he has a democratic duty to provide us with information on the operation of democratic structures in the State. It is not something that should remain on his desk. There is a democratic obligation on the Minister to provide us with that sum as we approach next year's local elections. I ask the Minister of State, Deputy Michael P. Kitt, to bring this matter to the attention of the Minister for the Environment, Heritage and Local Government and urge him to take action in that regard.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): The Bill puts in place key measures to facilitate Dáil, European and local elections. It also makes significant and worthwhile improvements to the processes of constituency commissions. Some people may be disappointed by the decisions as Deputies Neville, O'Donnell and Ciarán Lynch have remarked. However, there has been broad welcome in the House for the legislation.

I thank Deputy Tuffy for her comments, but if we were to rule out three-seat constituencies, except in exceptional circumstances, it would be very restrictive and unworkable. Let us consider County Donegal, for example, and the difficulties in that county of trying to deal with six seats. The matter of spending limits will be addressed on Committee Stage in the Seanad. I do not have the figures, because the amendment has yet to be approved by the Government. However, it will be addressed next year in the Seanad. I thank Deputies on all sides of the House for their contributions to the debate on the Bill. I also thank the staff of the House for the expeditious manner with which they dealt with the Bill.

Question put and agreed to.

Gas (Amendment) Bill 2008: Order for Report Stage.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power): I move: "That Report Stage be taken now."

Question put and agreed to.

Gas (Amendment) Bill 2008: Report and Final Stages.

An Leas-Cheann Comhairle: There are no amendments on Report Stage.

Question proposed: "That the Bill do now pass".

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power): I thank Deputies from all sides of the House for their help and support in advancing the Gas (Amendment) Bill, which proposes to increase the statutory borrowing limit of Bord Gáis Éireann from €1.7 billion to €3 billion. When the Bill was introduced it was pointed out that its enactment would give Bord Gáis Éireann the ability to legally amass funds to develop the strategic direction set out in its five year corporate plan to 2012 and beyond.

The Bill proposes to amend section 23 of the Gas Act 1976 which provides for borrowings by Bord Gáis Éireann for capital purposes. There were no amendments to the provisions of the Bill on Committee Stage. There was broad discussion of the Bill on Second Stage and on Committee Stage there was approval from all Members. Again, I thank Members for their co-operation in the safe passage of the Bill through the House.

Deputy Liz McManus: Since there is agreement there is no need to delay anything. I wish the company well with its strategic approach. I realise that it has already been stated by Members of the House that we must ensure there is development of gas infrastructure in future. There are concerns internationally about the supply of gas, and it would be worth our while at some stage to debate future supply, not only of gas but of other fuel sources also. Today's measure is practical and I wish it every success. On Committee Stage I referred to the advertisements stating the provision of gas was fast and efficient. The processing of this Bill has also been fast and efficient.

Question put and agreed to.

Spent Convictions Bill 2007: Second Stage.

Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power): I move: "That the Bill be now read a Second Time."

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): I am pleased to present the Spent Convictions Bill 2007 to the House as a Government supported Bill. I am especially pleased for the opportunity since I introduced it as a Private Members' Bill in October last year.

The core message in the Bill concerns the need to facilitate the rehabilitation of convicted persons and to do so in a way that not only benefits the individuals concerned, but that takes account of the wider interests of society, especially the protection of vulnerable persons. In particular, the Bill will facilitate rehabilitation through the reintegration of convicted persons into the workforce, and will allow them to build new careers.

I have held an interest in this area for some time. Previously, I introduced the Rehabilitation of Offenders Bill in March 2007, but it fell in the normal way following the general election in 2007. The Bill takes account of the very valuable and insightful report from the Law Reform Commission published in July 2007. In producing its proposals for reform, the Commission undertook a very wide-ranging examination of the issues involved, including a very useful review of arrangements in other jurisdictions. As a result, the report is comprehensive. Its conclusions are well argued and take full account of Irish conditions. I am satisfied, therefore, that we can have confidence in the proposals for reform contained in the report. It was this belief that led me to introduce the Bill. The Law Reform Commission consulted very widely in preparing the report.

The Bill began as a Private Members' Bill. As a private member, I did not have access to the advisory and drafting services of the office of the Attorney General. However, since it has been adopted by the Government, the necessary legal and drafting expertise has been available. The Bill is being examined and this will probably result in some amendments during later the stages. The amendments will clarify and expand some of the Bill's provisions. I will, in so far as possible, identify in my remarks today those matters that may require amendment, but the primary objective of the Bill, that is, the achievement of rehabilitation through employment, remains intact.

[Deputy Barry Andrews.]

Based on its preliminary assessment of the Bill, I confirm that the office of the Attorney General is of the view that there is no constitutional bar to its enactment. The central point of the Bill is to provide to persons having a conviction for a minor offence the opportunity of not disclosing that conviction when seeking employment. There are several limitations and exclusions where disclosure will always be required, the most notable relating to employment where there is access to children. However, the fundamental point is that the Bill recognises that the most effective means of rehabilitation is through gainful employment. Employment restores the person's self esteem, it enhances his or her status among family, friends and the wider community and, as has been shown many times, it reduces very considerably the likelihood of re-offending. Securing employment is, clearly, a very effective way of achieving the reintegration of convicted persons into society. The Bill, therefore, addresses a significant gap in our present arrangements. At present we have no means of regarding a conviction as "spent", apart from the limited regime for non-disclosure available to minors under section 258 of the Children Act 2001. This Bill provides us, therefore, with the means to put a structured system in place for not disclosing convictions.

I accept that, in general, people should be allowed to move on with their lives after completing their term of imprisonment or the payment of the fine.

Unfortunately, experience demonstrates that the possibility of securing employment is greatly reduced once a prospective employer becomes aware of the existence of a criminal record and in the absence of any general statutory non-disclosure arrangement, the prospective employee often is obliged, when asked, to reveal the information recorded on the Garda criminal records. The effect of the current situation is that the person who was over 18 when the offence was committed must carry with him or her the consequences of even a minor offence long after the debt to society has been repaid. Most Members will agree that this situation offends their view of what is proportionate, fair and reasonable.

Although I agree the present arrangements should be altered, I also am anxious that a proper balance should be maintained between the interests of society generally on one hand and, on the other, the need to allow those who are prepared to rebuild their lives a reasonable opportunity to do so. In arriving at an appropriate balance, it is necessary to pay particular attention to the protection of vulnerable people. I will re-examine the definition of vulnerable persons in section 5(2) of the Bill to expand it to include persons who are vulnerable by virtue of their age and physical impairments, as well as intellectual impairment. While I am satisfied there should be disclosure of past convictions when seeking employment that entails access to any of those groups, it also must be said that disclosure of a conviction does not mean the offer of employment has to be or will be withdrawn. It does mean, however, that the employer can make a more informed decision in each such case.

There are other instances where disclosure of previous convictions also seems appropriate. For instance, in criminal proceedings, a court is entitled to be informed of previous convictions before sentence is passed for the offence being tried. In this way, the court is in possession of all the relevant facts and consequently can impose a sentence that is appropriate to the offender. It also means the court can properly distinguish between repeat and one-off offenders, which is how it should be.

I now wish to turn to the provisions of the Bill. The effect of a conviction being regarded as "spent" is set out in section 4. Where a conviction is "spent", the person will be treated as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence in question. However, I must add the Bill does not entail any deletion of the

criminal records held by the Garda Síochána. The record will continue to exist and the Bill will merely specify circumstances in which the details of that record are or are not to be disclosed.

The Bill will apply only in cases where a sentence of imprisonment not exceeding six months or a fine or other penalty has been imposed. The Law Reform Commission gave detailed consideration to the sentence threshold and concluded, based on Irish sentencing policy and practice, that a six-month threshold was appropriate in our circumstances. While I find the commission's argument to be persuasive, I am open to consideration of a slightly different threshold. The Bill refers to "prohibitions" and "disqualifications" when referring to other penalties. It is likely that I will seek to amend those terms to give them more precise meaning. I also will clarify, by way of an amendment, that the arrangements in this Bill apply only in the case of those who were 18 years or over when the offence was committed. In other words, this Bill will not affect the operation of section 258 of the Children Act 2001. I also intend to make clear that the Bill will apply equally to persons who were convicted prior to and after its enactment. In the case of those who were convicted prior to the Bill's enactment, they may benefit from its terms if they satisfy them.

The possibility of non-disclosure only will arise after seven years has passed without a further conviction when a sentence of imprisonment had been imposed or after five years in other cases. It might be argued that such periods are too long and that the best hope of rehabilitation arises where the offender secures employment very shortly after completion of his or her sentence. Undoubtedly there is merit in that view but a balance must be found between the needs of the offender and the need to protect society. One must therefore be satisfied that sufficient time has passed before society can feel assured that the offender has demonstrated his or her willingness to embrace society in a positive way. I am aware the Law Reform Commission's report examined this issue carefully and recommended the periods now proposed. Moreover, it noted that a conviction-free period of ten years is required in New Zealand. However, I am considering whether the conviction-free period required when a non-custodial sentence was imposed should be reduced slightly to, for example, four years.

The question of whether the specified period must be free of all convictions, even those of a very minor type, is also being considered. While there may be scope for some flexibility on this point on grounds of proportionality, lest there be any misunderstanding, the scope for movement probably is limited. It may be possible, for example, to make a concession where the penalty for the subsequent offence is a fine. However, I consider that such a concession should be allowed once only.

The Bill sets out a number of "exclusions" in terms both of offences and certain employments. In the case of offences, convictions for sexual offences always must be disclosed. Similarly, convictions for offences reserved for trial by the Central Criminal Court always must be disclosed. These offences include rape and serious sexual assaults, as well as murder. I will re-examine the manner in which the Bill expresses this provision as it may benefit from more explicit definition. For instance, all indictable offences are, strictly speaking, triable by the Central Criminal Court, since the Constitution provides that the High Court, or, in its criminal role, the Central Criminal Court, is a court of full and original jurisdiction. Therefore, on a strict reading of the Constitution, almost all cases are triable by the Central Criminal Court and could, therefore, be regarded as "excluded" cases for the purposes of this Bill. As that is not the Bill's intention, I will have the matter clarified. It has also been drawn to my attention that, for example, certain offences under the Competition Act 2002 are reserved for trial in the Central Criminal Court. I will examine that aspect to ensure the Bill refers only to those offences that are of particular relevance and importance. I also wish to take account of the fact that while certain offences are reserved for trial in the Central Criminal Court, some, such as murder, also may be tried in the Special Criminal Court.

[Deputy Barry Andrews.]

As regards “excluded” employments, the Bill provides it should always be necessary to declare convictions when seeking employment in specified areas of employment. Section 5(2) of the Bill contains a list of such areas. Although I accept the principle that certain areas of employment should be excluded from the terms of the Bill, I will examine that list to ensure all the areas listed are appropriate and, equally, that none has been left out that should be included. In this regard, I accept the suggestion that there is a strong case for including non-paid voluntary work in certain sectors, as well as areas of employment that come within the remit of, for example, the Private Security Authority or the Taxi Regulator.

Apart from the “excluded” employments, the Bill requires the disclosure of all convictions in certain other specified instances. I already have mentioned that previous convictions are to be disclosed at the sentencing stage in criminal proceedings. Section 6 sets out other circumstances in which disclosure may be required, including court proceedings relating to adoption and guardianship of children, as well as cases in which a court considers disclosure is necessary to ensure justice is done. While the details of section 6 seem reasonable and acceptable in the main, I will consider other areas, such as the requirements that a person who has been arrested and detained in respect of a criminal investigation should not be entitled to avail of the non-disclosure provisions. Persons making applications under the immigration laws also should be expected to disclose past convictions.

The Bill proposes that the entitlement not to disclose a conviction should be automatic once the conditions relating to excluded offences and employments, the sentence thresholds and the conviction-free period had been observed. The case for such an approach is well argued by the Law Reform Commission and I agree with its proposal, as reflected in the Bill. Automatic application of the arrangements is preferable to one that is more demanding of time and resources. An application system, especially one that would entail applications to a court, would also present the real risk of drawing attention all over again to a conviction that the person hoped was behind him or her, thus defeating the purpose of the Bill. The automatic system now proposed avoids such shortcomings. It may be worth noting that the provisions about which I have been speaking regarding thresholds, excluded offences and employments, as well as the automatic application of the arrangements, are mirrored in the arrangements already in place under section 258 of the Children Act. Apart from the duration of the conviction-free period the offender is required to observe, a high level of consistency in approach as between adults and children will be achieved.

Some Members may remark on the absence from the Bill of any sanction for non-compliance. In general, the sanction lies in the consequences of being found out, which may, for example, result in the loss of employment. However, I realise that further assurance is needed, especially in respect of employment in certain sensitive posts. I therefore remind Deputies that the Bill does not entail a wiping out of criminal records, which will continue to exist and will be available to, for example, the vetting authorities. I already have mentioned that in the case of certain employments, convictions must be disclosed. In cases in which vetting arises and disclosure is required but the person fails to disclose a conviction, the existence of the conviction will be highlighted in the vetting process. This happens already under the current vetting arrangements and underlines the necessity of having such arrangements.

Employment vetting has been ongoing in Ireland for several years. Members will be aware its purpose is to ensure that employers, especially those in sensitive areas of activity, are in possession of all the relevant information about potential employees. It is important to understand that the vetting authorities are not the arbiters of whether a person gets, or holds on to, a job. Their function is to provide the employer or other specified body, such as the Health Service Executive, with all relevant information on convictions, as well as such additional infor-

mation as may be permitted to be released. It then is a matter for the employer to come to a decision on whether to proceed with the offer of employment.

An expert group reported in 2004 on the current arrangements operated by the Garda in co-operation with other agencies such as the Health Service Executive. The group's report recommended that the vetting system should be put on a statutory footing and that it should address the question of soft information as well as hard information. Meanwhile, as Members are aware, a joint committee has been considering children's rights and it recently recommended the introduction of legislation to put on a statutory footing the vetting arrangements. This recommendation will be pursued as a matter of urgency in the coming months.

In respect of vetting, I wish to add that I am examining whether it is necessary to provide in this Bill that the responsibility of the Garda vetting unit will be to provide information on convictions on the basis permitted by this Bill, bearing in mind that the vetting unit has full access to the criminal records. I do not want a situation to develop whereby requests are made to the vetting unit that are designed to elicit information about a prospective employee which that prospective employee is entitled to withhold under this Bill. Such a scenario would undermine the whole basis for the regime being established by this Bill and would be a wasteful abuse of the time and resources of the unit. I stress that any amendment along the lines I have mentioned will not result in information being withheld where it must be made available, for example, on employment where there is access to children.

Before I conclude, I want to add a few remarks about the Bill's provisions in so far as they are relevant to our anti-discrimination laws and to foreign travel requirements. In its report on spent convictions, the Law Reform Commission looked at the question of including a person's criminal history among the grounds on which discrimination should be prohibited under our equality legislation. The commission decided not to make recommendations on the issue, as it raised matters such as access to services, accommodation and insurance that it felt were outside the scope of its brief. My colleague, the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, tells me that he will, in due course, be carrying out a review of the Equality Act and the issue can be looked at in that context.

Finally, the existence of a conviction can also impact adversely on a person's freedom to travel. Within the EU, there is, as we are aware, very substantial and unrestricted travel entitlements for all but the most exceptional cases. The presence of a conviction, certainly a minor one, will therefore generally not present any restriction on internal EU travel. However, as regards travel outside the EU, entry requirements are a matter for the host state. This Bill applies only within this jurisdiction; it has no function in any entry requirements set down by other states on the granting of holiday visas, work permits or any other entry requirements.

I again acknowledge and thank the Law Reform Commission for its report. It has given us an opportunity to address an important issue, which can bring real benefit to the individuals concerned and to society as a whole. I also thank Mr. Michael Tuite BL who assisted me in the preparation of the Bill in the previous Dáil. I am happy to commend the Bill to the House.

Deputy Charles Flanagan: I thank the Minister of State, Deputy Barry Andrews, for presenting this short but, nevertheless, important piece of legislation which has the broad support of the Fine Gael Party.

In July 2007, the Law Reform Commission published the report on spent convictions which included a draft Bill in the document. At that time, the then Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, welcomed the proposals contained in the report to expunge after seven years the criminal records of those convicted of minor offences. In October 2007, the draft Bill from the Law Reform Commission was published verbatim in a Private

[Deputy Charles Flanagan.]

Members' Bill in the name of the Minister of State, Deputy Barry Andrews. Other than a key difference on the length of eligible sentence, and, indeed, the ordering of the sections, the Bill is almost identical to the one published by the Law Reform Commission.

In a survey of over 20 jurisdictions undertaken by the British Home Office in 2002, it emerged that of those jurisdictions only Ireland and Slovenia had no scheme in place in respect of adult offenders. The Law Reform Commission also highlighted the fact that Ireland is in a small minority at European and international levels in so far as it is one of the few states that does not have some form of arrangement in respect of spent convictions. This Bill will go some way towards addressing that issue.

The Bill includes a category of rehabilitated persons who will not have to divulge information about a conviction that is considered to have been spent or disposed of in some respect. Excluded sentences which will not qualify under the Bill include sentences imposed relating to sexual offences or sentences which involve a term of imprisonment exceeding six months.

This Bill will only include crimes for which people have been sentenced, including suspended sentencing, of six months or less. The Minister of State stated that there were a number of specific exclusions, and I agree with him, particularly on the disclosure of sexual offences. He spoke of the disclosure of persons coming into this country, particularly those who wish to take up residence in this country. It brings to mind the issue of the absence of an EU-wide sex offenders register, which is a matter to which this House has adverted on numerous occasions in the past and yet progress on which has been particularly slow. I would ask, perhaps in the context of progress of advancing this legislation, that the Minister of State and his Government colleagues might avail of the opportunity to impress upon EU colleagues, and this jurisdiction, the need to promote and bring into being an EU-wide offenders register, particularly in the areas of sexual offences and having regard to the increased social mobility of recent years.

The scheme in this Bill applies to persons not serving an excluded sentence and who have remained conviction free for the appropriate period of rehabilitation. I suppose it is true to say that the Bill will be aimed primarily at once-off offenders who had convictions for minor, non-violent offences, such as road traffic offences.

I note that the rehabilitation period will be seven years in respect of a custodial sentence for a term not exceeding six months, and five years for non-custodial sentences. Excluded employment, which is not covered by the Bill, will include those who work with children or those working with the intellectually disabled; those in health care work; those in the legal profession; all who work in the civil and public sectors; and some in financial related employment under the regulation of the Financial Regulator.

We will have an opportunity on Committee Stage to deal in considerable detail with the Bill. However, section 4 states that the general effect of a spent conviction is to ensure that a rehabilitated person will be treated for all purposes in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence or offences which were the subject of that conviction.

An eminent barrister, Ms Caroline O'Connor BL, summed up what we are at in an article I read recently. She stated that the reality is that persons convicted of minor offences, and who receive fines and a criminal record, are often unaware that they have a criminal record for life, that a criminal record, however minor, can have adverse consequences in respect of, among other things, visas, employment, insurance, entry to professions and a vicious spiral may develop in that the ex-offenders are often unable to obtain a legitimate source of income and may resort to a life of crime or obtaining a livelihood by illegal means. This obviously leads to the possibility of further charges being brought, further convictions being recorded and perhaps

even a spell of imprisonment. That is why I welcome the Minister of State's initiative and the manner in which he introduced the Bill from the backbenches. It is pleasing for him, as well as for the House, that he, as a Minister of State, is taking Second Stage.

There are persons, many of whom are in long-term employment, who have deep-seated worries and fears that they did not disclose a conviction because they might not necessarily have been asked to do so, and they fear that if their employer was to find out that their past involved a conviction, they might face summary dismissal from their employment. The fear is that people might suffer economically and that they would also suffer the social stigma of carrying a conviction for a longer period of time than might have been envisaged, having regard to the circumstances of that conviction.

There are, however, a number of concerns which, in the course of dealing with the small print of the legislation, we will have an opportunity of processing and examining. The rehabilitation period of seven years for custodial and non-custodial sentences of six months or less is excessive. While the Law Reform Commission recommended this timeframe, I would say that a period of two or three years would be more reasonable and fair in the circumstances. This is a matter we might look at.

As I already mentioned, the Bill is aimed at once-off offenders and offenders who have convictions for minor and, more importantly, non-violent offences. These offences include road traffic offences, minor thefts, minor criminal damage or non-payment of fines, offences that hurt properties and pockets, but not necessarily people. It is entirely appropriate that people who commit such offences should have a genuine opportunity to overcome their past by having their sentences expunged in circumstances where they do not re-offend. However, two issues arise in regard to the way this is approached.

The Bill suggests that the period to elapse before a conviction can be expunged should be five years where a non-custodial sentence is imposed and seven years in the case of a prison sentence. I do not criticise the Minister of State, Deputy Andrews, for this measure but I believe the Law Reform Commission exercised a greater degree of caution than what might be considered reasonable in recommending these overly long periods of time. The practical effect would be that a person who received a four-month custodial sentence for the non-payment of a fine would have to wait a full 84 months before he or she could cleanly move on in circumstances where he or she has not re-offended.

Why are we using prison for minor and non-violent offences in the first place and why, in particular, are we imprisoning fine defaulters? We should take a more reasonable approach because the routine use of custodial sentences for default is somewhat outdated and sentencing policy needs to be brought into the 21st century. I regret the fact that yet another Dáil session is ending without the introduction of the long-awaited fines Bill. The Fines Bill 2004 was withdrawn last year for reasons that have not been fully explained. By enshrining in legislation a provision for the payment of fines in instalments, we would contribute to ending the expensive and fruitless practice of sending people to jail for defaulting on relatively small sums of money.

I suggest that a more useful approach to the issue would be to review and reduce the use of short-term custodial penalties. I would like the Law Reform Commission to produce a report on this if it has not already done so. The rationale for such an approach is clear in terms of the cost and the revolving door syndrome. It costs €91,000 to keep one prisoner in jail for one year and Ireland has some of the highest recidivism rates internationally, with 27.4% of released prisoners serving a new prison sentence within one year and habitual criminality rates rising to 49.2% after four years. In light of these startling figures, one would have thought that alternative means of addressing the issue would be considered. The current practice is ineffective, a waste of resources and brings more people into the criminal justice system than necessary.

[Deputy Charles Flanagan.]

These people could serve a sentence that is of value to society by way, for example, of community service rather than imposing yet another cost on the State. Of those committed to prison in 2007, 85.7% were as a result of non-violent misdemeanours such as offences against property, public order offences, drug and road traffic offences and other such administrative offences. It is illogical to punish a violent murderer and an individual who failed to insure a car in the same manner, with the punishment varying only in duration.

Our penal system operates on the basis of a series of statistical contradictions. In 1999, Ireland had the second lowest number of recorded crimes among EU states but by 2007 we were ranked as one of Europe's hotspots for crime in an EU survey. Our imprisonment rate per recorded crime is higher than other European countries but 85.7% of prisoners in 2007 were serving sentences for non-violent offences. Even as I speak, however, serious criminals are avoiding prison. The legislation on bail needs to be further tightened and a farcical situation has arisen in respect of bench warrants, tens of thousands of which remain outstanding.

Despite these failings, a record number of people are being held in prison. Figures released this week show that, with 4,042 people held in prison, we have for the first time exceeded the 4,000 mark. Prisoners are sleeping in the reception area of Mountjoy Prison and the governor will almost be required to put a "no vacancy" sign on the doors. Similar conditions can be experienced in other prisons throughout the State. The Minister for Justice, Equality and Law Reform has proposed additional places for Portlaoise, Castlerea and Wheatfield prisons. One wonders why, on the one hand, serious criminals do not appear to be serving full sentences while, on the other, people are being given short custodial terms for road traffic and other non-violent offences.

Prisons in Ireland are enormously expensive but offer little or no deterrent. Rather than developing a proper sentence management programme for each prisoner, cutbacks are being imposed on prisons' rehabilitative functions in regard to training and employment preparation.

I welcome the initiatives that have been made on restorative justice and commend Judge Mary Martin in that regard. However, I wonder what effect budgetary constraints will have on the implementation of the recommendations of the interim report on restorative justice. I am also concerned about the lack of tiered funding for the probation and welfare service. It is essential that the appropriate level of resources is directed at the service, with particular reference to the concept of restorative justice. Statistical data indicate that the latter has a good record for participation and due process.

The spent convictions project group, which comprises representatives from the Northside Community Law Centre, the Ballymun Community Law Centre, the Ballymun Local Drugs Task Force, Business in the Community and the human rights committee of the Law Society is also of the view that the scheme proposed by the Law Reform Commission is overly restrictive and limited and will make no significant impact on the rehabilitation of offenders or the reduction of recidivism rates. I may propose on Committee Stage a broader scheme which would be open to all offenders. Although this proposal could prove controversial, it nonetheless deserves detailed examination.

Fine Gael supports the introduction of this Bill and we pay tribute to the Minister of State, Deputy Barry Andrews, for introducing it. However, we are strongly of the opinion that the period of rehabilitation is too long and should be reduced. The Minister should take the opportunity to look at the short sentences being given to offenders by the courts and served within the prison system. Such people may be punished by alternative means and we can consider such arrangements.

I am also concerned about data protection and the manner in which, for example, job applications could be open to question for would-be applicants. Voluntary requests may be forced on potential employers on the one hand or potential employees on the other. How would such a provision of information, through the vetting unit or otherwise, sit in terms of data protection and has advice or guidance been sought from the Data Protection Commissioner on the manner of possibly compulsory disclosure or the nature of such a request?

For example, a question from a would-be employer might require access to Garda records with regard to past convictions. An example would be a query as to whether an applicant has availed of the provisions of the spent convictions legislation, if and when it is enshrined in law. That would defeat the purpose of the legislation and give rise to a serious issue for a person who may otherwise wish to avail of the provisions of the legislation. I look forward to further debate on this matter on Committee Stage.

Deputy Pat Rabbitte: I am happy to welcome the principle of the Bill introduced by the Minister of State, Deputy Barry Andrews. I am bound to say he has taken me by surprise somewhat as I thought that after insertion of a debate on banking this morning, we would not reach the Spent Convictions Bill until the new year.

Deputy Barry Andrews: I thought so too. I was in a meeting when it came up in the Chamber.

Deputy Pat Rabbitte: My colleagues dealing with previous legislation are clearly wearied after a very long session and as a result we are now dealing with the Spent Convictions Bill.

The Bill started life as a Private Members' Bill and I welcome its principle and commend the Minister of State, Deputy Andrews, for bringing the Bill forward. It is somewhat surprising that it has taken until the last days of 2008 to address this issue. The British Home Office did a survey some time ago of 21 different jurisdictions and, from my memory, only Ireland and Slovenia did not have some form of legislation dealing with the issue of spent convictions. The United Kingdom Rehabilitation of Offenders Act goes back to the mid 1970s — I believe it was 1974 — and it has taken us a long time to bring forward a relatively simple and straightforward measure that has considerable potential in the rehabilitation of young offenders in particular.

In his statement, the Minister of State indicated the central point of the Bill is to provide to persons having a conviction for a minor offence the opportunity of not disclosing that conviction when seeking employment. Any of us with knowledge of people convicted of minor offences know the route back to employment is difficult. It is very well to speak theoretically about rehabilitation and re-integration to society but the way to readjust to normal society is through employment.

We should be honest about the fact that a conviction, albeit for a minor offence of the kind anticipated by the Minister of State, Deputy Andrews, in this Bill weighs heavily on the minds of many prospective employers. They would not proceed to the stage of employment if a young person that might otherwise be suitable has a conviction on record.

For that reason I am concerned about the exclusion of the public service from the provisions. I apologise to the Minister of State as I was not in the House to hear his rationale in this respect but I have difficulty understanding the exclusion of the Civil Service. I know the Law Reform Commission went along with the exclusion but the logic seems to be that it is fine for us to require private sector employers to take this risk of employing somebody with a record but in the State sector, it is not to be considered under any circumstances. I do not know if this is logical.

[Deputy Pat Rabbitte.]

In his statement the Minister of State went on to indicate that there are several limitations and exclusions where disclosure will always be required. He instances as the most notable of those cases where there is access to children. We must consider the area of limitations and exclusions on Committee Stage. In certain sensitive positions there must be exclusions, but I wonder if the provisions must be as wide as the Minister provides for in his Bill. The exclusion of the Civil Service seems to be a major issue before we get down to discussing the nature of certain offences.

2 o'clock
Deputy Charles Flanagan referred to the group that came into existence — it may have been formed as a result of the Minister of State's Private Members' Bill or the Law Reform Commission report — that has done a good deal of work with this issue. It comprises people at the coalface and with direct experience, including lawyers. These include the Coolock law centre. The group has direct experience, especially with young people and of the phenomenon we are addressing here. It has put together quite a significant submission.

I do not know if the Minister of State has met representatives of the group or if he has had the opportunity to study the submission, but I recommend it to him. On Committee Stage we must tease out some of the issues raised by the group, including the exclusionary clauses. For example, it states:

Further safeguards would be introduced by the provision for exclusion from the scheme in respect of sensitive posts, positions or professions so that applicants would be required to disclose all previous convictions when applying for such positions. The group would recommend exclusions along similar lines to those proposed by the Law Reform Commission, including, for example, those working with vulnerable members of society.

So they accept that in certain sensitive cases exclusions are desirable, but we must be very careful. Having brought forward a piece of legislation that was introduced as a Private Members' Bill and has now been adopted by the Government, we are not likely to revisit this issue easily, having left it for so long. The Penal Reform Trust, the Law Society and the combination of organisations in the project group to which Deputy Charles Flanagan referred, have direct experience so they should be heard. I hope that the Minister will engage with them directly. The Select Committee on Justice, Equality, Defence and Women's Rights ought to hear from them directly also because the legislation is now on Second Stage. We owe them that much.

It is sad to see young males, in particular, who cross the line and end up with a criminal conviction, even though it may be for a minor offence. It is sad to see the implications of that early transgression for their future livelihoods and careers. The measure proposed by the Minister of State, Deputy Barry Andrews, will expunge that record for some of these young people. However, we could easily settle for a somewhat more radical and inclusive measure.

I was struck by the project group tackling sexual offences head on. As I entered the Chamber, I heard the Minister of State make some reference to that. The group acknowledges that the question of sex offenders is likely to prove controversial. It went on to contend that sex offenders would be entitled to avail of the scheme, stating:

. . . there would appear to be an innate prejudice against sex offenders, no doubt attributable to the heinous nature of their crimes, which leads to an assumption that they are predisposed to offend and are incapable of rehabilitation. This view, however, is not supported by research in this area. A recent UCD study found that sex offenders are less likely to reoffend than most other groups. It must be borne in mind that under the proposed scheme, sex

offenders will have to establish before a central authority that they have been rehabilitated and this should go towards reassuring the public.

Quite honestly, I do not know enough about that issue to draw conclusions on it today. I would like to hear evidence on that aspect, however, which has been raised by people who have given some thought to this. Is there not already a provision in the Children Act for expunging criminal convictions for minor offenders?

Deputy Barry Andrews: There is a provision for all offences in the Children Act.

Deputy Pat Rabbitte: What does that say for the principle in terms of adults? Do we exclude adults in all cases in this particular category? Am I right in saying there does not appear to be any differentiation in the Bill between suspended sentences and jail sentences? As far as I can see from a quick reading of the Bill, both are regarded as custodial. If that is right, there ought to be a differentiation. That raises the question referred to by Deputy Charles Flanagan about the duration of the period for which someone must be conviction free. Seven and five years duration seems a very long time indeed. The Law Reform Commission took a fairly conservative position on this matter. I really wonder whether seven and five-year periods are warranted. That is something we will have an opportunity to deal with on Committee Stage.

The fundamental question is why so many young people end up in custodial care for comparatively minor offences. It is a complex issue which we have been debating in other contexts during this parliamentary session, but we seem to have decided to provide more and more prison places rather than addressing questions of rehabilitation and reintegration into society. Some prison accommodation is badly in need of upgrading or replacement. However, the Thornton Hall venture is a massive prison project whose intention, clearly, is that custodial sentences are in prospect for non-violent and relatively minor offences. On the other scale of the criminal justice system, many normally liberal people would say that sentencing policy for far more serious and violent crime is inadequate in terms of the prison sentences meted out. Surely the thrust of our approach ought to be to keep people who are only guilty of minor infractions out of the custodial system. That question is at the very basis of what we are discussing here.

I hope that those who have gone to the trouble of doing some detailed research and who have taken time out to point up what they see as some of the weaknesses in the Bill before us, will be given an audience before we go into committee. On Committee Stage, we will have the opportunity to address in more detail some of the points that have arisen in the context of the Bill. I unreservedly welcome the principle of the Bill. It has taken a long time for us to get this far, but the legislation will be welcomed by tens of thousands of parents around the country whose young fellow, for whatever reason and at a young age, found himself in circumstances where unwittingly he now carries a criminal conviction. For the purposes of future careers, including employment applications, such convictions will be considered spent after a reasonable period. We may have to consider what a reasonable period or timeframe is because not all offences are the same. A six-month sentence threshold seems reasonable, but if one goes beyond that one may have difficulties. However, the significant variations within that rubric of six months should be reflected in the timeframe.

I look forward to the opportunity to tease out some of these issues on Committee Stage. I commend the Minister of State, Deputy Barry Andrews, on his effort and on managing to use his position, in a seat I once occupied, to set to one side the claims of his ministerial colleagues and secure time on the floor of the House to introduce this Bill.

Deputy Aengus Ó Snodaigh: Gabhaim buíochas leis an Chathaoir as ucht an deis seo a thabhairt dom labhairt ar an Bhille um Chiontuithé Spíonta 2007, atá an-tábhachtach. Nuair a d'fhoilsigh an Aire an reachtaíocht seo anuraidh, ghabh mé comhghairdeas leis. Dúirt mé ag an am cé gur aontaigh mé leis an mBille, ba chóir dó dul i bhfad níos faide. Labhróidh mé mar gheall ar na fadhbanna atá agam leis an reachtaíocht níos déanaí. I dtús báire, díreoidh mé ar gnéithe maithe an Bhille, atá thar am teacht os comhair na Dála.

This Bill provides for a non-disclosure regime whereby certain convictions would be considered spent rather than expunged and would not need to be disclosed to a prospective employer after a set period of conviction-free living, defined in the Bill as a rehabilitation period. The provision only applies to minor convictions involving a sentence not exceeding six months' imprisonment. Where a custodial sentence is involved, the conviction-free period must be seven years. In the case of a conviction that did not result in a prison order, the period is set at five years. A range of offences and employment types are expressly excluded.

I welcome the Bill, which represents the first time outside the Children Act that the State has recognised that a minor conviction should not hang over a person for the rest of his or her life. People make mistakes. Many of those who will be covered by the Bill made one mistake and suffered the consequences, namely, the courts and the judge's sentence. However, the conviction hangs over them for the rest of their lives. Not only do their choice of jobs become limited, but they are also limited in society.

I hope the Bill is the start of an understanding whereby, if a court finds against someone, the sentence handed down should not incur another sentence thereafter. The Dáil has taken the position that certain sentences must stand forever and be placed on a record of sorts, such as the sex offenders' and drug dealers' registers. I am not suggesting that there should be major changes made to either of those.

The primary objective of a justice policy must be to reduce crime, but it must also prevent re-offending. While the first purpose of handing down a prison sentence is to punish someone for wrongdoing, the second is to try to rehabilitate the individual. I hope the Bill adds incentives to prevent someone from re-offending. Too often, individuals go to prison on a small sentence, fall in with a bad crowd and stay with it when they get out. There does not seem to be an incentive. In their eyes, they have been labelled for life. I hope the Bill will reduce this consequence or explain that, if someone goes to prison on a small sentence or is handed down a non-custodial sentence, the label could be removed if he or she subsequently lives a crime-free lifestyle for a period of seven years or five years, respectively. This will ensure that people who have a desire to acquire gainful employment or some other position will understand that they have a duty to themselves and society to remain crime free. In so doing, they will benefit under the Bill.

Unwarranted barriers to employment and discrimination must be proactively removed. A range of barriers serve to inhibit the rehabilitation and reintegration of ex-prisoners in particular. The fields in which discrimination operates to exclude those with a prior conviction include employment, accommodation, travel and adoption, depending on the sentence. The judge in a number of cases in the 1980s was mindful of the circumstances of those before him and tried to encourage them to leave the State. Instead of giving a sentence, he gave them the Probation Act in case they ever wanted to go to America. It was a blatant hint. The judge gave people the opportunity to emigrate to America because if they had a conviction on record, they would not have been able to do so. Here we are again giving people an opportunity if they have committed a one-off mistake, such as being in the wrong place at the wrong time, fuelled by drink or so on. If they are genuinely remorseful, they will understand the terms set out in the Bill.

People with a conviction are discriminated against. The extent of the discrimination should not be either overestimated or underestimated, but a recent study found that 48% of employers would not employ someone with a criminal record. These barriers serve to exacerbate Ireland's high recidivism rate. If so many employers will not employ someone with a criminal record, irrespective of the nature of that record, the people to be addressed by the Bill will be excluded from a number of areas of employment. The Bill is welcome in this respect.

However, as a first step the Bill is small in scope and late. Britain has had a spent conviction regime since the 1970s, but we are still waiting for one. I hope the Bill will progress quickly so that we can catch up with other regimes. In February, the then Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, indicated that the Bill would be introduced in a matter of weeks, but it was not to be.

I hope the Bill will pass Second Stage quickly, but we must spend a bit of time on Committee Stage, as Deputy Rabbitte stated, to determine whether we can improve it without labouring the point. It must stand the test of time without being overly restrictive concerning those who have been convicted.

A more complex and proportionate regime than that contained in the Bill should be introduced. A scheme could be introduced whereby the duration of the rehabilitation period required would, depending on the length of sentence attached to the past conviction, vary. The current position is that the rehabilitation period in respect of a six-month sentence is seven years. Might it be possible to consider applying a ten-year rehabilitation period in respect of sentences of less than two years' duration?

Quite a number of individuals, particularly young people, serve sentences of more than six months. In that context, we should consider ways to encourage them to stay away from the characters they meet in prison and those who led them to be in prison in the first instance, and to avoid the type of activity that led to their incarceration. Knowing that their mistakes would be considered a thing of the past after ten years might provide such encouragement. It might then be possible to deal with sentences of more than two years' duration but the rehabilitation period relating thereto would obviously be much longer.

A further age-related tier, linked to the length of the rehabilitation period required, could be introduced in order that account might be taken of the age of those between, for example, 18 and 20 and 20 and 25. Under the overly cautious terms of the Bill, an 18 year old who commits a once-off minor offence may, as a result of the seven-year rehabilitation period, have a conviction hanging over him or her until he or she reaches 27 years of age because the rehabilitation period can commence up to two years after an offence is committed.

The rehabilitation period will only commence following incarceration. However, there are those who are arrested and subsequently convicted who do not avail of bail because they know they have been caught bang to rights and are willing to serve the first six to 12 months of a sentence because they have an idea of what will be the eventual duration of that sentence. These individuals will not benefit because the first 12 months detention before a trial takes place will not be taken into account. Perhaps time served prior to conviction in respect of the offence committed might be taken into account as part of the rehabilitation period.

Facing employment-related discrimination during the crucial years between conviction and the end of the rehabilitation period can be difficult, particularly for young people who may be trying to lay the foundations of a career. There can be lifelong consequences if these individuals are prevented from embarking on a set course of employment for seven years. I accept that such consequences result from the offence committed in the first instance. However, I am of the view that we should consider introducing a shorter rehabilitation period of perhaps five years in respect of those between the ages of 18 and 20.

[Deputy Aengus Ó Snodaigh.]

We can tease this matter out further before Committee Stage, examine how similar regimes have worked in other countries and try to establish whether those regimes were tweaked in order to incorporate proposals such as that which I have put forward. We should also try to establish whether a shorter rehabilitation for younger people assists in reducing the rate of recidivism among them. The recidivism rate among young people in Ireland is one of the highest in Europe. I am not suggesting that we reward people for offences they have committed, I am concerned with ensuring that they do not reoffend and that they are given the opportunity to become upstanding members of society.

The provisions relating to excluded areas of employment in the Bill are too broad. It is crucial that work involving substantial access to children or vulnerable adults should be afforded special protection. No one denies that. However, because of the nature of this exemption from a spent conviction regime, I am of the view that the offence committed should have some relevance. For example, if a person is convicted of committing malicious damage or some similar crime, will he or she be excluded — for the remainder of his or her life or for the duration of the period in question — from accessing the opportunity to become a carer?

Are there offences which, if committed, should exclude people from working as teachers, special needs assistants, carers, youth workers, etc? Some of the individuals in question are often best placed to understand the young people with whom they would like to work because they understand the pitfalls of life better than those who have not been exposed to the justice system. We must be careful that we do not continue the type of exclusion that exists in many instances at present.

The available evidence suggests that the blanket exclusion relating to all posts in health care and the Civil Service and certain legal and financial-related posts is not justified. I accept that there may be certain offences which might exclude a person from taking up a position in the area of finance. For example, very few banks would employ someone who had committed a robbery. However, if the person in question were convicted of a public order offence, should he or she be excluded from occupying financial-related or legal posts? Having gone before the courts and been sentenced, he or she would probably have a better understanding of the legal system than many of those employed in the legal profession at present. Perhaps employing a few more former convicted felons in this profession might shake up the legal system and bring an air of reality to it. Where the nature of a past conviction is not relevant following a rehabilitation period, employers or others should not be presented with the unwarranted opportunity to discriminate.

A range of issues is not addressed in the Bill. The Minister of State must either produce separate legislation or incorporate new provisions in the Bill to address the situation relating to former political prisoners. The British-Irish Agreement was concluded ten years ago, but former political prisoners are still subject to grave discrimination in respect of many areas ranging from employment to adoption. I recently communicated with the Minister for Justice, Equality and Law Reform in respect of someone who was prevented from becoming a carer because the vetting process announced his former conviction to all and sundry and the HSE took a dim view of the situation. Even though the Minister stated that the conviction did not, in itself, bar it from employing the person, the HSE used it as such.

The Spent Convictions Bill does not go far enough in respect of the people to whom I refer. In light of what is contained in the British-Irish Agreement, the expunging of these records would send out a signal that Ireland has put the past behind us and moved on. The Government must tackle this issue head on.

A former Republican prisoner was annoyed when he and his partner were denied the opportunity to adopt a child based on a conviction which was more than 20 years old. There has been dramatic changes in our society and political make-up during the past 20 years. This person has served his prison time, which is sentence enough, and is now regarded by all and sundry as an upstanding citizen. The political nature of the conflict in Ireland must be recognised and this recognition must be extended to political ex-prisoners against whom discrimination must end.

As I stated, while this Bill may not be the appropriate legislation to address this issue, it nevertheless deals with related matters. I believe the Bill provides us with an opportunity to address that issue, for which I will argue on Committee Stage. In addition, prior to Committee Stage I will try to formulate an amendment which the Government may be able to take on board. Sinn Féin is not alone in arguing this point. The Human Rights Commission has proposed that equality legislation be extended to include the status of ex-prisoners as a prohibitive ground in terms of discrimination. This would also include political prisoners.

I welcome the Bill which, if passed as it stands, will be a welcome step. My desire is to have a better Bill, one that is extended to cover the issues I mentioned. Given the significant cost to the State of incarceration, anything we can do to prevent recidivism and further incarceration of people who have already served a sentence will augur well. By this I mean that we must put in place a proper rehabilitative scheme within the prison system which provides education and training to those wishing to better themselves during the period of their detention, thus benefiting the State thereafter. Unless this is followed up with a regime which permits such people to obtain full employment and to once again become full members of society who are not discriminated against owing to their past records, to the degree they have been to date, that will be money badly spent. This Bill will, it is hoped, save the State money and benefit society as a whole. If the Government takes on board the suggestions I have made, society will benefit and more ex-prisoners will be able to play a better and more productive role in society.

If this Bill is to contribute in a significant way to a long-term reduction in crime, it will require extensive amendment. I made some suggestions in this regard earlier and will make others in the future. The Minister would do well to reconsider prior to Committee Stage the proposals from the Irish Penal Reform Trust. While I could quote chapter and verse in that regard, I do not agree 100% with all that is contained in its submission. It is good that we are having this debate given the current climate outside the prison system. Crime, and in particular violent crime, is on the rise. This is associated with drug taking and drug dealing which is at an all time high. Our society is becoming more violent.

While we send out the message that we will be tough on those who commit crime, we must also send out the message that those people caught up in a once-off situation, who make a mistake and who are genuinely remorseful after an incident, will be given the opportunity to rehabilitate. As I said earlier, this is, at the end of the day, the role of our justice system. We must permit people following completion of a prison sentence imposed by a court to once again become a full member of society. A person against whom society discriminates is not a full member of society. There are offenders who, given their nature and the likelihood of re-offending, in particular sex offenders, must be monitored and tracked to ensure they do not have an opportunity to re-offend. Many people are sentenced to prison for relatively short periods and relatively minor offences. There is no incentive, other than the goodwill of society or the threat of a greater sentence, for them not to re-offend. Often people who have been in their view harshly sentenced have a desire to get back at society. We must ensure that under the new regime there is, as stated by the Irish Penal Reform Trust, sufficient flexibility of proportionality in this regard.

[Deputy Aengus Ó Snodaigh.]

It is hoped that through our discussions on Committee Stage we will succeed in ensuring that the Bill, when passed, will be something of which we can all be proud.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): I thank Deputies for their contributions and for their welcome for the Bill.

The intention is that the Bill will be used by judges, probation officers and those working with ex-offenders, including prison officers. Judges when considering what sentence to hand down to a person must have regard to the need to punish an individual, the need to deter others, the need to protect society and to rehabilitate. The Bill is a useful measure which will allow a judge to advise an offender on conviction and sentence that there exists a facility through which he or she can restore himself or herself to society. Equally, it will be a useful measure for those working with offenders.

In general, detention is a last resort in sentencing under our criminal justice system. The Probation Act is widely used by judges and the youth diversion programme is widely used by the Garda Síochána. Also, more emphasis is now being placed on restorative justice. This means that those in custody are not put there lightly. We do not like to detain people and will use this measure only as a means of last resort.

The number of people captured by the Bill, in terms of the six month period set down, is substantial. More than 60% of sentences are on average for six months or less, thus meaning the provision will capture a large category of people. This does not mean that we will give up on the other 40% in terms of rehabilitation, but that this measure will be available to those offenders who have short custodial sentences. There is no doubt but that the recidivism rate in Ireland is high. This Bill does not represent a magic wand which will end this, but it will provide assistance to those people working with ex-offenders.

On Deputy Rabbitte's point, I have met with the Law Society which has its own committee on this issue. I have also spoken with representatives of the Irish Penal Reform Trust and businesses in the community who work closely with ex-offenders. They have given me some useful advice on this matter. On the employment situation, I must point out that although certain employments are excluded, this does not mean a person cannot obtain a job in them. That door is not closed to them. They must, however, disclose any conviction to a prospective employer, including in the public service, Civil Service and all other categories. Such people may still seek work but must, if asked, disclose any previous convictions. That is the only change that will be introduced. However, I will examine the question of the public service and whether we can narrow it down into a more targeted approach so that we can try to ensure individuals can access non-sensitive jobs in the public service and Civil Service.

I will not change the situation regarding sex offenders. Deputy Rabbitte made the point that they may be less likely to reoffend. That is perhaps true but the consequences of them reoffending are so great as to not permit me to ask any employer to take a risk on non-disclosure in those circumstances. In regard to suspended sentences, it is only the custodial part of a sentence that is considered in respect to the six months that is referred to in the Bill.

Regarding adoption, most adoptions currently are inter-country adoptions. Therefore, they are based on agreements with other countries and it would be asking a lot to expect other countries to have agreements with us concerning adoptions by ex-offenders. It may be a step too far. That said, I look forward to the Committee Stage debate on the issue.

Deputy Charlie Flanagan's remark that the rehabilitation period is too long was echoed by others. The thinking behind it is that the Children Act specifies a period of three years and the Law Reform Commission recommended at least double that in respect of adults. However, we

will listen to the debate that takes place on those rehabilitation periods to see whether there is a justification for shortening them. There is no question of lengthening them.

The major objective of the Bill is to facilitate the rehabilitation of offenders. That is a worthy objective that benefits not only the individual concerned, but also society at large. It is in the interests of society generally that we break the cycle of crime. There are many ways of doing that but securing steady, gainful employment has been shown to be among the most effective and useful. The aim of the Bill is to reduce the barriers to the re-entry into the workforce of a person who has a conviction for a minor offence.

It is important to be clear about the precise manner in which the Bill approaches the matter of past convictions. The Bill does not entail a deletion or removal of the details of the conviction from the criminal records. Instead, it sets out the circumstances in which such details need not be disclosed. The Law Reform Commission summarised the position very well. Its report debates the balance between the individual and wider society. The individual will feel he has served his punishment and should be allowed to rebuild his life. He will be concerned that his privacy is breached each time he has to reveal an old conviction. However, society, on the other hand, has a proper interest in maintaining a permanent record of criminal convictions, in order to ensure reliable vetting for sensitive employment posts.

Following that debate, the commission has presented us with a proposal which I and the Government think is reasonable and acceptable and which finds the right balance between the interests involved. The proposal respects the needs of wider society while also moving a considerable distance to meet the legitimate concerns of minor offenders. It achieves that by permitting non-disclosure while placing reasonable limits on the circumstances where that may arise. The commission suggests that the limits are justified by reference to the nature of some convictions as well as the requirements attaching to certain types of employment. We all know of certain employments where information about past convictions is always a relevant consideration.

Many public service and Civil Service posts entail the job holder acting in a position of trust in regard to public funds or information that is confidential or sensitive and which must not be revealed either because it is personal or it would not be in the public interest to do so. It is important that the public retains trust and confidence in those to whom they entrust such information or who disburse the public's money. It is, therefore, important that people in public service and Civil Service posts are known and are seen to be above suspicion. Ensuring they have no criminal convictions is an important means of providing the assurance that the public requires.

There are also certain offences that must always be disclosed. Particular offences are selected by reference not just to the offence itself, but also by reference to the employment situations. It would never be acceptable, for example, that a person with even a minor conviction for a sexual offence would be allowed to work with children or vulnerable adults.

The Law Reform Commission's proposals and the Bill build on the regime already in place under the Children Act 2001. Although the regime for children is somewhat broader in terms of, for example, the offences that need not be disclosed, it nevertheless represents the same general approach that is found in the Bill. The difference in treatment can be explained and accepted on the basis of age and the need to avoid branding persons on the basis of their childhood activities.

I am aware that it will be necessary to amend the Bill in several respects and, in the course of my opening remarks, I have already identified several matters requiring amendment. It may take a little while to finalise the amendments. Nevertheless, I have no hesitation in saying that the overall approach being set out in the Bill is a good one that will benefit many thousands

[Deputy Barry Andrews.]

of people. The amendments will not alter the overall approach but will help clarify aspects of the Bill. For today's purposes, I am happy to wholeheartedly recommend the Bill to the House.

Question put and agreed to.

Spent Convictions Bill 2007: Referral to Select Committee.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): I move:

That the Bill be referred to the Select Committee on Justice, Equality, Defence and Women's Rights, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Sitting suspended at 2.45 p.m. and resumed at 3.30 p.m.

Message from Seanad.

An Leas-Cheann Comhairle: Seanad Éireann has passed the Appropriations Bill 2008, without amendment.

Ceisteanna — Questions.

Priority Questions.

Public Order Offences.

1. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take in the context of the recent murder of a law-abiding citizen in inner city Dublin and the evidence from this murder that a serious societal problem exists whereby anti-social behaviour is rife in certain areas and is capable of escalating into serious violence and even murder, the easy availability of dangerous offensive weapons and the failure of legislative measures aimed at tackling anti-social behaviour measures to date. [47434/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The House had the opportunity last week to express its abhorrence at the killing of Mr. O'Kane. A person has been charged in connection with this killing and the Garda investigations are continuing. Consequently, I am greatly constrained in what I can say about the specific incident.

The criminal use of firearms is very serious and is tackled by An Garda Síochána with appropriate strategies. Tackling public order issues is also a priority for both the Garda and the Government. This is evidenced by the resources we have committed to front line policing, which I am determined will continue to have top priority. A focus of Operation Anvil has been removing illegal weapons from circulation. To date, more than 2,200 firearms have been seized since its inception in 2005. As the House is aware, I have also made proposals for dealing with the easy availability of weapons through tackling the issue of licensed handguns.

Since 2002, when the Garda introduced Operation Encounter specifically to target anti-social behaviour, almost 520,000 public order offences have been detected. Strong provisions are now

in place to combat anti-social behaviour and the abuse of alcohol, which is the root cause of much criminal and anti-social behaviour. The Criminal Justice Act 2006 enacted provisions to combat anti-social behaviour by adults and children. The Intoxicating Liquor Act 2008 gives further significant powers to the Garda to tackle binge drinking and the availability of alcohol to under age people.

I recognise that dealing with public disorder is an issue on which co-operation between the Garda and the local community is vital. That is why I am proceeding with the roll-out nationwide of the joint policing committees, following a successful pilot phase.

I attach great importance to tackling crime by juveniles in a focused and comprehensive way. The Irish Youth Justice Service was established within my Department to develop an integrated response to youth offending within the framework of the Children Act 2001. However, none of these measures can substitute for the primary moral and legal responsibility on parents where the behaviour of their children is concerned.

Deputy Charles Flanagan: The Minister began his reply by stating there was an opportunity in the House last week to debate the increase in the number of murders and the indiscriminate use of guns on our streets. Regrettably since that occasion, only one week ago, there have been three further murders in the State, bringing the total number of murders this year to 47, some 20 of which can be categorised as so-called gangland killings. What steps is the Minister taking to deal with this increased pattern of UK-style gun and gangland culture in our cities? Youths seem to have free and easy access to guns, vicious and deadly knives, and swords. Communities are being terrorised and people are living in fear and anxiety. What steps are being taken by the Minister?

The Minister has given the same reply today as last week. There does not appear to be any sense of urgency on the part of the Minister, nor does there appear to be any sense of leadership. Has the Minister noted the recent comments of the former Police Commissioner of the City of Boston, Ms Kathleen O'Toole, who currently performs an admirable role as Chief Inspector of the Garda Inspectorate? She suggested relentless policing is important to ensure gangsters, gangland criminals and youths who are prepared to kill are apprehended prior to killing. Has the Minister examined the model in Boston, whereby a crime hot spot is targeted and youths in that area are dealt with by community police prior to committing offences?

Deputy Dermot Ahern: The debate on this matter took place last week and I will not discuss the issue of Garda resources. It must be accepted that, especially on the streets of Dublin, there are significant levels of policing. Most Deputies, especially those from outside Dublin, recognise that there are substantial numbers of gardaí on the streets. At present, there are some 14,200 and this figure will rise to 14,900 by the end of next year. There is also the programme of civilianisation, involving approximately 2,500 people working in stations as civilians which enables gardaí to work on the streets instead of in the office.

I welcome the comments made by Ms Kathleen O'Toole, which I read extensively. Thankfully, the Garda Inspectorate has been a great catalyst for change within the Garda since its inception. I recognise her comments and I understand from discussions with Garda management that the force targets hot spots of anti-social where young people congregate and that it is focussed on cases where young people commit crimes on public transport.

Let us consider the significant figures related to community policing. There are some 690 dedicated community gardaí and there are youth diversion projects in place in more than 100 areas throughout the country. Let us consider the response in the probation service and remember the ASBO legislation and the substantial commitment to its implementation, which is ongoing. Substantial efforts have taken place in this area. A significant feature in tackling anti-

[Deputy Dermot Ahern.]

social behaviour and juvenile crime is the work of the Garda with local communities and parents and this work is ongoing.

Deputy Charles Flanagan: I refer to one aspect of the Minister's reply. Anti-social behaviour orders were introduced by legislation in 2006. Why are they not working? How many ASBOs have been sought and how many have been granted? The numbers are very small. Why is this measure not working in the manner claimed by the Minister's predecessor?

Deputy Dermot Ahern: As I previously stated to the Deputy, anyone who says the legislation is not working is not considering the facts. Substantial numbers of anti-social behaviour warnings have been issued to adults. To the best of my recollection, approximately 900 such warnings have been issued since the inception of the legislation in early 2007, some 600 of which have been issued to children.

Deputy Charles Flanagan: The Minister should deal with the orders.

Deputy Dermot Ahern: I am coming to that. I understand 12 good behaviour contracts and six ABSOs have been sought by the Garda, including some for adults and some for children. It is entirely a matter for the Garda and my role is not to direct the force. The Garda must use the legislation in place. Anyone who says it is not working is misrepresenting the situation.

Deputy Charles Flanagan: I am not. How many have been issued?

Deputy Dermot Ahern: It is not merely a matter of the number of ABSOs issued. It is a question of dealing with children and young adults.

Deputy Charles Flanagan: It is not.

Deputy Dermot Ahern: Some 900 adults and 600 children are dealt with in this way.

Deputy Charles Flanagan: That is not what is contained in the Minister's folder. If the Minister will not put the figure on the record, then I will. The answer is three ASBOs. I put that on the record. The figure is contained in the Minister's file and he has refused to say it, because it is an embarrassment.

Deputy Dermot Ahern: Some six ASBOs have been sought and three have been granted.

Deputy Charles Flanagan: Only three have been granted.

Deputy Dermot Ahern: I have no say in the granting of the orders and the Deputy is misrepresenting the situation by suggesting otherwise.

Deputy Charles Flanagan: The Minister is responsible for the legislation.

Departmental Agencies.

2. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the position regarding contacts he has had with the Equality Authority regarding difficulties they will face as a result of his decision to cut its budget by 42% for 2009; the reason he did not accept the suggestion put forward by the board of the authority for alternative cuts that would have resulted in savings of 32%; his views on the resignation of a person (details supplied) as chief executive and his view that the budget cut imposed by his Department had rendered the authority unviable; and if he will make a statement on the matter. [47438/08]

Deputy Dermot Ahern: At the outset I wish to state the Government's absolute commitment to the principles of equality and the elimination of discrimination as enunciated in much equality legislation passed by the Oireachtas. I commend the work of the Equality Authority and I state my commitment to ensuring a secure and viable future for the Agency.

The Government and its predecessors promoted the legislation and which earmarked €47 million for the Equality Authority since 1997, increasing from an initial budget of €378,000 and rising to €5.9 million in 2007. The Government and its predecessors increased the number of staff in the Equality Authority to 53 in 2007.

We will continue to earmark substantial taxpayer resources to the Equality Authority to allow it to carry out its core functions as per the legislation. Naturally, when the national finances permit, we will also ensure that the budget of the Equality Authority is appropriately increased.

I am requesting all agencies which fall under the remit of my Department, including the Equality Authority, to engage in coming months with the expenditure review group which will take an independent analysis of the position relating to their budgets, efficiencies and the capacity to fulfil their core functions.

I accept that 2009 will be a difficult year for all public bodies, including the Equality Authority and other agencies in the justice area. However, I am satisfied there is sufficient funding for the authority to enable it to discharge its core functions. I welcome the statement this week from the board of the authority declaring its commitment and determination to continue to work effectively and independently for the elimination of discrimination and the promotion of equality in our society.

Deputy Pat Rabbitte: Is it not hypocritical in the extreme of the Minister to trot out some mealy-mouthed platitudes in the House about his commitment to equality, when he has driven out the chief executive from the Equality Authority and has effectively broken up the agency? Is it not the case that the Equality Authority cannot possibly discharge its functions under the strictures now on it? What is the point of reiterating that this Government has done this or the other? The agency only has been in existence for approximately ten years and Fianna Fáil has been in government throughout that time. The Minister could take any agency and multiply its funding by ten years' budgets to give the impression of enormous largesse and support.

Is the Minister proud of the fact that he has driven out the chief executive, a man who has won commendations on all sides in respect of his performance and the independent and courageous manner in which he discharged his duties with integrity? Is the Minister satisfied that the agency effectively has been undermined because it cannot and will not be able to discharge its functions in the future?

Deputy Dermot Ahern: The ethos of my political party on its formation was to bring equality into a highly divided and class-ridden society. I take pride in the fact that all of the equality legislation that has been passed by this House has been introduced by Fianna Fáil-led Governments, of which neither Deputy Rabbitte nor his party, the so-called Labour Party, the party of the people, was a member.

Deputy Charles Flanagan: That is not true.

Deputy Dermot Ahern: As for the specific issue of the Equality Authority, Members on all sides, particularly those in the Opposition, have been constantly raising the valid issue of spending on public relations and consultancies. It will do no harm to refer to the 2007 report, which Deputy Rabbitte should have read before coming into the House, on the Equality Authority. In 2007, it spent €220,000 on public relations and €100,000 on consultants. A total of €614,000

[Deputy Dermot Ahern.]

was spent on the European Year of Equal Opportunities, half of which came from European funding and half from its own budget, giving a net expenditure of €300,000. It also spent €350,000 on an anti-racist week and €230,000 on a national campaign against ageism, the expenditure on which was criticised by the Opposition in this House. It spent €184,000 on publications and, in effect, €440,000 on rent of premises in Dublin. However, it could make savings by going down and spending only €120,000 on rental accommodation in Roscrea, where 15 employees of the Equality Authority already reside. When Members on the other side of the House raise the issue of consultancies and expenditure, it is valid to go through such expenditure to ascertain where there can be savings.

An Leas-Cheann Comhairle: I wish to facilitate a brief supplementary question.

Deputy Dermot Ahern: Again, I revert to the point that I made previously——

An Leas-Cheann Comhairle: If the Minister will have regard to the Chair please.

Deputy Dermot Ahern: I wish to finish my point, a Leas-Cheann Comhairle. I wish to again emphasise——

An Leas-Cheann Comhairle: I must inform the Minister that a strict time limit applies, including the time for ministerial responses.

Deputy Dermot Ahern: I will revert to the issue later.

An Leas-Cheann Comhairle: The Minister should allow the Chair to operate.

Deputy Pat Rabbitte: While Members do not have time at present to deal with the novel proposition that the purpose of Fianna Fáil coming into existence was to address our class-ridden society, they may return to it at another time. What does the Minister purport to have told Members in his reply, having read out various expenditure headings? Which of them does he suggest is improper? Is it not the task of the Equality Authority to deal with issues such as racism? If excessive rental costs for the headquarters have been incurred, who approved them? Why did someone in the Minister's Government not do something about it over the past 11 years?

Can the Minister assure the House that the forcing out of Mr. Niall Crowley has nothing to do with the Equality Authority's referral to the Garda Síochána of an allegation that the Secretary General of the Department of Justice, Equality and Law Reform, while head of the Prison Service, had breached the Employment Equality Acts? If the Minister is so interested in saving money, is it not the case that the board members of this organisation used to serve free gratis for years until the appointment of the new board by the Minister, the members of which now are paid a fee of €10,000 each? Can the Minister answer these questions?

Deputy Dermot Ahern: First, I will not take lectures from Deputy Rabbitte on the genesis of my party, particularly as I am not altogether sure what was his political genesis, given that he has been in so many political parties since he entered this House and beforehand. As for the Equality Authority, I validly listed out areas in which I believe savings can be effected because we are now in a different situation. When I was dealing with the Estimates a number of months ago, I made the point I was trying to make in my earlier response. As I stated during my last Question Time, I told my officials that my number one priority in my Department was tackling crime. This is the reason that, for example, Operation Anvil's budget has been

increased by €1 million from €20 million to €21 million, as well as an increase of 20% in CAB's budget——

Deputy Pat Rabbitte: That is the reason the Minister cut the authority's budget by 42%?

Deputy Dermot Ahern: ——and I am keeping Garda numbers on the street. I wished to concentrate on the issue of policing and tackling crime.

Deputy Pat Rabbitte: The Minister knows this is entirely disingenuous.

Deputy Dermot Ahern: I stated that, unfortunately, all the other agencies that comprise the soft part of my Department were obliged to take a significant cut right across the Department.

Deputy Pat Rabbitte: Did everyone take a cut of 42%?

Deputy Dermot Ahern: Yes. I made the point to the Equality Authority people——

Deputy Pat Rabbitte: The rest of the agencies experienced cuts of 2%, 4% and 6%.

Deputy Dermot Ahern: ——when they came into my office recently——

An Leas-Cheann Comhairle: The Minister, without interruption

Deputy Dermot Ahern: ——that, to a certain extent, the fact the Department only deducted 1% from the National Disability Authority has been hung around my neck. I made this point strongly to the members of the authority's board and the chief executive when I met them last week. I told them the Government had made a specific decision when preparing the Estimates and the budget that people with disabilities would be those least affected by cuts. This is the reason there is such a small cut in respect of that authority.

An Leas-Cheann Comhairle: Go raibh maith agat a Aire. Ceist Uimh. 3.

Deputy Pat Rabbitte: What about the board members?

Deputy Dermot Ahern: However, when one examines this expenditure, it is valid to ask a question on amounts such as €184,000 on publications——

Deputy Pat Rabbitte: When did the board members get——

Deputy Dermot Ahern: ——€220,000 on public relations——

Deputy Pat Rabbitte: The Minister is filibustering.

Deputy Dermot Ahern: ——€184,000 on publications——

Deputy Pat Rabbitte: The Minister is filibustering. He is spoofing.

Deputy Dermot Ahern: ——and €100,000 on consultants. No, I am not filibustering.

Deputy Pat Rabbitte: What is the answer to the two questions?

Deputy Dermot Ahern: I must say the Deputy is adding to the nasty——

Deputy Pat Rabbitte: The Minister is filibustering.

An Leas-Cheann Comhairle: The Minister must conclude his reply.

Deputy Dermot Ahern: —leak that came from people.

Deputy Pat Rabbitte: Nasty?

Deputy Dermot Ahern: It reflects more on those who made such a nasty leak against a good public servant.

Deputy Pat Rabbitte: Is that all the Minister has to say?

Deputy Dermot Ahern: It is a disgrace. As usual, the Deputy comes into this House, as he did before many years ago—

Deputy Pat Rabbitte: The Minister is flimflamming. He is filibustering.

An Leas-Cheann Comhairle: Ceist Uimh. 3, in ainm an Teachta Charles Flanagan.

Deputy Dermot Ahern: —when he tried to denigrate the church.

Deputy Pat Rabbitte: He is filibustering—

Deputy Dermot Ahern: He is at it again and I am not filibustering. I have given the Deputy all the facts.

Deputy Pat Rabbitte: —and he did not answer any of the questions.

Deputy Dermot Ahern: I have given all the facts to the Deputy.

An Leas-Cheann Comhairle: The Deputies will resume their seats.

Deputy Dermot Ahern: What the Deputy did is a disgrace in respect of a good public servant. This leak was a despicable effort to try to blacken him and the Deputy is adding to it.

An Leas-Cheann Comhairle: The Minister will not disobey the Chair.

Deputy Dermot Ahern: I will not come into this House—

An Leas-Cheann Comhairle: I will suspend—

Deputy Dermot Ahern: —and allow that man to denigrate someone who is not present to defend himself.

An Leas-Cheann Comhairle: The Minister will resume his seat.

Deputy Dermot Ahern: This is a disgrace and the Leas-Cheann Comhairle should be intervening.

An Leas-Cheann Comhairle: The Minister will—

Deputy Dermot Ahern: The Leas-Cheann Comhairle should be intervening to ask him to withdraw those remarks about a good public official.

An Leas-Cheann Comhairle: The Minister will resume his seat or leave the House.

Deputy Dermot Ahern: No, I will not.

Deputy Pat Rabbitte: I did not denigrate anyone.

An Leas-Cheann Comhairle: The Deputy also will——

Deputy Pat Rabbitte: However, the Minister did not answer the question.

An Leas-Cheann Comhairle: Deputy Rabbitte will resume his seat.

Deputy Pat Rabbitte: He did not answer it.

An Leas-Cheann Comhairle: Deputy Rabbitte will resume his seat.

Deputy Pat Rabbitte: This was a mean-minded act in which the Minister colluded. Moreover, the Minister did not answer any of the questions he was asked.

Deputy Dermot Ahern: I did.

An Leas-Cheann Comhairle: This is the final——

Deputy Pat Rabbitte: His response was to filibuster and to wrap the Secretary General around him.

An Leas-Cheann Comhairle: If there is continued disorder, I will suspend the House. This is the final session before Christmas and I would have hoped for a civil atmosphere in the House. I deeply regret the statement by the Minister that he would refuse to obey the Chair. All Deputies, on whatever side of the House, will obey the Chair. We will continue in an orderly fashion and if there is any further disorder, I will suspend the House forthwith. Question No. 3 is called.

Prison Accommodation.

3. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the prisoner capacity of each prison; the number of prisoners held in each prison; his views on overcrowding in prisons; and the action he will take in the immediate, medium and long term to address the matter of prison overcrowding. [47435/08]

Deputy Dermot Ahern: It is a disgrace that the Deputy——

Deputy Charles Flanagan: The Minister is not answering the question.

An Leas-Cheann Comhairle: The Minister will either obey the Chair or I will suspend the House.

Deputy Dermot Ahern: I think what happened here today is a disgrace. The information requested by the Deputy——

Deputy Pat Rabbitte: The Minister is the one who is a disgrace.

Deputy Dermot Ahern: It is a disgrace that Deputy Rabbitte would denigrate a good public servant.

Deputy Pat Rabbitte: He is the one who is a disgrace, trying to wrap the Secretary General around himself.

An Leas-Cheann Comhairle: Very well.

Deputy Dermot Ahern: Deputy Rabbitte is at it again.

Deputy Pat Rabbitte: Do not disgrace me.

Deputy Dermot Ahern: Deputy Rabbitte is a disgrace.

Deputy Pat Rabbitte: The Minister, Deputy Ahern, is a petty little man.

Deputy Dermot Ahern: I am not.

An Leas-Cheann Comhairle: Very well.

Deputy Pat Rabbitte: The Minister, Deputy Ahern, is a petty little man.

Deputy Dermot Ahern: Deputy Rabbitte is a man——

An Leas-Cheann Comhairle: I will not——

Deputy Dermot Ahern: ——who tried to denigrate a good public servant who is not able to defend himself in this House.

An Leas-Cheann Comhairle: ——tolerate further disorder.

Deputy Pat Rabbitte: Why did the Minister not answer? He would not answer the question.

Deputy Dermot Ahern: Deputy Rabbitte cannot denigrate. He is not here to defend himself.

Deputy Pat Rabbitte: He tries to give it a go about a decent public servant and he comes in here wrapping the Secretary General around himself.

Deputy Dermot Ahern: Deputy Rabbitte is a disgrace.

An Leas-Cheann Comhairle: The House is adjourned for ten minutes.

Sitting suspended at 3.50 p.m. and resumed at 4 p.m.

Deputy Dermot Ahern: The information requested by the Deputy is set out in the table. It is the case that there has been a consistent increase in the total prisoner population over recent years. This situation is particularly apparent over the past 12 months, during which time the total number in custody has increased by approximately 280. There are a number of reasons for this increase. With the extra resources provided by this Government, the Garda Síochána has been increasingly successful in prosecuting criminals and additional court sittings have resulted in higher committal rates.

The number in custody has risen by 8% and the total number of persons in custody and on temporary release has increased by 15.5%. The provision of an additional 1,300 prison places in recent years has largely addressed the issue of overcrowding, which had been a chronic problem for the prison system. It is my view that the continuation of the current capital programme is necessary if overcrowding is not to become a problem in the future.

It has to be acknowledged that the Irish Prison Service must accept all prisoners committed by the courts. Figures from the past 12 years reveal that the numbers in custody have increased by 65% and the numbers on temporary release have decreased by 34%. More recently the number of committals to our prisons in 2007 was 9,711, of which 6,455 were under sentence. The average daily prison population in custody in 2007 was 3,321.

It is quite clear that we are currently operating in excess of our bed capacity in some of our prisons. In the short to medium term this issue will be addressed by the provision of 400 prison places by summer 2009 in a new remand block due to be completed in early 2009 in Castlereagh.

Prison which will accommodate approximately 100 prisoners, a new block in Portlaoise Prison due to open in the coming months which will accommodate approximately 150 prisoners and a new block in Wheatfield Prison accommodating 150 prisoners which due to be completed in summer 2009. Most recently, over 30 additional places have been made available at the open centre at Shelton Abbey and a further 40 places have been developed at the open centre at Loughan House. It should also be borne in mind that our prisons have contingency plans in place whereby they can accommodate numbers above their ideal working capacities. These new developments will serve the prison service until the opening of the new prison complex at Thornton Hall. This prison is designed to accommodate 1,408 prisoners based on single cell occupancy in a range of prison facilities. For operational flexibility reasons, the design has the capacity to accommodate up to 2,200 prisoners in a multiple occupancy arrangement. This flexibility will future proof the development in capacity terms for the next 50 years.

The Irish Prison Service capital programme will also ensure the elimination of the unacceptable practice of slopping out and will effectively complete the modernisation of the prison estate. The prison estate will be comparable to best international practice in terms of accommodation, facilities and services for the rehabilitation and reintegration of prisoners into society. The Government and the Irish Prison Service have anticipated the demand for prison spaces and have acted accordingly.

Prison Capacity and Population as at 15 December 2008.

Institution	Bed Capacity	Number in Custody
Arbour Hill	148	149
Castlerea Prison	228	237
Cloverhill Prison	431	420
Cork Prison	272	284
Limerick Prison (male)	275	284
Limerick Prison (female)	20	19
Loughan House	130	119
Midlands Prison	469	478
Mountjoy Prison	540	628
Dochas Centre	85	108
Portlaoise Prison	210	105
Shelton Abbey	90	87
St. Patrick's Institution	216	223
Training Unit	107	106
Wheatfield Prison	390	406

Deputy Charles Flanagan: It is regrettable the Minister refuses to accept the fact that the prison system is undergoing a crisis. The criminal justice system is being undermined by dint of the hundreds of offenders who are committed to prison by the courts to serve lengthy sentences only to be released after a short period. How does the Minister propose to deal with this issue?

Does he accept the findings of a recent interim report of the Inspector of Prisons and Places of Detention which found that prisoners were sleeping in the reception area of Mountjoy Prison, on dirty and soiled mattresses and on cell floors, in some cases without mattresses? The inspector pointed out that violence among prisoners was beginning to reflect gang related conflicts outside of prison and, in an understatement, noted that overcrowding has become excessive. However, the Minister claims there is no problem.

Deputy Dermot Ahern: I do not claim there is no problem. I told the Deputy that we are at capacity and that we have developed 1,300 new places in the past ten years in order to address the issue. That compares favourably with Fine Gael's record in Government. When Nora Owen was Minister for Justice, she cancelled the prison building programme. We restarted the programme in 1997 and have since then developed 1,300 new places. We will open a further 400 places between now and the summer. That is the short-term solution, whereas the answer in the long term will be Thornton prison.

The figure for temporary release is in the region of 10% to 11%, which compares favourably with the figures for 1994 at 22.2%, 1995 at 20%, 1996 at 17.9%, and 1997 at 19.2%. I accept that problems exist in Mountjoy and the Dochas Centre. We are opening 400 new places in Castlereagh, Portlaoise and Wheatfield prisons. I recently visited Cloverhill and Wheatfield prisons and found the conditions there to greatly exceed a comparable prison that I visited in Italy. When we finish this programme in mid-summer, we will have renewed 40% of the prison estate, thus ensuring our facilities are among the best in the world.

Deputy Charles Flanagan: On the next occasion this House meets, we will be a week short of spring. At the end of 2008, I ask the Minister to set out precisely the programme for Thornton Hall. I have heard about it for years but I want to know the factual position. Can he chart the progress made on the project or tell us when building will commence?

Deputy Dermot Ahern: The aim for Thornton Hall was to sign the contract in early 2009 but in light the current economic difficulties, the current bidder and I anticipate all the other bidders are experiencing problems with the credit crunch. I understand that negotiations are ongoing and efforts will be resumed in the new year to obtain the finance required at a reasonable rate. We want the project to proceed. As it is a public private partnership, the taxpayer will not pay a cent until the project is completed and ready for takeover. It is a 25 year project but in the short term we are putting in place 400 additional places between now and the summer.

Garda Operations.

4. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of bench warrants that remain outstanding; his views on the execution of bench warrants; and the action he proposes to take to address deficiencies in the bench warrant system. [47436/08]

Deputy Dermot Ahern: Given the enormous transaction level in the District Court, it is inevitable that at any given time a significant number of bench warrants will be awaiting execution. It should be borne in mind that the vast majority of the outstanding bench warrants relate to unpaid fines for minor infractions of the law rather than convictions arising from violent crime. In addition, the Garda Síochána gives priority to the execution of warrants against those it believes to be involved in serious crime.

I have discussed this matter with the Garda Commissioner and he has assured me that the Garda authorities are committed to strengthening the warrant enforcement process. He has discussed the execution of warrants with each regional assistant commissioner and a range of measures aimed at reducing the number of warrants on hand have been identified and are being implemented. These measures include the assignment of additional gardaí to this function and the appointment of inspectors with responsibility for execution of outstanding warrants. The position is being closely monitored by senior Garda management and consideration will also be given at an organisational level to further measures as necessary to address the situation.

I am informed by the Garda authorities that as a result of special measures taken in the Dublin metropolitan region, there has been an increase of 17% in the number of warrants executed between January and August this year compared to the same period last year. I am further informed that 36,972 bench warrants are recorded and remain to be enforced.

I intend to seek Government approval for a fines Bill which will provide for the payment of fines by instalment and an improved means of assessing the capacity of a person to pay a fine. As many warrants relate to financial penalties, these proposals should result in a smaller number of warrants being issued and thereby reduce pressure on the system. I am also considering other legislative measures in this area. The warrant system will continue to be monitored, particularly with a view to making whatever changes may be necessary to improve its operation.

Deputy Charles Flanagan: This is a most serious problem and it is getting worse. The Minister did not refer to the August initiative, which I understand was specifically designed to deal with the backlog of warrants. He stated that 36,970 bench warrants are currently outstanding. Given that the figure for May was 33,000, the August initiative was a complete failure.

Does he accept that a number of serious criminals continue to engage in their activities even while bench warrants have been issued for them? Where is the system failing and why is the matter not being addressed adequately?

Deputy Dermot Ahern: During the August blitz carried out by the Garda in the Dublin metropolitan region, 808 bench warrants, 549 penal warrants and 55 distress warrants were executed. To a certain extent we are the victims of our own success in that the Garda has been more successful in bringing prosecutions and the courts more efficient in dealing with their business. As the Deputy will know from his practice, many warrants are not executable for various reasons. People who are subject to bench warrants often try to evade their issuance. Clearly that entails much Garda time.

As such a high proportion of the approximately 36,000 bench warrants relate to financial penalties, we will introduce the new fines Bill in the early new year and a pilot project is already in place which has proved very successful in getting an outside agency to deal with the collection of fines. All of those aspects will dramatically reduce the level of bench warrants.

Deputy Charles Flanagan: We cannot wait for the Minister's new fines legislation, which may not be enacted by this time next year. How can the Minister stand over the unedifying spectacle in Limerick, where a well-known leading gang member has turned himself into the Garda station for his own protection although a bench warrant has not been executed. How can the Minister stand over the case of another famous and tragic murder, that of Donna Cleary, where the person responsible had two bench warrants? Surely it is possible to distinguish between the criminal on the one hand and the civil on the other. Can the Minister not do so?

Deputy Dermot Ahern: It is not a matter for me personally to execute these warrants. If we were to listen to the Deputy and the Fine Gael promises, there would be fewer gardaí on the street with fewer resources.

Deputy Charles Flanagan: Deal with the warrants.

Deputy Dermot Ahern: As I stated in my original reply, the Garda prioritises bench warrants relating to the arrest of people for serious and general crime. As a result of resource constrictions, they do not tend to concentrate on financial warrants, or distress warrants, as can be seen from the August figures. Some 55 in that case were distress warrants relating to the

[Deputy Dermot Ahern.]

collection of goods and chattels. The vast majority of the bench warrants concentrated on deal with serious crime.

Sex Offender Treatment Programme.

5. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform the number of sex offenders serving prison sentences; the number of prisoners in each prison who are participating in rehabilitation programmes; and the number of places available for sex offenders on rehabilitation programmes in prison. [47437/08]

Deputy Dermot Ahern: On 15 December 2008, there were 302 persons in custody serving sentences for sexual offences. Three main forms of direct therapeutic intervention for sex offenders currently operate within the Irish prison system. The group programmes are an intensive version, which have been in operation since 1994 and are currently under review. Individual counselling is available from the Irish Prison Service's psychology service and from the Probation Service, and one-to-one interventions are provided by visiting psychiatrists who provide support to prisoners.

The intensive programme has catered for eight offenders at a time, taking 11 months to complete. Although delivered in Arbour Hill Prison, it has been available to sex offenders in other prisons. A total of 136 sex offenders have completed the sex offender programme to date since 1994, with the most recent group completing the programme in July 2008. There have been difficulties in finding sufficient suitable and properly motivated prisoners to participate in this programme.

One-to-one counselling is a critical method of working with offenders on their sexual offending. In response to such counselling, many offenders who initially might deny responsibility for their crime or deny any need for treatment are motivated towards some process of change. As of 16 December this year, 76 sex offenders have engaged in one-to-one counselling and other interventions with the psychology service. The Probation Service also engages with prisoners on a one-to-one basis.

The question of rehabilitation for sex offenders in custody is not straightforward. Supports within the community on release can be equally vital to ensuring sex offenders do not re-offend.

As I mentioned, the number of suitably motivated offenders applying for participation on the group programme has declined significantly in recent years and this has been a matter of increasing concern. Therefore, in an attempt to engage more sex offenders in appropriate interventions, the Irish Prison Service has initiated a review, and a programme incorporating new enhanced models will be introduced in January 2009. This will allow for interventions with a significantly greater number of offenders.

As a further measure, today I wish to inform the House of a major new process to develop further national policies for the management of sex offenders. I have a particular interest in electronic monitoring and expect to receive a report from my Department in the near future on the general question of electronic monitoring and what procurement options are open to us.

I have also asked my officials to examine the introduction of a statutory scheme of GPS electronic monitoring of sex offenders during the first six months of their release. If such monitoring is technically and economically viable, and if constitutional considerations do not prevent a statutory scheme, I would envisage it could operate on the basis of an application to a court immediately prior to release of an offender. This GPS monitoring would allow any disturbing pattern to be identified at an early stage and provide objective evidence of same in the case of any Garda application to court for a sex offender order.

This proposal will form part of a major report on the management of sex offenders which my Department will issue for public consultation after Christmas.

Deputy Charles Flanagan: I welcome the Minister's proposal in respect of the electronic monitoring and wish him well in that regard. I look forward to following progress in that area. Does the Minister accept that where treatment has been provided and a course has been undertaken, the results are such that there is a public safety issue? It is important that every effort is made to encourage prisoners to avail of the treatment. Using the excuse that the matter is under review, as the Minister has said, has been ongoing for too long. It is really avoiding the issue.

Did I hear the Minister correctly when he stated the sex offender management policy will be published in January?

Deputy Dermot Ahern: Yes.

Deputy Charles Flanagan: Will that be subjected to a debate here?

Deputy Dermot Ahern: I will put it out for public consultation. The sex offender programme has been there since 1994 and 106 offenders, an average of eight per year, have participated in it.

Deputy Charles Flanagan: It is a very low uptake.

Deputy Dermot Ahern: I give credit to the Irish Prison Service for looking at a different model. It is anticipated that under the new model, which will come into place irrespective of the tagging issue in January 2009, there will be three different types of treatment and approximately 64 prisoners per year will be dealt with. That is a much better outturn for the significant expenditure in this area.

It behoves us all in the House to put in place the latest available treatment and monitoring. I was in Oslo recently and took time to speak to the country's justice minister about what they are doing with a similar population. They are initiating tagging of offenders, although it must be said they are not sex offenders. I am considering the issue of tagging generally and if it is feasible and there are resources, we will put out a tender in the new year.

Other Questions.

Human Trafficking.

6. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the action being taken to prevent the trafficking of foreign women for sexual purposes; the estimated number of women trafficked in this way in 2007 and to date in 2008; the number of trafficked women who have availed of the 60 day recovery and reflection period; and if he will make a statement on the matter. [46779/08]

Deputy Dermot Ahern: Legislative, administrative and operational measures have been put in place to prevent trafficking in persons for both sexual and labour exploitation purposes. The Criminal Law (Human Trafficking) Act 2008, with penalties of up to life imprisonment, has been operational since 7 June 2008.

An anti-human trafficking unit was set up in my Department earlier this year to co-ordinate the level of Government response to this issue. An interdepartmental high level group will

[Deputy Dermot Ahern.]

submit a national action plan to me in 2009 which will map out a strategy to prevent and tackle trafficking in human beings for the coming years. Both awareness campaigns and training programmes in relation to trafficking are under way.

The Garda National Immigration Bureau maintains border controls and liaison with organisations which represent exploited foreign nationals. Liaison at an international level between the Garda Síochána and the international law enforcement community and international organisations also forms part of the approach taken by An Garda Síochána to human trafficking.

It is difficult to provide an accurate estimate of the scale of human trafficking for sexual exploitation in Ireland, as it is in many other countries, given the underground nature of the activity, the different definitions of trafficking and that data from different organisation is fragmented. A data collection strategy which aims at collating data on trafficking in human beings from a variety of organisations is currently being developed in my Department.

One person has been identified by the Garda authorities as a suspected victim of trafficking since the commencement of the Criminal Law (Human Trafficking) Act in June 2008. An application for a 60 day recovery and reflection period for the suspected victim has been granted. As suspected victims are identified they will be referred to my Department for a grant of permission to lawfully remain in the State for the 60 day period of recovery and reflection. The administrative framework for recovery and reflection periods will be put on a statutory basis following the enactment of the Immigration, Residence and Protection Bill.

Deputy Pat Rabbitte: Is it not the case that this phenomenon of human trafficking affects this jurisdiction more than was contemplated until very recently and the legislation put in place is deemed by organisations at the coalface to be inadequate? Is the Minister prepared, even at this stage, to amend the immigration Bill to specify the services available to suspected victims of trafficking? Do I understand from the Minister's reply that there has been only one case where the 60-day permit was granted? Does he acknowledge that this is the area focused on by organisations like Ruhama? Such organisations have indicated that women who were believed to have been working recently in the sex industry in this country, and who may have been trafficked here, tend to be immediately relocated to their country of origin. The organisations point out that in those circumstances women require the benefit of a reflection period, as well as the support and services that this country can provide.

Deputy Dermot Ahern: It is fair to say that our legislation on human trafficking is probably the most advanced and modern, as it was only passed in June this year.

As the Deputy will know, when the Immigration Bill was originally published it provided for a 45-day period for recovery and reflection. At the exhortation of the Deputy and others in Opposition, and because of my own feelings on the matter, I agreed it should be a longer period of 60 days. That compares favourably with a number of other EU countries.

As regards what resources and responses are available to people who are subject to human trafficking, an anti-trafficking unit was established in my Department on foot of the legislation. The unit works with State agencies, including the Garda Síochána and the HSE, as well as Ruhama and other groups. I attended one of the regular meetings to witness the co-operation that is going on between all concerned. This ensures that when somebody is the subject of trafficking they are dealt with immediately by an holistic response across the system.

An Leas-Cheann Comhairle: I wish to allow a couple of other Deputies to contribute.

Deputy Finian McGrath: Does the Minister really accept that there has only been one case concerning the trafficking of foreign women for sexual purposes? Having heard this debate and from listening to my contacts, there seem to be more underground cases of this nature. In addition to a national response, an international response is required to deal with human trafficking, particularly for sexual exploitation. The Minister should ensure this is provided. Is there a negative attitude within the Department of Justice, Equality and Law reform to such cases, as well as to the broader issue of immigration?

Deputy Dermot Ahern: There certainly is not a negative attitude as far as the Department is concerned. We sponsored the Bill to put in place the most modern legislative response and we now have to establish the structures. To be fair, there is a separate, dedicated unit in my Department which is fully staffed by very committed people. Information at my disposal from the Garda Síochána indicates that a sizeable proportion of those suspected of being subject to trafficking are trafficked for labour rather than sex purposes. That is not to say that sex trafficking is not going on, however. Ruhama has recently referred 13 people to the Garda Síochána, one of whom has been given a 60-day period. Three of them went home voluntarily and had airline tickets on them. At the end of the day, they are adults and cannot be detained against their will.

I totally disagree with the Deputy's point about people not being sympathetic. I know for a fact that the Garda Síochána conducts significant training to ensure that every garda is fully trained, particularly concerning the legislative requirements of the recent Act. That training is being carried out by the International Organisation for Migration.

Together with the Garda Commissioner, I recently launched the new blindfold awareness campaign. My Department has provided significant funding to Ruhama to allow it to run advertising in recent times. This area is evolving and we are learning from the experience. A number of cases were dealt with under the previous immigration legislation. Following the enactment of the new legislation in June, I recall the Garda Commissioner stating two or three months ago that the gardaí are investigating approximately 17 cases. Quite a number of those cases related to one instance in which people were suspected of being trafficked for labour purposes.

Gaming and Lotteries Legislation.

7. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform the position in respect of proposed reform of the gaming and lotteries legislation; and if he will make a statement on the matter. [47133/08]

Deputy Dermot Ahern: As the Deputy will be aware, I have previously set out for the House the terms of reference of the cross-party committee, which I propose setting up in order to reflect on and review the report "Regulating Gaming in Ireland". I have gone on record to say that the informal committee represents the best opportunity for identifying options for consideration by Government on the many complex inter-related issues in this area. It offers the best guarantee that the interests of all elements in our society are taken into account from the beginning in an area of important public policy. The Deputy will also be aware of the involvement envisaged for members of his party in that committee, including that of chairperson.

I wrote to the Leaders of Fine Gael and Labour on 2 and 3 October 2008, respectively, to confirm proposals for the formation of the committee. The Leader of Fine Gael responded on 3 October saying that he wished to discuss the matter with his party colleagues and that he would be in touch with me again once he had completed those deliberations. Deputy Kenny wrote to me again on 1 December 2008 to state that his party is willing to participate in the

[Deputy Dermot Ahern.]

cross-party committee provided that the terms of reference for the committee specifically exclude the issue of the installation of fixed-odds betting terminals, FOBTs, in betting shops.

Likewise, the leader of the Labour Party on 23 October 2008 reaffirmed his party's unwillingness to participate in the cross-party committee unless FOBTs are excluded.

I will now carefully consider whether there is anything to be gained from establishing a committee which is forced to exclude from its consideration a controversial component of the modern gambling environment. I share the misgivings of the Deputies opposite about FOBTs, but I do not believe we can solve any problems associated with them by simply ignoring their existence. We must face up to the challenges and threats, as well as the opportunities, inherent in new technologies and evolving social habits, and not bury our heads in the sand and hope they go away. I will reflect on the responses of the party leaders and will shortly decide on a course of action.

Deputy Charles Flanagan: What is the Government's position on fixed-odds betting terminals, which constitute one aspect of this review? What is the Government's response to the 32 recommendations in the report to the former Minister, Michael McDowell, entitled "Regulating Gaming in Ireland"? Has the current Minister met any representatives of the industry in the context of this review?

Deputy Dermot Ahern: The Government has not made any decision on FOBTs, nor has it had any discussions on them. The Government noted the report entitled "Regulating Gaming in Ireland". It was previously suggested before my time as Minister that there would be a cross-party committee to deal with this, chaired by a member of Fine Gael. People then decided that they would discuss this matter, while omitting various issues they did not like. We cannot put our heads in the sand, however, and think these things will go away. There is a valid reason for us to examine all these issues on a cross-party basis. If we cannot do so, then my Department will have to proceed with the legislation concerning aspects of this report. I do not envisage us legislating in favour of FOBTs, but against them, if anything, from what I know. It would be wrong, however, to put our heads in the sand and not discuss all these new technologies. We should discuss them with a view to preventing the harm involved and ensuring that they are not prevalent in our society.

Deputy Pat Rabbitte: Were some bookmakers not given the nod by the present Taoiseach, when he was Minister for Finance, for the introduction of FOBTs on the basis that they would make up the tax shortfall for the racing industry? It was acknowledged within the Government that one could not do something as anti-social at that, however, so the Government suggested an all-party committee and tried to get a Member of the Opposition to chair it. Is the Minister taking us for fools on this side of the House? The one thing that is noticeable about him is that he is always on the side of the angels. Even when the ruse was to legalise FOBTs, the Minister was always careful to say he agreed with Deputies on this side of the House and that he was also against FOBTs. If he is against their introduction, what is the problem and why will he not introduce legislation? He should stop talking about it.

The casino sector needs regulatory legislation badly. The casino report dealt with 100,000 matters. The Minister is now saying that, because we do not go along with him concerning FOBTs, he will not set up an all-party committee even though the great number of issues had nothing to do with FOBTs. It is time to put the charade to bed.

Deputy Dermot Ahern: To the best of my knowledge, there was no nod from the Taoiseach to anyone. I have not been exhorted by anyone in the Government to consider the issue of

FOBTs. To the best of my recollection, neither have I met anyone in the industry concerning these issues.

While it is fine for Deputy Rabbitte to tell me to get on with it, we have not changed the gaming and lotteries legislation since 1956, the year after I was born.

Deputy Pat Rabbitte: It will be 2056 at the rate the Minister is going.

Deputy Dermot Ahern: Deputy Rabbitte was in government. To the best of my recollection, Deputy Quinn, the then Minister for Finance, balked at the opportunity to change the legislation because he could not get all-party agreement. We were trying to achieve a cross-party understanding of how to proceed.

Deputy Pat Rabbitte: I know how the Minister loves us on this side of the House and would never do anything without consulting us.

An Leas-Cheann Comhairle: Allow the Minister.

Deputy Dermot Ahern: The FOBT issue is a tiny aspect of the overall matter. As someone who has hardly placed a bet in my life, I would like to have the knowledge of——

Deputy Pat Rabbitte: The Minister probably played the little baby Jesus in the nativity play.

Deputy Dermot Ahern: ——experts like Deputy Rabbitte, who has more vices than any of us. Unlike him, I do not meet all of the vested interests.

Deputy Charles Flanagan: Does the Minister not consider it somewhat odd that neither he, as the Minister for Justice, Equality and Law Reform, nor the Government has an opinion on the recommendations in the McDowell report or on FOBTs? He is inviting submissions. Is it not extraordinary that he does not have an opinion on the matter or is it the case that, while he has one, he will not tell the House?

Deputy Dermot Ahern: The Government noted the contents of the substantial report. We did not express an opinion at the time because the previous suggestion was for a cross-party committee chaired by one of the Deputies' own. When I took up this office, I understood that there was agreement until Deputy Rabbitte decided that he would pick out FOBTs, which no one wants, and not be a part of the committee. He is like a young child who takes his ball away during a football game.

Deputy Charles Flanagan: Why can the Minister not give the House his opinion?

Deputy Dermot Ahern: He is trying to deny the existence of FOBTs. I want to know more about them, for which reason I would like to see them discussed in an all-party committee.

Deputy Pat Rabbitte: No one is stopping the Minister.

Deputy Charles Flanagan: He should go ahead. He is the Minister for Justice, Equality and Law Reform.

Deputy Dermot Ahern: I assure Deputies that, if Deputy Rabbitte wants to take his ball home and end the game, we will proceed with the legislation as quickly as possible.

Deputy Charles Flanagan: The Minister stated that some months ago.

Deputy Pat Rabbitte: I have been a Member of the House for approximately the same time as the Minister. In those years, I have noticed how he usually consults me and wants cross-party co-operation before doing anything. Who does he believe he is fooling? If we are all against FOBTs, what is the problem? I am not advocating that they be ignored. Rather, I am advocating that they be outlawed. However, the Minister tell the House that he would not be seen in discussion with vested interests of any kind.

An Leas-Cheann Comhairle: It is a brief supplementary question.

Deputy Pat Rabbitte: I will not go back over it. From listening to the Minister one would believe him to be the little boy Jesus in the nativity play. Butter would not melt in his mouth. There is no way that he would be found talking to vested interests. Why will he not introduce the law and get on with it? We will legislate. The casino sector needs legislation.

Deputy Dermot Ahern: I will not introduce the law because it was my understanding upon entering this office that there was a cross-party agreement on a cross-party committee.

Deputy Pat Rabbitte: Never. The Minister for Finance, Deputy Brian Lenihan, will tell the Minister that. I have held this position consistently.

Deputy Dermot Ahern: The Fine Gael Party nominated three people, including a chairperson, Deputy Barrett, to be a part of it. Then Deputy Rabbitte acted like a child whose toy had been stolen and took his football home.

Deputy Pat Rabbitte: I was being right. The Minister agreed with me.

An Leas-Cheann Comhairle: We must move on to Question No. 8.

Deputy Dermot Ahern: I have no problem with moving the legislation forward.

Deputy Charles Flanagan: Clearly the Minister has a problem. He will not tell us his opinions.

Deputy Dermot Ahern: As I stated earlier, different political parties on this side of the House since 1956 have balked at the opportunity to change the legislation. I include the Labour Party in that statement.

Deputy Pat Rabbitte: The Minister is too pure for this life and I am too venal.

International Agreements.

8. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 993 of 24 September 2008, if he will be in a position to ratify the UN Convention on the Rights of Persons with Disabilities once the law on the legal capacity of vulnerable adults has been amended; the other legal or administrative requirements which must be met for ratification to proceed; if he has set a provisional target date for ratification; and if he will make a statement on the matter. [47092/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Moloney): 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.

The interdepartmental committee established by my Department to advise on and monitor the legislative and administrative actions required to enable the State to ratify the convention

has developed a work programme that is being actively addressed by Departments. The Disability Act 2005, underpinned by the national disability strategy, meets a considerable portion of the convention's requirements. In so far as my Department is concerned, the mental capacity Bill, which is in the course of being drafted by Parliamentary Counsel, forms an important part of what is required to facilitate ratification of the convention. Work on what is involved by way of implementation of the various other provisions in the convention, which are extensive, continues in the relevant Departments.

The Government's decision on the matter of ratification of the convention will be made in due course, as it must, on the basis of being fully satisfied that all requirements are met in each Department.

Deputy David Stanton: I thank the Minister of State for his response. Given the fact that the convention was signed in March 2007 and came into force in May 2008, will the Minister of State outline to the House what is required, apart from the mental capacity Bill, or send a note to that effect? What is the position on the optional protocol attached to the convention? Some 80 countries have signed it and 26 have ratified it, but we have not signed it. What are the obstacles to our signing?

Now or by way of note, will the Minister of State outline what other departmental changes must be made to allow the convention to go ahead? Does the Minister of State agree that we should view the convention as a human rights issue as opposed to a legal one?

Deputy John Moloney: It is both a legal issue and a human rights one. The Disability Act 2005, underpinned by the national disability strategy, meets a considerable portion of the convention's requirements. In so far as the Department is concerned, the mental capacity Bill, which is in the course of being drafted by Parliamentary Counsel, is the main part that has been missing.

To clarify and as indicated in my earlier response, the convention will be ratified as quickly as possible, consistent with the need to ensure that all of the requirements under the convention are met. In a nutshell, the ratification depends on the mental capacity Bill. Given the importance of this matter, I commit to advancing it as quickly as possible in the new year.

Deputy Pat Rabbitte: Thank God for one polite Minister at the Department of Justice, Equality and Law Reform.

Deputy John Moloney: I suppose that will wear off with time.

Deputy Finian McGrath: The Minister of State confirmed that the convention will be ratified, but will that be in three, six or 12 months? Given his responsibility for people with disabilities, will he ensure that there will be no cuts in services for people with disabilities in the next 12 months? I urge him to protect his brief.

An Leas-Cheann Comhairle: We have gone beyond the scope of the question.

Deputy John Moloney: The timing hinges on the mental capacity Bill, but the Departments of Enterprise, Trade and Employment and Justice, Equality and Law Reform must be factored in as well. I will stick with my original answer, that is, within six months.

Deputy David Stanton: What is the situation regarding the optional protocol? Has the Attorney General examined it, as the House was informed earlier? If so, what was the outcome of the examination? Is there an obstacle to signing the protocol attached to the convention?

[Deputy David Stanton.]

What additional commitments are we expected to give and what obligations must we meet in order to sign the protocol?

Deputy John Moloney: The matter is still with the Attorney General. I expect a response from him in the near future. He is examining what matters outside those relating to the mental capacity Bill need to be taken into consideration before the final——

Deputy David Stanton: The protocol is a separate issue.

Deputy John Moloney: I am aware of that. The Attorney General is examining what the protocol entails. The Deputy tabled a number of questions in respect of this matter in recent months and progress appeared to be slow. I wish to give a commitment that the Attorney General's response on the protocol will be forthcoming within two to three months of the Dáil resuming business at the end of January.

Proposed Legislation.

9. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform when it is expected that the promised legislation on civil unions will be published; and if he will make a statement on the matter. [46760/08]

Deputy Dermot Ahern: The Deputy will be aware that my proposals, in the form of heads of a civil partnership Bill, were published on 24 June 2008 following the approval of the Government. Formal drafting of the Bill by Parliamentary Counsel is now well advanced and I can confirm, in line with the indication in the Government legislation programme, as announced on 23 September 2008, that the Bill is expected to be published in early 2009. It is well recognised that the Bill is detailed and complex and is being drafted to ensure the constitutional protection of the institution of marriage is fully protected.

I will now provide a summary of the scope of the Bill. First, it will provide for registration of civil partnerships by same-sex couples, together with a range of rights and duties consequent on registration, including in respect of succession, pensions, shared home, tenancy rights, maintenance from partner and protection from domestic violence. Only same-sex couples may register as civil partners. Second, the Bill will establish a cohabitants' redress scheme for unmarried opposite-sex and unregistered same-sex cohabitants giving protection to an economically dependent qualified cohabitant at the end of a long-term relationship. Under the scheme, a qualified cohabitant is someone who has been living with another person in an intimate relationship for three years or more, or where the couple are the parents of a child, for two years or more.

The redress scheme will allow a vulnerable economically dependent partner, at the end of a relationship, whether by break-up or bereavement, to apply to court for certain reliefs, including for provision from the estate of a deceased partner, or for maintenance or pension or property adjustment orders. The Bill will provide also for recognition of cohabitant agreements, thereby enabling cohabitants to regulate their joint financial and property affairs. Cohabitants who make a cohabitant agreement may opt out of the redress scheme.

Deputy Pat Rabbitte: What priority does the Minister attach to the Bill? When will it be published and when will it be introduced in the House? Did the Minister meet directly with representatives of any of the groups campaigning on this issue since the heads were published? Representations have been made to various Members on this side of the House with regard to perceived defects in the heads as published. Has the Parliamentary Counsel been instructed by

the Minister to take into account any of the arguments made and are such arguments likely to have a formative influence on the Bill that eventually emerges?

Deputy Dermot Ahern: The Bill will be published early in 2009. As regards priority, to the best of my knowledge one Parliamentary Counsel at the Office of the Attorney General has been specifically delegated to deal with the Bill. In addition, there is one official in my Department who is, in effect, the expert in this area.

I met representatives of the Gay and Lesbian Network, GLEN, just after the publication of the heads of the Bill. There are some 138 heads, which means the legislation is extremely complex. To the best of my knowledge, I have not met representatives of any other groups. However, such representatives have met officials from my Department to discuss various issues relating to the legislation. The fact that we published the heads of the Bill on the Internet means we are encouraging members of the public and interest groups to make representations.

Deputy Charles Flanagan: Does the Minister envisage introducing legislation to amend the Domestic Violence Act 1996, with particular reference to cohabiting couples, or will he include a provision in the civil partnership Bill that will extend to such couples the redress available to others under the Act to which I refer?

Deputy Dermot Ahern: No decision has been made on that issue. However, we will keep the matter under review.

I had not realised that Deputy Rabbitte was such a sensitive soul. Perhaps I might ameliorate some of the difficulties we experienced earlier by wishing him, the Leas-Cheann Comhairle — with whom I crossed swords during the year, something for which I apologise — and the other Members on the opposite side of the House a very happy Christmas.

Deputy Charles Flanagan: I echo the sentiments expressed by the Minister. I wish the staff of the Houses of the Oireachtas, the Leas-Cheann Comhairle, who I compliment on the courtesy and patience he has shown, those opposite and Deputy Rabbitte a happy and peaceful Christmas. I look forward to renewing hostilities as early as possible.

Deputy Pat Rabbitte: As they say in all the best circles, I agree. I wish everyone a happy Christmas.

Deputy Finian McGrath: On behalf of the Independents——

Deputy Seán Haughey: Who is the Deputy representing?

Deputy Finian McGrath: ——I wish the Minister and Ministers of State a happy Christmas. I also wish to inform the public that we are not going on holidays for 40 days.

Deputy Dermot Ahern: Good man.

An Leas-Cheann Comhairle: I thank the Deputies for their kind comments. From a personal perspective, I am glad that seasonal calm has been restored. I wish a restful and peaceful Christmas to all who work and serve in the Houses of the Oireachtas.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman (Deputy Charlie O'Connor): 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

[Deputy Charlie O'Connor.]

the Member in each case: (1) Deputy Dan Neville — the level of suicide among the Traveller community; (2) Deputy Pat Breen — patient services at Ennis General Hospital, County Clare; (3) Deputy Mary Upton — that Scoil Mhuire gan Smál, 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; (4) Deputy Joe Costello — the need for the Minister for Justice, Equality and Law Reform to outline the Garda policing plan for East Wall, Dublin 1; (5) Deputy Aengus Ó Snodaigh — the need to increase funding to the east coast regional drugs task force; (6) Deputy Joanna Tuffy — to ask the Minister for the Environment, Heritage and Local Government to give an update on the reported growing stockpiles of recyclable waste for which markets cannot be found, fears that this may mean unemptied household bins in the near future, his response to calls to fund and provide for the burning of the waste in the UK and if he will make a statement on the matter; (7) Deputy Terence Flanagan — the provision of funding to the Dyslexic Association of Ireland; (8) 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; and (9) Deputy David Stanton — the provision of second level school places in east Cork.

The matters raised by Deputies Pat Breen, Aengus Ó Snodaigh, Terence Flanagan and David Stanton have been selected for discussion.

Adjournment Debate.

Hospital Services.

Deputy Pat Breen: I wish the Acting Chairman, the Ceann Comhairle and the Leas-Cheann Comhairle season's greetings and thank them for facilitating Members in raising matters on the Adjournment during this session.

It is a sad indictment of the Minister for Health and Children and the Government that the HSE's national service plan for 2009 was leaked to the media and that the matter was not debated in the House prior to Christmas. The House should have debated this important plan because a real emergency exists in respect of our health services.

If we read between the lines of the HSE's plan for 2009, it is obvious that we face a catastrophe. The plan is already obsolete. It emerged in recent days that some €900 million in cuts will be required and not the €500 million to which the plan refers. The Taoiseach stated yesterday that the purpose behind driving the efficiencies required is to maintain rather than reduce services. If €900 million in cuts are going to be necessary in respect of the HSE, I do not know how it might be suggested that services, particularly those of a front-line nature, will be reduced.

According to the plan, a reconfiguration of the accident and emergency services is envisaged in respect of several hospitals, including Ennis General Hospital in my constituency. The provision of 24-hour accident and emergency services at Ennis is again in the spotlight and under threat. In recent days, Clare GPs have spoken out about this matter and stated that 24-hour accident and emergency surgical services are to be withdrawn at Ennis from 1 April 2009. This will result in the loss of on-call anaesthesia services, intensive care and coronary care services and the discontinuation of all inpatient admissions and casualty services.

How does the Minister for Health and Children expect accident and emergency services to continue to be provided at Ennis General Hospital if surgical services are to be transferred? I

appeal to her — I have done so on many occasions — to publish the Teamwork report. My sources inform me this unpublished report is already in place and being implemented by a project manager.

Who is going to pay the price for the cutbacks in the health service? The answer is that patients in the system will suffer. Long before the publication of the plan, patients were finding it difficult to access health services. Despite commitments given by the Minister for Health and Children, not only are hospital facilities under-resourced but patients and their families in County Clare face long waiting times in respect of critical appointments and older people are unable to remain at home and cannot find places in nursing homes. For those who wish to continue to live in their own homes, the primary care facilities are grossly underfunded. Each day I speak with patients and their families in respect of the stress they are obliged to endure.

The number of people on trolleys in our hospitals during the week was unbelievable. It is almost 40% higher than it was in 2006 when the Minister first said we had a national emergency. Last Tuesday, there were 390 people on trolleys in accident and emergency departments throughout the country. According to the Irish Nurses Organisation, there were 30 patients on trolleys in the Mid-West Regional Hospital in Limerick last Monday. The situation at that hospital has been chronic during the past few weeks.

By end December 21,038 people will have passed through the doors of accident and emergency at Ennis General Hospital, 4,586 of whom were classed as emergency admissions. How is Limerick Regional Hospital to cope with the additional influx of patients from Clare if accident and emergency services at Ennis General Hospital are contained? Also, it will have to cope with additional patients from Nenagh General Hospital and St. John's Hospital in Limerick, the services of which are also to be axed.

I want answers this evening. I am tired of hearing promises such as that the hospital development plan will shortly be announced. In an update I received recently from the Minister in regard to the progress in terms of implementation of the recommendations of the HSE following the incidence of *C.difficile* at the hospital, I was advised that the project to improve ward accommodation is progressing and is expected to go to tender early in 2009.

We want to know the current position. People are extremely worried. I note that the only reference in the plan to the capital programme for the hospital is a capital injection of €0.4 million for 2009 for completion of the radiology department and in respect of an upgrade of CT scanner services. We are awaiting publication of the report of the Health Information and Quality Authority into the tragic cases of misdiagnosis. My fear is that the report, rather than dealing with the real concerns of the families involved, will be used as a smokescreen to downgrade accident and emergency services at the hospital.

There will be chaos at Ennis General Hospital if these cuts go ahead. There will be chaos in County Clare and lives will be lost. A person in Kilbane who has the misfortune to suffer a heart attack — we must recognise in this regard international best practice in terms of the golden hour rule — will have to be taken directly to Limerick Regional Hospital, a journey of 117 km. The spatial analysis study of ambulance resources for the hospital and mid-west area has not yet been published. The ambulance service is already over-dependent on on-call services. How is this service, without adequate resources, to cope with transferring many more patients out of the county?

The people of Clare have heard enough rumours and spin. I want to know this evening if 24 hour services will continue at Ennis General Hospital; when the redevelopment project will go to tender, when additional resources will be made available for Clare ambulance services and,

[Deputy Pat Breen.]

when the Teamwork report will be published? We deserve answers. It is time the Minister stopped running. It is time for leadership, accountability and answers.

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I am responding to the Deputy on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

The Government is committed to ensuring the delivery of the best possible quality health service in an effective and efficient way. Patient safety is of paramount importance in ensuring people have confidence in the services and that the best possible patient outcomes are achieved. It is essential that patient safety and quality are prioritised and that services are organised and managed accordingly.

In February 2007, the Health Service Executive commissioned Horwath Consultants in association with Teamwork Management Services to examine the arrangements for the provision of acute hospital services at Ennis and other hospitals in the mid-west with a view to identifying the best configuration of such services in the region, including arrangements for accident and emergency, critical care, acute medicine and surgery together with diagnostic services so that the highest quality of care can be delivered to the population of the region.

The work of the consultants will act as inputs to decisions on how best to reconfigure acute services in the mid-west region. The Government and HSE are committed to ensuring that the approach to reorganisation of services is carried out in consultation with the key stakeholders and that each element is progressed incrementally. The Minister believes that it is important to work with health professionals and other interested parties to secure an increasing set of improvements over time. This approach will, she is confident, produce the best outcome for patients.

Recent reports in regard to patient safety have raised concerns about the capacity of smaller hospitals such as Ennis General Hospital to deliver consistent high quality care for patients who present with complex care needs at accident and emergency. Smaller hospitals treating low numbers of complex cases means that medical and nursing staff often have difficulty in maintaining skills in specialised areas and delivering safe care to such patients. Concerns have also been raised in respect of the capacity to recruit permanent consultants in such hospitals with the inevitable reliance on long-term locum appointments.

Currently, the accident and emergency department at Ennis is staffed primarily by sub-consultant emergency care physicians who deal with all emergencies that present and then refer patients to the appropriate specialty or service based on their clinical assessment. The HSE in the mid-west is currently working on a detailed plan to address the future configuration of emergency services in the region so that they will be in line with best practice. This plan which will consist of an emergency care network under which designated services will be assigned to individual hospitals and service delivery will be based on clear protocols under the direction of a regional department of emergency medicine. Many of the services currently provided in local hospitals will continue under the new arrangements but in a more structured manner and with patient safety and quality of care as the determining criteria.

In regard to capital developments at Ennis, the Minister understands that installation of a CT scanner and radiology upgrade is under way and is expected to be completed in 2009. On the particular issue raised by the Deputy, the HSE has been asked to prioritise and accelerate the Ennis capital development project along with other key capital projects in the mid-west in order to support the delivery of a modernised and improved service for this area.

I assure the Deputy, on behalf of the Minister, that Ennis General Hospital will continue to play a significant part in the delivery of health care in the region.

Acting Chairman: I wish Deputy Breen a happy Christmas.

Deputy Pat Breen: I wish the Acting Chairman, Deputy O'Connor and the Minister of State, Deputy Seán Haughey, a happy Christmas.

National Drugs Strategy.

Deputy Aengus Ó Snodaigh: This matter relates to funding in respect of two projects providing drug addiction services in County Wicklow. The matter was brought to my attention by Sinn Féin's local councillor in the area, Councillor Eamon Long, who has been in contact with both groups to ensure that the information I read into the record today is correct and factual.

The Bara Project and Treo Nua are two community projects run by the County Wicklow Community Addiction Service which meet the support needs of drug users and recovering addicts in the east County Wicklow area, including Greystones, Enniskerry, Roundwood, Laragh, Rathdrum, Newtownmountkennedy, Newcastle, Kilcoole, Rathnew, Ashford, Wicklow Town, Auhgrim, Avoca, Arklow, Carnew, Tinahelly and Shilleagh.

The Bara Project provides vital supports to people suffering addiction and to their families including advocacy, one-to-one supports, addiction counselling, holistic therapies, drug education programmes, onward referral, Prison Links work, and information and advice on drugs, drug use and related health promotion. Since opening in January 2007, the Bara Project has provided support services to 348 individuals or families, a huge number given the rural nature of the areas listed.

Treo Nua is a rehabilitation project that provides vital support services, in the form of a structured day programme, to those stable or drug-free. Although only established in January of this year it is already dealing with 35 referrals on an ongoing basis. This is likely to be a fraction of the real level of need in the area which will become increasingly visible as the projects become better established.

The Bara Project and Treo Nua have been informed in writing that their budgets are to be reduced respectively from €259,648 in 2008 to €150,000 in 2009, a €109,648 reduction and from €474,585 in 2008 to €381,000 in 2009, a reduction of €93,585. In 2007, the combined projects received a budget of €809,110. In 2008, that was reduced to €734,228 and now it is being further reduced to €531,500. That is a reduction of more than €277,000 in two years. The implications of those cuts are devastating. The staff cuts will mean that the numbers who can access the support services will be reduced. Funding for the Bara Project is set to be cut by 37.5%. A staff post will be lost, which means that some of those people seeking support to address their addiction will have to be turned away. Likewise Treo Nua will lose one and a half staff posts, as its funding is cut by 42%, so it will not be able to meet the support needs that exist among ex-drug users.

The bottom line is that one cannot meet the growing needs arising from the drugs crisis with fewer services. What rationale can the Minister provide for the sweeping cuts? The size of the cuts means they cannot be absorbed through technical efficiency manoeuvres or through expansion freezes. They mean one thing only, namely, service reduction. The implications of this budgetary decision for service users, their families and the wider community have been given zero consideration.

5 o'clock

[Deputy Aengus Ó Snodaigh.]

The Government talks tough on drugs but it is all talk. Here is the evidence. The full cost of the drugs crisis to society must be recognised. Those costs are human, social and economic. They include overdoses, road deaths, hospital stays, policing and prison costs, absenteeism from work, social welfare payments, related crime, intimidation and the existence of an extensive criminal underworld. The Government must invest in prevention, treatment and rehabilitation. Cuts are not the way forward, as the delivery of services cannot take place. The two services to which I referred are doing great work but they were only beginning to address some of the problems in the east Wicklow area. What they got in return for that is a kick in the teeth.

Deputy Seán Haughey: Problem drug use remains one of the key challenges facing Irish society today. Through the implementation of the actions in the national drugs strategy and the projects and initiatives operated through the local and regional drugs task forces, the problem is being addressed and the hardship caused to individuals and society is being alleviated.

The Government has been, and remains, firmly committed to tackling the problem of drug misuse in society. That is evidenced by the fact that between 2003 and 2008, there was a doubling of funding targeted at community-based initiatives funded through the Vote of the Department of Community, Rural and Gaeltacht Affairs, from €31.5 million to more than €64 million.

This is an opportunity to reiterate the importance of the work of the local and regional drugs task forces, with regard to community based activities and projects. Local drugs task forces, LDTFs, were established in 1997 in the areas considered to be experiencing the worst levels of opiate misuse and are an important element of the Government's overall response to tackling drug misuse. Twelve areas in Dublin were identified as well as Cork city. Bray was subsequently added in 2000 as an LDTF.

The ten regional drugs task forces, RDTFs, were set up in 2003, covering all parts of the country not covered by an LDTF and thus achieving full coverage of the country. Following extensive consultation processes, each RDTF prepared a strategic plan and the implementation of those plans is now progressing. The work of the task forces is an important element of the overall national drugs strategy and their role is to prepare and implement local action plans. Those plans identify existing and emerging gaps in services in regard to each of the pillars of the strategy and support a range of measures including treatment, rehabilitation, education, prevention and curbing local supply.

In addition, the task forces provide a mechanism for the co-ordination of services and strategies in those areas while, at the same time, allowing local communities and voluntary organisations to participate in the planning, design and delivery of those services. The measures being implemented by the task forces are designed to complement and add value to the range of interventions being delivered through the State agencies. Membership of the task forces include representatives of all the relevant agencies such as Departments, the Health Service Executive, the Garda Síochána, the Probation and Welfare Service, the relevant local authority, elected public representatives, the Youth Service, FÁS, voluntary agencies and community representatives.

Across the 14 LDTF areas, more than 440 community-based projects, including those under the emerging needs fund, have been established employing more than 300 people. The type of projects being supported range from delivering services such as advice and support for drug misusers and their families, community drug teams offering treatment, outreach and crisis intervention services and drug training programmes for community groups.

Deputy Aengus Ó Snodaigh: Can I interrupt the Minister of State?

Acting Chairman: There is no provision for that.

Deputy Aengus Ó Snodaigh: I wish to ask the Minister to put the last five paragraphs on the record because he will not reach them and they are the only ones that reply to the question.

Deputy Seán Haughey: I appreciate Deputy Ó Snodaigh's advice. That is what I was going to do. A lot of information is provided in the script that may be of use to Members in their work dealing with the drugs issue.

I will turn to the east coast regional drugs task force. In terms of funding, across Government, we have had to take a range of difficult decisions, but our approach has been to do it in as balanced a way as possible. We are all faced with difficult decisions in the current economic circumstances, especially in the short term.

This year, the budget for community-based initiatives in the local and regional drugs task force areas, including funding for new cocaine and rehabilitation measures introduced during the year, will reach approximately €34.8 million. Funding for 2009 is approximately €34.6 million, which is a minor reduction of 0.5% on the 2008 allocation from the Department.

While it is accepted that there may be some additional costs for projects going into 2009, all task forces, including the ECRDTF, are being asked to identify savings across their area of responsibility. I understand there will be some difficult choices to make but these are challenging times economically and we must all work together to minimise the impact on front-line services. It will be a matter for all the drugs task forces to identify measures to enable them to work within their allocated budgets and decisions on the 2009 allocations for any individual projects in this case with regard to the east coast RDTF. The Department of Community, Rural and Gaeltacht Affairs will continue to liaise with the task forces, other relevant agencies and the national drugs strategy team in the months ahead to ensure the continued operation of vital services in disadvantaged areas most affected by drug misuse.

It should be noted also that the drugs strategy is based on a co-ordinated effort across many Departments and agencies and that the Department's allocation is only part of a much bigger investment programme in drugs services by those other bodies. In 2007, it was estimated that expenditure on drugs programmes across all the bodies was in the region of €230 million. I thank Deputy Ó Snodaigh for raising the matter.

Deputy Aengus Ó Snodaigh: Nollaig shona.

Acting Chairman: Happy Christmas to Deputy Ó Snodaigh.

Special Educational Needs.

Deputy Terence Flanagan: I thank the Ceann Comhairle's office for the opportunity to raise this important issue. The Dyslexia Association of Ireland made a presentation to the Joint Committee on Finance and the Public Service at the end of July explaining the difficulties it faced, in addition to the problems encountered by the parents of dyslexic children. It was an informative presentation. Sad to say, no action has been taken by the Government since the presentation was made.

The Dyslexic Association of Ireland has received a paltry €63,500 in grant aid from the Department of Education and Science each year for the past ten years. The Department only agreed to fund the association yesterday for 2008 in spite of the fact that a submission for

[Deputy Terence Flanagan.]

funding was submitted well over a year ago. That shows a complete disrespect for the staff of the Dyslexia Association and for children with dyslexia who have been treated with contempt. That is a crazy situation and it makes it almost impossible for the association to plan ahead for the next year, never mind for the next three or five years. It is almost as if the funding being provided is an afterthought. The association cannot grow or expand its service or meet the service needs of its members. It is shameful as well that the funding has never been increased over the past ten years, even though the country was awash with money during the Celtic tiger years. This is a disgrace, given the level of inflation over the past ten years. The Fianna Fáil-led Government has never carried out a study to find out how many children suffer from dyslexia. The funding received by the Dyslexia Association of Ireland is being used very wisely for assessments and funding for disadvantaged children, so clearly value for money is being achieved. It is a voluntary association, with 31 branches throughout the country. I want to take this opportunity to thank the staff for the great work they do in helping children who suffer from dyslexia. It provides specialist out of school workshops, which cater for 1,000 children who have been diagnosed with dyslexia. Sadly, the association has had to discontinue its very successful summer school this year because parents cannot afford the fees. Clearly children are suffering because of the lack of support from the Government for dyslexia victims.

The Government must set its priorities and adequately fund the Dyslexia Association of Ireland, not just pay lip service to it. This Government has squandered and wasted hundreds of millions over the past ten years. That is one of the reasons we find ourselves where we are, in the current economic difficulties. We have electronic voting machines just collecting dust. They cost hundreds of thousands in storage fees each year. Why can the Government not take a decision to scrap these machines and set this money aside to help and support the Dyslexia Association of Ireland and other organisations that find themselves in the same situation?

The Dyslexia Association of Ireland gives hope and help to those children who struggle with English and basic learning. The Government has prided itself on the standard of education in the country, but clearly all children are not being treated equally or given the same help and opportunities.

Every euro spent in early intervention education yields a return of €7 in later years. I support the association's campaign for having tax legislation amended so that tuition fees for children attending association workshops, which cost between €800 and €900, should become tax deductible. Perhaps the Minister of State might consider supporting such a tax concession for tuition fees, and raising this with the Minister for Finance. It is estimated that the cost of allowing this tax relief would be €200,000, while at the same time the Dyslexia Association of Ireland pays the Revenue that amount in taxes. This means it would be revenue neutral for the Exchequer.

I ask the Minister of State and the Department of Education and Science to get real on this issue and adequately fund the Dyslexia Association of Ireland. Can he please give certainty to this association by starting to fund it properly, and not make it wait to the last days of the year for confirmation as regards funding, which is totally unsatisfactory at the moment?

Deputy Seán Haughey: I am pleased to advise the Deputy that the Department of Education and Science has provided annual funding of €63,500 to the Dyslexia Association of Ireland. This funding helps the organisation to operate an information service for members and the public. In addition, part of the funding assists in meeting the costs associated with the attendance of some children from disadvantaged backgrounds at workshops and programmes organised by the association.

Furthermore, a grant is awarded annually to the Dyslexia Association of Ireland towards the cost of its adult education activities. The activities funded by the grant include literacy training, pre-course assessment, teaching materials and educational and administrative support. A key focus and priority of the Department is to provide for resources in schools to support pupils with special educational needs, including those with dyslexia. For mainstream primary schools, this is done through the general allocation model. This model was introduced in September 2005 and ensures that mainstream primary schools have the additional teaching resources already in place to enable them to cater for children with high-incidence special educational needs, including dyslexia. There is no need for schools to make separate applications for such supports.

It is a matter for the individual school to use its professional judgment to identify pupils that will receive this support and to use the resources available to intervene at the appropriate level with such pupils. The Department issued a comprehensive circular, SP ED 02/05, to schools to provide guidelines and advice on the manner in which they should use the resources that have been allocated to them to best effect. In addition, the Department provides funding for a number of special schools and special classes attached to mainstream primary schools which have been sanctioned to meet the needs of children with dyslexia. All special schools and special classes for such children operate at a reduced pupil-teacher ratio and pupils attending such facilities attract a special increased rate of capitation.

Second level pupils with dyslexia are normally included in mainstream classes. Additional teacher supports are allocated to second level schools and vocational education committees to cater for pupils with special educational needs, including, where appropriate, pupils with dyslexia. To qualify for additional teaching support, under this category, pupils must be assessed by a psychologist as being of average intelligence or higher and having a degree of learning disability specific to basic skills in reading, writing or mathematics, which places them at or below the second percentile on suitable, standardised, norm referenced tests.

In accordance with the terms of circular letter M10/94 and depending on an educational assessment, pupils with dyslexia may meet the criteria for exemption from the learning of the Irish language on the grounds of having a learning disability. They may also be eligible for special arrangements in State certificate examinations. The Department provides funding to schools for the purchase of specialised equipment such as computers to assist children with special educational needs, including children with dyslexia, with their education once relevant professionals recommend the equipment. Schools can apply to the local special educational needs organiser directly for this support.

The Department supports teachers with additional training needs in the area of dyslexia. The Deputy will be aware of the special education support service, SESS, which manages, co-ordinates and develops a range of supports in response to identified teacher training needs. The SESS provides fees subsidies for the on-line training course, "Dyslexia: Identification and Early Interventions". Fee subsidies are also provided for teachers to enable them to avail of the Dyslexia Association of Ireland courses.

The Dyslexia Association of Ireland has over the years proved itself to be a genuine organisation that provides a range of supports for children with dyslexia and their parents. The association has co-operated with various initiatives taken by my Department, including the task force on dyslexia. I am pleased that the Department has been able to provide funding to the association. The Department has developed an information resource pack on dyslexia in CD-Rom, DVD and video format, in association with the Department of Education in Northern Ireland.

[Deputy Seán Haughey.]

This product has been made available to all primary and post-primary schools. The DVD and video provides support for parents of pupils with dyslexia while the CD-Rom assists teachers who are teaching children with dyslexia in the mainstream classroom. The Dyslexia Association of Ireland supported and assisted in this initiative.

I would like to take this opportunity to thank the Deputy for giving me the opportunity to clarify the position on this matter.

Deputy Terence Flanagan: I thank the Minister of State. I should be grateful if the issue of the funding could be raised with the Minister for Finance, in terms of whether it might be allocated at a much later date, as well as tax relief for tuition fees.

School Placement.

Deputy David Stanton: I thank the Office of the Ceann Comhairle for allowing me raise this matter and the Minister of State, Deputy Seán Haughey, for coming in to address the issue.

I have raised the matter of the shortage of post-primary school places in Midleton, east Cork on a number of occasions in the House previously. Currently, there are four second level schools in the Midleton area, a number in Cobh and a number in Youghal. However, I want to focus on the situation in Midleton where the schools are full. I have done a projection of the future need, based on the enrolment figures in the primary schools. By the time the children from junior infants up to fifth class reach second level school, there will be 800 extra students looking for places in Midleton as some 20 primary schools feed into the town. The schools are full now, but as far as I am aware, there are no plans to increase the number of places at second level. A new school is required.

In April last year the former Minister for Education and Science, Deputy Mary Hanafin, advised that the Department was in the process of identifying the areas where significant additional accommodation would be required at primary and post-primary level for 2009 and onwards. Can the Minister of State inform us what is happening in that regard or communicate with me afterwards on the issue?

I have been told that no land is zoned for a school in the area, but that there has been some communication between the Department and the local authority. However, not much seems to be happening. Already this year, students have been told there is no school place for them and I am afraid the situation will get worse. Some 800 extra children will come on stream in the next number of years as a result of the explosion in housing in the area, but no plans are in place to cope with this and no land has been zoned for a school. What is even more worrying is that when I asked the former Minister for Education and Science last February about enrolment trends, she said the information requested was not readily available in her Department.

I am aware there have been problems in the Dublin area in this regard, but it is now happening in the east Cork area. A new rail link is coming into the area and large amounts of land were zoned for housing. Houses have been built, but there is no provision for extra schools, although the schools in the area are full.

I urge the Minister to take this issue on board as a matter of urgency and to start planning now. I am sure the Minister realises that even if he cracks the whip in the Department today on planning, it will take five or six years before anything happens. The schools are full now and are talking about putting up prefabs. That may work at primary level, but will not work at second level because specialist rooms are required. It is much more difficult to cater for these

with prefabs. There is also the question of health and safety. We cannot cram children into narrow corridors and schools with not enough room for them. The current schools were not designed for that. The issue is crucial.

I am here to advocate on behalf of the people I represent in east Cork in the Midleton area. There are also problems in Cobh and Youghal, but not to the same extent currently. I look forward to what the Minister of State has to say in his remarks and hope he has a Christmas present for the people I represent.

Deputy Seán Haughey: I thank the Deputy for raising this matter as it affords me the opportunity to outline to the Dáil the process being used in the Department of Education and Science to ensure there will be sufficient accommodation in schools at primary and post-primary level in all parts of the country.

In response to the rapid pace of social and demographic change in Ireland, the forward planning section of the Department now uses the latest technology in geographical information systems, GIS, to assist it in planning the location of schools for the future. The GIS system contains information on all schools in the country, primary and post-primary, which are geocoded to their correct location. This information is then linked to the relevant demographic information for those geographic areas, with a view to forecasting future school accommodation needs.

Typically, the demographic information will be from the Census 2006 population figures, supplemented by information from the local authority. The An Post geodirectory is also used to set out spatially where demographic increases are occurring. To assess future school accommodation needs, growth projection figures are applied to existing population figures, which are supplied either by local authorities through their area development plans or based on CSO regional population projections.

The forward planning section of the Department is in the process of applying this technological approach to the entire country and when this exercise has been completed, a full data set on priority areas will be available. As a matter of course, there is also ongoing liaison between the forward planning section and local authorities in order to establish the location, scale and pace of any proposed major housing developments and their possible implications for school provision.

In this regard, officials from the Department have met with officials from Cork County Council to assess the extent of ongoing and proposed residential developments in County Cork, particularly with regard to the east and southern environs of Cork city, including the Midleton area. As part of the Midleton special local area plan, the local authority has included plans for the provision and construction of primary schools and the setting aside of land for the construction of a new post-primary school to meet the educational needs of the population of the area.

Progress on the development of these schools, together with any applications for capital funding from existing providers, will be considered for progression in the context of the Department's school building and modernisation programme, consistent with the priority attaching to these projects under the Department's published prioritisation criteria for large-scale building projects.

I thank the Deputy again for raising this matter and assure him that the capital allocation of €4.5 billion for school buildings under the current national development plan will be prioritised by the Department to ensure that school places are available where needed, including in Midleton.

[Deputy Seán Haughey.]

I take this opportunity to wish Deputy Stanton, all the staff of the House, the Acting Chairman, Deputy Charlie O'Connor, and all his constituents in Tallaght and surrounding areas a very happy Christmas.

Acting Chairman: That is very kind of the Minister of State. I am sure the people of Tallaght will be very happy to hear that. I also wish to thank colleagues for their assistance. I wish all a very happy Christmas, including staff and the nice people in the media.

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Tuesday, 27 January 2009.

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 9, inclusive, answered orally.

Programmes for Government.

10. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to implementation of those sections of the Programme for Government under the headings community payback, parental responsibility and anti-social behaviour; and if he will make a statement on the matter. [46732/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A community service order requires an offender to perform unpaid work for between 40 and 240 hours, usually to be completed within 12 months. The aim of a community service order is to rehabilitate the offender and bring about meaningful reparation to the community for his or her crime. The Probation Service of my Department has responsibility for the supervision and management of these orders.

The Programme for Government provides for a community pay back scheme. It is intended that this will build on the community service scheme, which is currently the subject of a value for money and policy review by an independent evaluator. The review, which is nearing completion, will influence how best to progress this aspect of the Programme for Government.

The Children Act 2001, as amended, provides for a number of measures in relation to parental responsibility in respect of children involved in anti-social behaviour and children found guilty of offences. The imposition of any particular sanction provided for by the Act on the parents or guardians of an offending child is a matter for the courts. The National Youth Justice Strategy 2008-2010 provides for the monitoring of the use of the anti-social behaviour measures in the Act. This will be progressed during the term of the Strategy in the context of the commitment in the Programme for Government.

Tackling anti-social behaviour is a priority for both An Garda Síochána and my Department. The commitments relating to such behaviour in the Programme for Government were intended to be implemented over the lifetime of the Government and are currently being addressed with a view to their implementation, in co-operation with other Departments and agencies as necessary, within that time period, in the context of the resources available.

Departmental Agencies.

11. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the position regarding contacts he has had with the Equality Authority regarding difficulties they will face as a result of his decision to cut their budget by 42% for 2009; and if he will make a statement on the matter. [46749/08]

12. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform his vision for the future of the Equality Authority; and if he will make a statement on the matter. [47127/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 11 and 12 together.

I have already dealt with many of the issues raised by the Deputies in my earlier reply to Question No. 2.

As I said since it became fully operational in 1999 over 45 million euro has been provided by the State for the activities of the Equality Authority alone. In total, in the last five years my Department alone has spent €127 million on equality and disability issues. By any objective analysis, that is a clear statement of the Government's strong commitment to building an inclusive society rooted in the principles of equality of opportunity and fairness for all.

A robust and effective equality infrastructure has been developed in this country over the last number of years. The Government will continue to strengthen this infrastructure so that persons who do experience discrimination and inequality can continue to exercise, without impediment, their constitutional rights. This is why I ensured additional funding of €340,000, an increase of 15%, will be provided to the Equality Tribunal in 2009 — the Body which actually adjudicates on individual claims of inequality. The additional support the Government is provided to the Tribunal reflects the priority which I believe should be given to persons who have a grievance in this respect.

The total budget for State equality bodies in 2009 is almost €7.5m. In the times we are in, that is a significant sum of money. When account is taken of all equality issues including disability, integration, gender based violence as well as human rights, the budget for next year is €25.5m. If proof is needed of my commitment and that of the Government to making Ireland a more equal place, then I would suggest you hardly need to look further than that.

As to contacts I have had with the Equality Authority, most recently, I met the representatives of the Authority last week at which they put forward a "Management Plan". Under the Plan the Authority wanted to retain current staffing levels at 53. They also wanted the Department, out of its own budget, to put forward extra non-pay expenditure of €0.7m. In total the Authority wanted a minimum allocation of €4m compared to the allocation of €3.33m announced by the Government. For the reasons I have mentioned — allowing for the Exchequer position, the clear need for economies and the establishment of priorities in my Department — I did not support the Authority's claims for more money in 2009. At any rate, that money is simply not there.

That the Chief Executive and one member of the Authority (Therese Murphy) should decide to resign from the Authority at this time is, of course, regrettable. I do not as Minister shares their views about the continued viability of the Authority. The Authority, based in Roscrea in new headquarters and staffed by the full complement of persons committed to being there will, I am satisfied, continue to be vibrant and effective.

I have said I accept that 2009 will be a difficult year for the Equality Authority and indeed other agencies in the Justice area. However, I am satisfied that the Authority can fulfil its core functions within the allotted financial envelope. I welcome the Board's statement in this regard

and its stated commitment and determination to continue work effectively and independently for the elimination of discrimination and the promotion of equality on our society.

Firearms Licences.

13. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform the number of licensed handguns in respect of each year from 2002 to date in 2008; the number of licensed handguns that were reported as stolen; the number of such stolen guns that were subsequently used in crimes; and if he will make a statement on the matter. [46740/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Deputy will be aware that prior to 2004 there was a *de facto* ban on handguns in this jurisdiction. However, I understand from the Garda Authorities that records indicate approximately 1,800 handguns have been licensed since the beginning of 2004 and that 31 have been stolen in that period. I am further advised that stolen firearms are used in the course of the commission of other criminal offences but, because not all stolen firearms or firearms used in the commission of offences are recovered, it is not possible to say precisely how many formerly legally held handguns have been used in criminal offences.

As I have stated on a number of occasions I am concerned with the situation we now find ourselves in following the growth in the licensing of hand guns over the past few years. We now have these 1,800 handguns licensed, and not as a result of a considered or deliberate public policy decision. As Mr. Justice Charleton said in a recent judgement the public is entitled to feel alarmed at the proliferation of handguns. I am not going to permit the growth of a ‘handgun’ culture. It was against this background that I recently announced my proposals for reform in this area, which include a ban on issuing new licenses for handguns and a strict regime for renewal of existing licenses, with limited exceptions made in relation to Olympic sports.

The House may note the recent endorsement of these proposals by the Chief Inspector of the Garda Inspectorate who draws on her own considerable experience of policing in the United States. She has recently been quoted as saying that a lot of guns used in the commission of crime in the States are guns that have been stolen from their rightful owners. We must have controls in place to prevent the same thing happening here. My proposals will be reflected in the Criminal Justice (Miscellaneous Provisions) Bill which I will be publishing early in the new year.

It is important to say that my proposals in relation to handguns will not impinge directly on the activities of the vast majority of licensed firearms holders. I recognise that those firearms holders pursue their legitimate interests in a law abiding way and am anxious to have a well regulated sector in which those interests can be successfully pursued, in co-operation with the relevant authorities. But the reality is specific issues arise from the inherent nature of firearms.

Garda Disciplinary Proceedings.

14. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform the steps he will take to ensure the recommendations contained in reports of the Garda Ombudsman Commission on investigations are acted upon by An Garda Síochána and the Garda Commissioner; and if he will make a statement on the matter. [46745/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 sets out the duties and responsibilities of the Garda Commissioner in the direction and control of the Force and of the Garda Ombudsman Commission in the investigation of complaints.

[Deputy Dermot Ahern.]

Where the Garda Ombudsman Commission investigates a complaint or any other matter, it must include in its report to the Garda Commissioner a statement of the facts established, a recommendation about whether or not disciplinary proceedings should be instituted, the reasons for that recommendation and, if proceedings are recommended, the particulars relating to the proceedings that the Ombudsman Commission considers appropriate. Any such disciplinary proceedings will be taken under fair but effective disciplinary regulations made in 2007. These regulations addressed weaknesses in the previous disciplinary system identified by the findings of the Morris Tribunal. The Ombudsman Commission must be notified by the Garda Commissioner of the outcome of any proceedings.

In at least one recent case, the Ombudsman Commission also made general procedural recommendations to the Garda Commissioner which are being actively pursued.

The Ombudsman Commission may also make recommendations in its annual report or in other specific reports to me as Minister, and every such report is laid before the Houses. It is of course open to the Ombudsman Commission to express any views it may have on the responses made to its recommendations, whether specific or general. Any such views would clearly deserve and require the most careful consideration.

Garda Strength.

15. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform his views on introducing a special grade for community Gardaí with opportunities for promotion under a new organisational structure in order to strengthen and encourage a significant increase in the numbers of community Gardaí working in communities here; and if he will make a statement on the matter. [47121/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The number of Community Gardaí has grown significantly in recent years. The total personnel strength attached to Community Policing at the 30th of November 2008 was 689, up from 452 at the end of 2005. That is an increase of 237, or 52%.

While these dedicated Community Gardaí carry out valuable specific duties in the community, it is important to appreciate that this supplements rather than supplants the efforts of all Gardaí in their work in the community. Community policing is at the heart of the work of the Garda Síochána and has been so from its foundation. Community policing in its broadest sense is the responsibility of every member of the Force, and I therefore do not believe that the case has been made for the creation of a special grading and promotion system. Indeed, there is a danger that such a discrete system, which could have the unintended effect of separating out community duties from general duties, could undermine the forcewide dedication to community policing.

In its report “Policing in Ireland — looking Forward” the Garda Inspectorate stated—

“The Inspectorate believes, however, that community policing should be more than a separate unit or operation within a police service. It must be the fundamental policing philosophy at the core of the organisation”.

This is a view which I fully endorse. I know that the Commissioner places the highest value on the close links between the Garda Síochána and the community it serves, and I am sure that this will be reflected in the work currently underway in the Force in developing a new national model of community policing.

Bail Law.

16. **Deputy Deirdre Clune** asked the Minister for Justice, Equality and Law Reform if he will propose legislative amendments to the Bail Act 1997; and if he will make a statement on the matter. [47140/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The operation of the bail laws in force is kept under review.

The Sixteenth Amendment to the Constitution allows for bail to be refused to a person charged with a serious offence, where it is reasonably considered necessary to prevent the commission of a serious offence by that person.

The Bail Act 1997 gave effect to this Amendment and also tightened up the bail regime generally.

The Criminal Justice Act 1984 provides for mandatory consecutive sentences to apply where a person is convicted of an offence committed while on bail. In addition, the law provides that the fact that an offence was committed while on bail must be treated as an aggravating factor at sentencing and that the court shall impose a sentence that is greater than that which would have been imposed otherwise, unless there are exceptional circumstances.

The Criminal Justice Act 2007 amended the 1997 Act and other statutes governing the law on bail with the aim of facilitating a stronger challenge by the prosecution to applications for bail by persons charged with serious offences and of further improving decision making by the courts.

These stringent provisions include a requirement that applicants for bail may have to provide a statement of their means, their previous criminal record and details of any offences committed while previously on bail. The Act also provides that a Garda Superintendent may give an opinion that bail should be refused on the grounds that the applicant is likely to commit a serious offence if granted bail. The prosecution authorities are also given the right to appeal against decisions to grant bail or, where it is granted, the conditions attaching to it.

The Agreed Programme for Government includes a commitment to conduct a formal annual review of the new measures in relation to bail introduced in the Criminal Justice Act 2007. The issue of establishing a formal review mechanism will be addressed when the provisions have been in force for a sufficient period to enable trends to be meaningfully assessed.

National Disability Strategy.

17. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 992 of 24 September 2008, if the strategic document outlining the vision, mission and objectives of the National Disability Strategy as detailed in Towards 2016 has been finalised; when he will publish same; and if he will make a statement on the matter. [47093/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Moloney): Work on the document committed to in Towards 2016 to outline the vision, mission and objectives of the National Disability Strategy continues under a high-level inter-departmental group in consultation with the Disability Stakeholders Group. The document will be finalised as early as possible in the New Year.

Departmental Agencies.

18. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the

[Deputy Michael D. Higgins.]

position regarding contacts he has had with the Human Rights Commission regarding difficulties it will face as a result of his decision to cut their budget by 24% for 2009; and if he will make a statement on the matter. [46748/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As I indicated in my contribution to the budget debate I decided that the main priority in the Justice area in 2009 will be tackling crime. In that regard, decisions about funding reflect that priority with the result that in a small number of areas budgets have been reduced significantly. Moreover, in line with Government policies generally I have asked all bodies to substantially reduce their spending on consultants, advertising, promotional activities and other non-core items.

I met recently with the President and CEO of the Commission to discuss their financial situation and my Department is, of course, available to assist them in every practical way possible. I consider that there is sufficient funding provided to enable them to discharge their core functions. I would also remind the Deputy that the Human Rights Commission was, this month, awarded a supplementary estimate of €250,000 in order to assist them in discharging outstanding bills and expenses for 2008.

Both the Commission and the Equality Authority, the other body with which they are to integrate facilities with, currently operate from separate Dublin city-centre office premises which have a cumulative per annum rental cost of over 800,000 euro. I firmly believe that significant efficiencies and savings can be realised by both bodies — and possibly others as well — sharing office facilities.

I can also state that I am prepared to agree at this stage that these savings may be used by both of the bodies in question to supplement their budgets in meeting the costs of discharging their core functions. I want to emphasise that this does not mean an increase in the published budget of either body and neither does it mean that the savings in question can be used for advertising or any other public relations type activities. In other words, I do not propose to redistribute the savings to meet other expenditure requirements across my Vote Group.

Garda Strength.

19. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the strength of An Garda Síochána at the latest date for which figures are available broken down by full members, those who have attested but not yet concluded their training, those in training, the expected number that will be recruited during 2009 and the total anticipated numbers at each above category at the end of 2009; and if he will make a statement on the matter. [46750/08]

69. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform his plans for recruitment to An Garda Síochána during 2009; the number of new recruits who will be accepted per quarter during 2009; and if he will make a statement on the matter. [46777/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 19 and 69 together.

I am informed by the Garda Commissioner that the attested personnel strength of An Garda Síochána on 30 November 2008, the latest date for which figures are readily available, was 14,445. In addition, on that date there were 945 student Gardaí in training who have yet to be attested. This means that, after allowing for anticipated retirements, there will be a significant net increase in 2009 in the attested strength of the Force.

The most recent intake of Garda students was last month, when 100 students were taken into the Garda College. A similar intake is planned for in February 2009. Calculations on the scale of future intakes will be made closer to the relevant time taking into account wider Government policy on the public service.

Commissions of Investigation.

20. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to the implementation of the recommendations of the Report of the Commission of Investigation into a case (details supplied); and if he will make a statement on the matter. [46756/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Report of the Commission of Investigation into the Dean Lyons case offered a thorough independent analysis of the facts surrounding the false confession made by Dean Lyons based on the evidence of all relevant witnesses. It concluded that there was no deliberate attempt to undermine the rights of Dean Lyons. At page 12 of his Report Mr Birmingham (now Judge Birmingham) makes it clear that the Commission had no role in making recommendations on future safeguards and procedures. Instead an Expert Group was established by the then Minister for Justice Equality and Law Reform for that purpose.

The Group will be reporting on the adequacy of Garda training, protocols, regulations and procedures, in assessing the fitness of persons to be interviewed and on the recording of any bona fide reservations of an individual member of a Garda investigation team as to the truthfulness or accuracy of self — incriminating statements. As has been indicated in this House previously the Group took time to allow it to comprehend the work associated with the Sixth report of the Morris Tribunal which, as Deputies will be aware, dealt extensively with the question of detention of vulnerable suspects. The Group is now considering that Report with a view to finalising its work.

Garda Stations.

21. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the sub-standard and insufficient nature of the accommodation available to the Garda Water Support Unit in Athlone, the unnecessary hardship this causes for officers and that expensive equipment is exposed to excessive wear and tear as a result; if he has discussed the matter with the Garda Commissioner; and the steps that will be taken to address the matter. [46622/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Water Unit is a national Unit based in Santry Garda Station and Athlone Garda Station.

I am informed by the Garda authorities that they are currently liaising with the Office of Public Works to identify suitable accommodation and storage facilities in Athlone for the members of the Garda Water Unit and their equipment, vessels and vehicles. A property has been identified as being suitable to meet these needs in the long term.

I am further informed that, in the interim, Garda management, in collaboration with the OPW, is providing significant additional accommodation in Athlone adjacent to the existing Garda station. While it is a matter for local management in the first instance to decide how the operational units of Athlone Garda Station are deployed within the additional accommodation, the expansion in accommodation should provide an immediate improvement in respect of accommodation for the Garda Water Unit on a temporary basis.

Garda Disciplinary Complaints.

22. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the position regarding the report of the Garda Ombudsman Commission following the death of a person (details supplied); the steps he will take to ensure the report, which has been forwarded to the Garda Commissioner is acted upon; and if he will make a statement on the matter. [46746/08]

64. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the steps that have been taken in respect of the report of the Garda Ombudsman Commission following the death of a person (details supplied) and in particular the recommendations in the report that require action by An Garda Síochána or the Garda Commissioner; and if he will make a statement on the matter. [46743/08]

65. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the steps he will take to ensure monitoring of PULSE to ensure members of An Garda Síochána adhere to their legal and disciplinary obligations in regards to its proper use; if audit-trails of the usage of PULSE and other official systems can always be accurate and verifiable, as recommended by the Garda Ombudsman Commission following the death of a person (details supplied); and if he will make a statement on the matter. [46744/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 22, 64 and 65 together.

The report and recommendations referred to relate to the alleged leaking of official material from Garda sources to the media relating to a deceased person. The full text of the Ombudsman Commission's report in relation to this matter is available on its website.

The report recommends to the Garda Commissioner that supervisory ranks of An Garda Síochána should regularly monitor the use of PULSE to ensure that members adhere to their legal and disciplinary obligations with regard to its proper use. The Ombudsman Commission also recommends that suitable measures be put in place by the Garda authorities to ensure audit trails of the usage of PULSE and any other official information systems can always be accurate and verifiable.

With regard to Pulse, An Garda Síochána have detailed procedures and instructions in place on the operation of the Pulse system. The Pulse system incorporates an accurate audit system which records all record creations and updates made on the system. The audit record includes the date and time when the update on the system took place and contains details of the user signed onto the system at that time. Audit-trails also record all inquires made on the core items of interest on the PULSE system including Person and Vehicle. Audit records are written at the time the associated transaction took place. These audit records can only be accessed centrally and are not available or visible to the users.

I am informed by the Garda Commissioner that the recommendations included in the report of the Garda Síochána Ombudsman Commission are being examined.

Crime Prevention.

23. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform the cross-Departmental strategy which exists in relation to tackling anti-social behaviour; and if he will make a statement on the matter. [47147/08]

42. **Deputy Frank Feighan** asked the Minister for Justice, Equality and Law Reform the actions he has taken since taking office to address the problem of anti-social behaviour in communities here; and if he will make a statement on the matter. [47157/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 23 and 42 together.

One of the policing priorities set for An Garda Síochána for 2008 under the Garda Síochána Act 2005 is to combat, particularly in co-operation with other agencies and the community generally, the problems of public disorder with a particular emphasis being placed on alcohol related behaviour (including under age drinking) and socially disadvantaged communities. Public order maintenance is also one of the priorities I have set for An Garda Síochána in 2009.

Public disorder is an issue where co-operation between the Gardaí and the local community is vital. That is why I am proceeding with the nationwide roll out of the joint policing committees, following their successful pilot phase. These committees enable local authority representatives and officials and Gardaí, with the participation of Oireachtas members and community interests, to get together in a structured way to discuss matters affecting the policing of the area.

The Irish Youth Justice Service (IYJS) is an executive office of my Department working with the Office of the Minister for Children and Youth Affairs. It is responsible for leading and driving reform in the youth justice area. The IYJS funds organisations and projects providing services, including Garda and Probation projects, to young people aged under 18 years who find themselves in conflict with the law.

The IYJS works in close co-operation with other Departments including Education and Science, Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs and agencies including An Garda Síochána, the Courts Service, the Probation Service and the Health Service Executive. This is reflected in the development of the National Youth Justice Strategy 2008-2010 which focuses on children who have already had some contact with the criminal justice system. The aim of the Strategy is to provide a partnership approach among agencies working in the youth justice system.

Led by the Department of Community, Rural and Gaeltacht Affairs, the RAPID Programme targets 46 of the most disadvantaged areas in the country. The Programme requires Government Departments and State agencies to bring about better co-ordination and closer integration in the delivery of services to these areas. The Programme is structured around seven themes, one of which is crime and community safety. An Garda Síochána are leading the development of a local strategy and implementation plan for each area, the aim of which is to deliver targeted actions to improve community safety and tackle anti-social behaviour. My Department contributes to these aims, for example through the provision of funding for community based CCTV schemes.

The Garda Juvenile Diversion Programme, operated by Garda Juvenile Liaison Officers, has proved to be highly successful in diverting young persons away from crime by offering guidance and support to juveniles and their families. It also enables referral to the Garda Youth Diversion Projects which are community-based, multi-agency crime prevention initiatives operating separately from the Diversion Programme. There are currently 100 of these projects operating in various locations throughout the country.

Strong provisions are in place to combat anti-social behaviour. The Criminal Justice (Public Order) Act 1994 modernised the law in this regard. In addition, the Intoxicating Liquor Act 2003 contains provisions to deal with alcohol abuse, which is often at the root of crime and anti-social behaviour, and its effect on public order, and the Criminal Justice (Public Order)

[Deputy Dermot Ahern.]

Act 2003 provides the Garda with powers to deal with late night street violence and anti-social conduct attributable to excessive drinking.

The Criminal Justice Act 2006 brought into force additional legislation to target public disorder and anti-social behaviour. In January, 2007 behaviour warnings and civil orders were introduced for adults, and in March, 2007 behaviour warnings, good behaviour contracts and behaviour orders were introduced for children.

The Intoxicating Liquor Act 2008, enacted last July, gives further powers to the Gardaí to tackle the misuse of alcohol. The Act places restrictions on the availability and visibility of alcohol and provides for more effective enforcement to deal with the consequences of alcohol abuse. The Gardaí may seize any bottle or container from a person under the age of 18 and which a Garda suspects contains alcohol to be consumed by a person under 18 in a public place. They may also seize bottles or containers containing alcohol where there is a reasonable apprehension of public disorder or damage to property and require a person to leave the place concerned in a peaceable and orderly manner. The Act also allows for the issue of fixed charge notices for the offences of intoxication in a public place and disorderly conduct in a public place, which are offences under sections 4 and 5 of the Criminal Justice (Public Order) Act 1994.

Firearms Licences.

24. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the number of handguns that have been reported as stolen each year for the years 2004 to date in 2008; and if he will make a statement on the matter. [47137/08]

43. **Deputy John Deasy** asked the Minister for Justice, Equality and Law Reform his proposals in respect of prohibiting handguns; and if he will make a statement on the matter. [47148/08]

54. **Deputy Arthur Morgan** asked the Minister for Justice, Equality and Law Reform his legislative and action based plans to clamp down on the growing prevalence of firearms; and if he will make a statement on the matter. [46624/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 24, 43 and 54 together.

The Garda Commissioner informs me that 31 legally held handguns have been stolen since the start of 2004. The breakdown by year is as follows:

Year	Handguns recorded as stolen
2008	4
2007	6
2006	11
2005	7
2004	3

*Figures provided are provisional/operational and liable to change.

As the Deputy is aware, for over 30 years prior to 2004, it was policy not to license handguns in this jurisdiction. Following a series of judicial decisions, that is no longer the case and approx. 1,800 handguns have been licensed since then.

Since my appointment I have expressed concern at the number of handguns which have been licensed here in recent years. I am aware that the vast majority of licensed firearms holders

pursue their interests legitimately. I am conscious too that many of them deeply resent any connection that is made to the issue of licensed handguns in the context of our crime problem. But as Justice Minister I cannot avoid the reality that the overall number of weapons in circulation and the type of those weapons can add to a gun culture. Indeed the issue of handguns was highlighted by Mr Justice Peter Charleton in a judgement during the summer when he said that a reasonable person is entitled to feel alarmed at the proliferation of handguns.

My proposals for reform in this area include a ban on issuing new licences for handguns, although there will be limited exceptions in relation to Olympic sports. Those who have licences already can, when they are due for renewal, apply to have them renewed under a new licensing procedure where the safety of the community will be paramount. Together with the Garda Commissioner I will keep under annual review the outcome of the licensing procedure and, if the outcome leaves a situation which still poses an unacceptable risk to the community, will use new powers to ban particular types of firearm.

These proposals will be given legislative form in the Criminal Justice (Miscellaneous Provisions) Bill which I will be publishing early in the new year.

The House may note the recent endorsement of these proposals by the Chief Inspector of the Garda Inspectorate who draws on her own considerable experience of policing in the United States. She has recently been quoted as saying that a lot of guns used in the commission of crime in the States are guns that have been stolen from their rightful owners. We must have controls in place to prevent the same thing happening here.

As to illegally held firearms — however obtained — members from all sides of the House will agree that a priority of the criminal justice system is to rid society of illegal weapons. This objective has been at the core of Operation Anvil since it was established in 2005. Under that Operation up to 30 November, 2008 over 1,200 firearms have been recovered in Dublin and almost 1,000 in the rest of the country. The Gardaí will continue to address the issue of illegal guns relentlessly.

It should be noted that a wide range of provisions to combat gun crime were introduced in the Criminal Justice Act 2006. That Act introduced mandatory minimum sentences of between five and ten years for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life, possession of a firearm while hijacking a vehicle, use of a firearm to resist arrest and a new offence of altering a firearm.

Detention Centres.

25. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the position with regard to the development of the proposed new national child detention facility for young offenders at Lusk, County Dublin; and if he will make a statement on the matter.
[47162/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): In March 2008, the Government approved the development of new national children detention facilities on the Oberstown campus near Lusk, Co. Dublin. Planning for the development is underway and a design team from the Office of Public Works has been assembled to advise on architectural, construction and engineering matters to deliver high quality designs and to manage the construction of modern, state of the art facilities.

The development will increase the accommodation capacity in the detention school service from 77 to 167 places and will be required to be carried out in phases to ensure that the existing facilities continue to operate and make detention places available to the Courts until the new

[Deputy Barry Andrews.]

accommodation is available. The timeframe for the construction of phase 1 which will provide 80 new build detention places is the end of 2012.

The cost involved for the project will be met from National Development Plan/Exchequer sources and adequate capital provision to progress this project has been made in the 2009 Estimates.

Departmental Agencies.

26. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on the work of the Equality Authority since its inception; and if he will make a statement on the matter. [47132/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my response to Question No. 2 of the 18 December 2008. I have nothing further to add to the details of that reply.

Court Awards.

27. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform the amount paid out in compensation or legal costs arising from claims against members of the Gardaí in respect of assault, illegal arrest and other reasons for each year from 2002 to date in 2008; and if he will make a statement on the matter. [46766/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy concerning the amounts paid out in Court awards and out of court settlements in relation to actions taken against members of An Garda Síochána relating to assault, unlawful arrest or other breaches of citizens' rights is set out in the table below.

Actions taken by Civilians against Gardai

The number of cases settled/or awards made by the Courts are shown in brackets

Year	Category of payment	Assault	Unlawful Arrest	Other	Overall Total
2002	Awards	€1,270 (1)	€3,809.21 (1)	€56,500 (2)	
	Settlements	€166,924.48 (6)	€106,835.58 (10)	€185,078.82 (11)	
	Costs	€230,769.67	€148,714.19	€340,486.45	
	Total	€398,964.15	€259,358.98	€582,065.27	€1,240,388.40
2003	Awards	€11,000 (1)	€10,000 (2)	€4,870 (2)	
	Settlements	€75,000 (4)	€303,011 (5)	€112,814.84 (4)	
	Costs	€145,561.70	€71,794.28	€542,075.73	
	Total	€231,561.70	€384,805.28	€659,760.57	€1,276,127.55
2004	Awards	€15,000 (1)	Nil	€3,215.06 (1)	
	Settlements	€198,697.48 (5)	€73,007 (5)	€50,500 (3)	
	Costs	€231,646.62	€100,019.36	€266,713.57	
	Total	€445,344.10	€173,026.36	€320,428.63	€938,799.09
2005	Awards	€1,000.00 (1)	€2,025,321.00 (3)	€85,125.00 (2)	
	Settlements	€130,250.00 (7)	€1,569,114.00 (9)	€58,000 (2)	
	Costs	€137,447.90 (10)	€658,508.78 (10)	€205,466.85 (15)	
	Total	€268,697.90	€4,252,943.78	€348,591.85	€4,870,233.53

Year	Category of payment	Assault	Unlawful Arrest	Other	Overall Total
2006	Awards	€18,076.32 (1)	€41,443.80 (3)	Nil	
	Settlements	€386,200.00 (17)	€622,000 (15)	€606,500.00 (8)	
	Costs	€187,797.28 (11)	€60,983.61 (10)	€28,983.93 (3)	
	Total	€592,073.60	€724,427.41	€635,483.93	€1,951,984.94
2007 (Provisional)	Awards	€97,500.00 (2)	Nil	€5,246,047.00 (4)	
	Settlements	€238,000.00 (8)	€1,297,000.00 (10)	€4,451,000.00 (34)	
	Costs	€485,944.95 (10)	€1,488,193.20 (9)	€1,125,597.19 (29)	
	Total	€821,444.95	€2,785,193.20	€10,822,644.19	€14,429,282.34
2008 (Provisional) to 08/12/08	Awards	€12,500 (1)	€5,500 (1)	€12,500 (1)	
	Settlements	€505,000 (15)	€56,024.34 (6)	€273,157.58 (18)	
	Costs	€816,847.70 (15)	€650,968.42 (14)	€1,943,853.08 (27)	
	Total	€1,334,347.70	€712,492.76	€2,229,510.66	€4,276,351.12

Legislative Programme.

28. **Deputy Damien English** asked the Minister for Justice, Equality and Law Reform the progress he has made since being appointed Minister in respect of the establishment of a judicial council; and if he will make a statement on the matter. [47153/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Question No. 341 on 18 November 2008.

Criminal Prosecutions.

29. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to date in 2008; the number of such cases in which prosecutions for murder were initiated; the number of such cases in which convictions were secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [46761/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The following table contains the number of cases of murder recorded in which firearms were used, the number of prosecutions initiated and the number of convictions secured in each year from 1998 to 2007 and to date in 2008. Figures provided for 2008 are provisional, operational and liable to change.

One of the main priorities I have set for An Garda Síochána in 2009 is to target gun crime, organised crime and drug related crime through a range of measures, including the use of the Garda specialist units and targeted operations such as Operation Anvil.

An Garda Síochána meet this task by strategic actions, including in particular continuous and intensive intelligence led operations against groups and individuals engaged in such illegal activity. Available intelligence is fully analysed and used in the strategic deployment of both local and specialised operational Garda units in targeting persons and groups. It is used in carrying out searches and arrests aimed at both preventing attacks and apprehending persons suspected of being involved in such attacks. Profiles regarding the personnel of organised criminal gangs are continually updated.

The Garda Commissioner has established, on a permanent basis, the Organised Crime Unit, with the specific objective of targeting those suspected of involvement in organised crime,

[Deputy Dermot Ahern.]

including drug trafficking, importation, sale and supply. Similar operations are undertaken by Garda specialist units, including the National Bureau of Criminal Investigation, the Garda National Drugs Unit and the Criminal Assets Bureau.

Operation Anvil commenced in the Dublin Metropolitan Region in 2005 to deal with this type of serious crime and was extended nationwide in 2006. The primary focus of the Operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static checkpoints by uniform, mobile and foot patrols, supported by armed plain clothes patrols. Under Operation Anvil up to the end of November, approximately 1,200 firearms have been recovered in Dublin and 1,000 in the rest of the country.

At a time when the public finances are under pressure, I will ensure that top priority will continue to be given to frontline policing. Funding for Operation Anvil will increase in 2009 from €20 million to €21 million to enable it to continue with targeted disruption of serious and organised criminal activity. Other key operations will be maintained through 2009, and any savings that have to be made will not be allowed to diminish frontline policing. There will also be a 20% (€1.5 million) increase next year in funding for the Criminal Assets Bureau. Overall, the Garda budget next year will be €1.589 million.

There can be considerable difficulties for the Gardaí in obtaining evidence in shootings which are the result of gangland activities. This arises not least because many such victims (where they survive the attack) and their associates will not co-operate with the Garda investigation. Nevertheless, the Gardaí are determined to pursue rigorously all killings, whatever their background. The detection rate for murders by its nature increases over time as Garda investigations progress. It is expected that in respect of each year the number of convictions obtained will increase as Garda investigations are concluded and the number of proceedings commenced are finalised by the courts. This applies particularly to murders committed in the most recent years. In addition, directions may be received from the Law Officers to charge persons arrested in connection with such incidents with offences other than murder. Furthermore such persons charged and brought before the courts may be convicted of offences other than murder.

The number of murders recorded in which a firearm was used, proceedings commenced and convictions

Year	Recorded	Proceedings Commenced	Convictions
2008*	21	5	0
2007	18	5	0
2006	26	6	2
2005	22	3	2
2004	8	5	5
2003	19	6	1
2002	10	4	3
2001	9	2	1
2000	12	4	1
1999	12	7	5
1998	4	2	1

*Figures provided for 2008 are to 18 December, 2008.

All figures are provisional and liable to change.

Statistics in respect of the years 2003-2007 are compiled by the Central Statistics Office.

Proposed Legislation.

30. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the reason for the failure to implement the 2005 EU Directive on money laundering by the deadline of December 2007; when the required legislation will be published; and if he will make a statement on the matter. [46739/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Legislation to give effect to Directive 2005/60/EC known as the 3rd EU Money Laundering Directive and the related Implementing Directive 2006/70/EC is being drafted at present. The proposed legislation will also take into account relevant recommendations arising from the Financial Action Task Force (FATF) third mutual evaluation report (2006) on Ireland's measures to combat money laundering and the financing of terrorism.

As the Deputy is no doubt aware Ireland already has effective anti-money laundering and anti-terrorist financing legislation in place as set out in the Criminal Justice Act 1994 and amended by the Criminal Justice (Theft and Fraud Offences) Act 2001 and the Criminal Justice (Terrorist Offences) Act 2005. The legislation which is now being prepared will update the current legislation and further strengthen the legal framework in place.

Due to the importance and relevance of this legislation to a wide range of stakeholders in the financial, commercial and other sectors, following Government approval in February to the drafting of this legislation, approval was also given to the publication on my Department's website of the General Scheme of the proposed Bill and for the initiation of a consultation process involving all interested parties. An extensive consultation process took place in which a wide range of bodies including representatives of the financial services sector participated and which has proved extremely useful in identifying and clarifying relevant issues. The proposed legislation is complex and as I have mentioned is of importance to a wide range of sectors.

I am also taking the opportunity through this Bill to repeal and consolidate the existing anti-money laundering provisions, an approach which will facilitate all bodies and agencies who operate in areas affected by this legislation.

I can assure the Deputy that priority is being given to the drafting of this Bill and my Department is working closely with both the Department of Finance and the Office of the Attorney General to expedite the completion of the Bill as soon as possible. I expect to be in a position to publish the Bill as early as possible in 2009.

Criminal Gangs.

31. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if there are plans to house convicted criminals, who are members of criminal gangs in isolation units; when such units will be available; and if he will make a statement on the matter. [46741/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that there are strategies in place to deal with criminal gangs in prisons. A number of recent initiatives have been introduced with a view to preventing identified gang leaders from conducting their business while in custody and also to prevent them exerting inappropriate influence over other persons.

A High Security Unit was opened in Cloverhill Prison in May 2007 and a number of serious drug and criminal gang members are now segregated from other prisoners, thus limiting the inappropriate influence they might otherwise have been able to exert. In addition, there are a number of high security prisoners detained in Portlaoise Prison, which has a constant army presence.

[Deputy Dermot Ahern.]

The new prison facilities at Thornton Hall will include a purpose designed high security facility capable of accommodating up to 40 prisoners in a safe, secure setting with appropriate support facilities. It is also intended that the proposed prison development at Kilworth, County Cork will have a high security unit and this is being provided for in the design brief for the new facility.

Other security initiatives have been introduced which make it more difficult for prisoners to engage in illegal activities while in prison. These initiatives include the introduction of passive drug dogs, the installation of airport style security including scanners, x-ray machines, etc., and the establishment of an Operational Support Group. A core function of this group is to gather and collate intelligence information on criminal gang members in our prisons and to carry out intelligence led searches on them.

Road Traffic Offences.

32. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform when it is intended to increase the Garda search powers, promised in the Programme for Government, in relation to drug crime along the lines of the new random breath-testing model for drink driving to allow random searches at particular, places, times and events when senior gardaí believe there is a risk of drugs being present; and if he will make a statement on the matter. [46765/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): This matter is under consideration in my Department. Having regard to the sensitivity and complexity of the issues involved in any significant extension of search powers, including issues of constitutional importance, I am unable to say at this stage when proposals will be available.

Firearms Offences.

33. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform the number of juveniles who came into conflict with the law for possession of firearms and knives in each of the years 2000 to 2008; and if he will make a statement on the matter. [47164/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews): The compilation of crime statistics is now the responsibility of the Central Statistics Office (CSO). This decision was taken following the submission of a report and recommendations by an expert group on crime statistics. The Garda Síochána Act 2005 makes provision for this and the CSO has established a dedicated unit for the purpose.

I have requested the CSO to provide the statistics related to the number of juveniles who come into conflict with the law for possession of firearms and knives to the Deputy. These statistics will cover the period 2003-2006. The 2007 statistics will be available at a later date.

Statistics prior to 2003 are available in the Garda annual reports which can be found on the Garda website (www.garda.ie).

Other information on this topic is available in the Diversion Programme Reports. I would like to inform the Deputy that the 2006 and 2007 Diversion Programme reports are being laid before the Oireachtas today. Copies of these documents will also be available shortly on the Irish Youth Justice Service website (www.iyjs.ie).

Translation Services.

34. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform

his views on whether it is safe to rely on guarantees of a private company alone in relation to the standard and quality of interpreters it may provide to An Garda Síochána; and if he will introduce a register or accredited public service interpreters for use the Gardaí, the courts and tribunals. [46621/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Since the mid 1990s Ireland had significant rates of net inward migration. The immigrant population comprises United Kingdom nationals who have been coming here for many years, nationals of European Economic Area countries who have in large part free movement entitlements, and persons from other countries. Obviously the language needs of such persons vary greatly depending on their individual circumstances. Because the provision of public services to immigrants is generally handled as part of the mainstream provision of service this poses challenges for all public service agencies — not just the Garda Síochána.

To that end, the Office of the Minister for Integration recently commissioned research in relation to interpreting and translating services. The research was published as a Report entitled “Developing Quality, Cost Effective Interpreting and Translation Services in Ireland” on 6 October 2008 and is available on The National Consultative Committee on Racism and Interculturalism website, www.nccri.ie

The recommendations made include a recommendation that a register of accredited practitioners be developed which Government service providers would use. This recommendation and the other recommendations in the report will be considered by a sub-group of the Cross Departmental Group on Integration which was recently established by the Minister for Integration, Mr. Conor Lenihan. The Cross Departmental Group comprises senior civil servants from relevant Departments.

For its part, and to enable it to meet its current requirements, the Garda Síochána is currently undertaking an EU based procurement to put in place contracts for the provision of interpretation and translation services for the Force. As part of this process, emphasis has been placed on ensuring that appropriate quality assurance mechanisms are in place both in the initial selection of the service providers and in the ongoing monitoring of standards over the duration of the contracts. It is expected, subject to the finalisation of contracts, that the new services will be in place in the first quarter of next year.

Community Policing.

35. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he has received from the Garda Commissioner the report of the working group developing proposals for a comprehensive model of rural and urban community policing; and if he will make a statement on the matter. [46758/08]

48. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the steps he will take to improve rural policing; and if he will make a statement on the matter. [40062/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 35 and 48 together.

I am informed by the Garda Commissioner that the report of the Working Group on the National Model of Community Policing is being considered by Senior Garda Management. I look forward to seeing the proposals which emerge from the report.

[Deputy Dermot Ahern.]

The national strategies for Neighbourhood Watch and Community Alert, both of which were launched in 2007, will also inform the organisation on how best to implement future crime prevention programmes and community policing programmes.

Proposed Legislation.

36. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform when he expects to publish the Covert Surveillance Bill; and if he will make a statement on the matter. [46736/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Following the approval by the Government of my proposals and the publication of the General Scheme of the Bill on 18 November, 2008, the matter of the drafting of the Bill is now being dealt with by Parliamentary Counsel in the Office of the Attorney General.

I expect that the Bill will be published early in the new year and enacted as soon as possible.

Garda Investigations.

37. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform the progress made to date with regard to the murder of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [46734/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the murder of the person concerned is under active Garda investigation.

The Deputy will appreciate that as the investigation is ongoing, it would be inappropriate for me to comment further at this time.

Garda Equipment.

38. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform the position in relation to non or less lethal weapons available to An Garda Síochána; the extent of such availability; and the extent of the training which is being provided in the use of such weapons. [46530/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): There are three types of less lethal weapons currently used by members of An Garda Síochána. They are conductive electric devices, beanbag (impact projectile) and incapacitant spray. These less lethal weapons are currently available for use by members of the Emergency Response Unit and the Regional Support Unit. I am advised by the Garda authorities that members receive initial training in the use of these less lethal weapons and that they are required to undergo refresher training three times a year.

Following consultation with my cabinet colleagues, I recently approved the Garda Commissioner's proposal to issue incapacitant spray to all operational members of the Garda Síochána. It is anticipated that, following a procurement process, the spray will be rolled out to the organisation on a Garda Divisional basis in conjunction with the requisite training programme.

Garda Training.

39. **Deputy Jim O'Keeffe** asked the Minister for Justice, Equality and Law Reform when the indoor firearms training range at Garda Headquarters in Phoenix Park Dublin was closed down

because of ricochet and other problems; the reason there has been such a delay in bringing the firearms range up to standard; and the timetable proposed for such work. [46529/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by the Garda authorities that the firing range in Garda Headquarters was closed in December 2005 on a precautionary basis due to possible health and safety issues.

There has been considerable investment in training facilities over the past two years including the provision of two Prefabricated Modular Firearms ranges at the Garda College and in the Dublin Metropolitan region. These prefabricated ranges are newly designed products that facilitate live fire shooting for up to four persons in a carefully managed environment which adheres to all range safety requirements. In addition to these, the new Firearms Automated Training System (FATS) has also become operational. FATS does not involve the firing of live ammunition. The FATS system now represents 1/3 of the annual firearms refresher training for firearm card holders and has introduced judgemental training for the first time.

I am advised by the Garda authorities that there are sufficient resources and infrastructures in place to provide training for members of the Garda Síochána who are authorised to carry Firearms Authorisation Cards.

I am further advised by the Garda authorities that a feasibility study into the measures required to bring the firearms range located at Garda Headquarters up to the highest international standard has been carried out. This study is currently under consideration by the Garda Accommodation Programme Board in the context of the overall Garda accommodation strategy and priorities.

Criminal Offences.

40. **Deputy Michael Creed** asked the Minister for Justice, Equality and Law Reform if he will introduce legislative changes to deal with the prevalence of mobile phones within the prisoner population; and if he will make a statement on the matter. [47144/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Section 36 of the Prisons Act 2007, which came into effect in May 2007, makes it an offence for a prisoner to have unauthorised possession of or use mobile telecommunications devices. Under the Act it is also an offence to supply such a device to a prisoner. The penalty for such an offence, on summary conviction, is a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, and on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

Public Order Offences.

41. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number of persons, broken down between children and adults, given anti-social behaviour warnings since the new system came into operation on 1 January 2008; the number of anti-social behaviour orders sought in the same period; and if he will make a statement on the matter. [46764/08]

204. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of anti-social behaviour orders deployed to date in 2008; and if he will make a statement on the matter. [47506/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 41 and 204 together.

[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 relating 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, 2007 to 30 November, 2008 922 behaviour warnings to adults and 601 behaviour warnings to children were issued. There have also been 12 formal good behaviour contracts, which are used only in the case of children, agreed.

I am further informed that from 1 January to 30 November, 2008 479 behaviour warnings were issued to adults and 469 to children. In the same period, eight formal good behaviour contracts, which are used only in the case of children, were agreed.

I am also informed that up to 30 November, 2008 there have been six applications made to the Courts for civil orders (adult) and behaviour orders (child) by members of An Garda Síochána. Three of these applications were successful resulting in two behaviour orders and one civil order being issued.

Question No. 42 answered with Question No. 23.

Question No. 43 answered with Question No. 24.

Garda Investigations.

44. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform if he has received communication from the Garda Síochána Ombudsman Commission regarding a possible public interest inquiry into the circumstances in which serious drug charges against a person (details supplied) were dropped; if the internal garda inquiry into the same affair has been concluded; if he has received a report from the gardaí on their inquiry; and if he will make a statement on the matter. [46752/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I informed the House previously that I received an interim report from the Garda Commissioner on a particular case involving a convicted drug dealer. An internal Garda inquiry is ongoing into the matter at present.

The House will also be aware that I agreed to a request from the Garda Commissioner that the interim report provided to me should be forwarded to the Garda Síochána Ombudsman Commission. The Ombudsman Commission has indicated that it has opened a public interest investigation in relation to the withdrawing of charges against an individual.

In the circumstances, I believe that it would not be appropriate for me to make any further comment about the case pending the outcome of that investigation. If action is required on my part as a result of that investigation then, of course, I will take it.

Garda Strength.

45. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform if, in regard to his reply to Parliamentary Question No. 71 of 13 November 2008, he will outline the

nature of the issue with personnel resources that arose at the communications centre for the Dublin Metropolitan Region on 31 October 2008; the appropriate measures being put in place for the longer term; and if he will make a statement on the matter. [46775/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that difficulties regarding reduced availability of personnel resulted in the dispatch function of the Communications Centre for certain Divisions in the Dublin Metropolitan Region being handed over to various Garda stations. This was brought to the attention of Garda management and steps have been taken to increase the number of personnel assigned to this centre to prevent a recurrence and to ensure that sufficient resources are available in future. At no time were any Garda patrol vehicles restricted or the radio system disabled during the period.

Crime Prevention.

46. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take to combat the rise of criminal activity in all areas here with particular reference to tackling gun crime and the increasing use of illegally held weapons in homicides; and if he will make a statement on the matter. [47120/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I must emphasise that I attach the highest priority to tackling organised and gun crime and bringing those involved in such activities to justice. One of the main priorities I have set for An Garda Síochána in 2009 is to target gun crime, organised crime and drug related crime through a range of measures, including the use of the Garda specialist units and targeted operations such as Operation Anvil.

Operation Anvil commenced in the Dublin Metropolitan Region in 2005 to deal with this type of serious crime and was extended nationwide in 2006. The primary focus of the Operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static checkpoints by uniform, mobile and foot patrols, supported by armed plain clothes patrols. Under Operation Anvil up to the end of November, approximately 1,200 firearms have been recovered in Dublin and 1,000 in the rest of the country. There have also been over 7,000 arrests for serious crimes such as murder, robbery and burglary and 67,000 searches for weapons, drugs and stolen goods. In this way, the Gardaí will continue to address the issue of illegal guns relentlessly.

At a time when the public finances are under pressure, I will ensure that top priority will continue to be given to frontline policing. Funding for Operation Anvil will increase in 2009 from €20 million to €21 million to enable it to continue with targeted disruption of serious and organised criminal activity. Other key operations will be maintained through 2009, and any savings that have to be made will not be allowed to diminish frontline policing. There will also be a 20% (€1.5 million) increase next year in funding for the Criminal Assets Bureau. Overall, the Garda budget next year will be €1.589 million.

Since my appointment as Minister I have also expressed concern at the number of handguns which have been licensed here in recent years.

Some time ago, I directed my Department and An Garda Síochána to carry out an urgent and intensive review of the firearms law. Following that review, I have brought forward proposals which include no new licenses being issued for handguns, subject to limited exceptions in relation to Olympic sports. Existing licenses will not be renewed unless applicants fully meet

[Deputy Dermot Ahern.]

the requirements of a radically tightened licensing procedure where the safety of the community will be paramount.

While a de facto ban on new handgun licences is already in place, my proposals will be given legislative form in the Criminal Justice (Miscellaneous Provisions) Bill, which I will publish early in the New Year. That Bill will also tackle comprehensively the issue of airsoft guns, including making their possession in public a serious offence. It will also contain measures which the Garda Commissioner has suggested to me in relation to tightening up the law on possession of knives.

There are, of course, already very severe penalties for firearms offences in place under the Criminal Justice Act 2006. For example, possessing a firearm with intent to endanger life and using a firearm to resist arrest or aid escape carry a mandatory minimum sentence of ten years. Possessing a firearm while hijacking a vehicle, possessing a firearm or ammunition in suspicious circumstances, carrying a firearm with criminal intent and altering a firearm carry a mandatory minimum sentence of five years.

The Government has approved my proposals for a Criminal Justice (Covert Surveillance) Bill, and I have published the General Scheme.

The Bill will open up the possibility of intelligence gained through secret surveillance being used in evidence for the prosecution of cases of serious criminal activity. In the light of the increasing sophistication of criminals, subversives and terrorists, their use of intermediaries and the associated difficulties in obtaining direct evidence, the use of additional evidence is crucially important. The Bill will provide for a system of authorisations for covert surveillance operations which will, as a rule, involve an application to a judge for authorisation to proceed with the surveillance and where the reasons for the surveillance will be clearly set out before the court.

The Bill also provides that in cases of exceptional urgency a senior member of An Garda Síochána or the Defence Forces may approve a surveillance operation for a period of no more than 14 days.

Work is also ongoing on the preparation of the General Scheme of the Criminal Justice Bill 2009 which will contain further useful measures to combat crime.

47. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform the measures which will be introduced to tackle gangland crime in Dublin and Limerick in view of recent murders; and if he will make a statement on the matter. [47118/08]

55. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform if the fight against gangland crime was one of the policing priorities for 2008 set by him under An Garda Síochána Act 2005; if so, his views on whether this has been a success; and if he will make a statement on the matter. [47117/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 47 and 55 together.

The Garda Commissioner's Annual Policing Plan sets out strategic goals inter alia a commitment to significantly reduce the impact of crime and criminal behaviour. These goals are backed up by strategic actions which include a commitment to continue and intensify intelligence-led operations against groups and individuals engaged in the trafficking of illegal drugs and guns into and within the State.

An Garda Síochána, in accordance with the priorities determined by me as Minister for Justice, Equality and Law Reform pursuant to Section 20 of the Garda Síochána Act 2005 and

2007 is committed to targeting violent crime and those who engage or facilitate persons involved in such activity.

There are two categories of organised crime groups operating in this jurisdiction. The first category consists of individuals/groups that are well established and tightly structured and are involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures and criminal activities which are mainly confined to Ireland.

An Garda Síochána targets organised crime groups on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Intelligence-led operations to target those suspected of being involved in organised crime are primarily undertaken by specialist units of An Garda Síochána, under the remit of Assistant Commissioner, National Support Services. These units include the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit, and the Criminal Assets Bureau.

An Garda Síochána have put in place specific strategies to target criminal activities including: the establishment of the Criminal Assets Bureau which identifies and targets funds accumulated by criminals, in order to seize such assets and to deprive them of the profits of their criminal activity; Operation Anvil which commenced in May 2005 and focuses on the disruption of serious and organised criminal activity. To date, Operation Anvil has resulted in the seizure of over 1,200 firearms and recovered stolen property worth in excess of €30m in the Dublin Metropolitan Region (DMR) up to 30th November 2008 and the recovery of 983 firearms and the arrest of almost 23,500 prisoners in operations outside the DMR up to roster date ending 19th October 2008; the ring-fencing of €21 million within the Garda budget to ensure the continued operation of Operation Anvil; the establishment, on a permanent basis of the Organised Crime Unit which works in association with other specialist units; the allocation of additional resources to the Garda National Drugs Unit and at district and divisional level.

Organised crime, including persons suspected of involvement in drug-trafficking, importation, sale and supply, including the illegal importation of firearms, are being targeted by the Gardaí on a number of fronts. A number of organised crime groups have been targeted recently resulting in firearms being recovered and drugs seized. This has resulted in a number of prosecutions and convictions. An Garda Síochána use their resources and available criminal legislation to the fullest extent to target criminal activities.

I am assured that Garda resources and operations are kept under regular review by senior Garda management in conjunction with Regional Assistant Commissioners and the heads of specialist units to ensure their continued effectiveness.

Question No. 48 answered with Question No. 35.

Prison Building Programme.

49. **Deputy Mary Upton** asked the Minister for Justice, Equality and Law Reform if he is satisfied regarding the capacity of the preferred bidder to deliver the Thornton Hall prison project; the progress that has been made on the project since the enactment of the Prison Development (Confirmation of Regulations) Act 2008; the estimated date for the commencement and the completion of the project; the estimated cost of the project, including the cost of acquiring the site; and if he will make a statement on the matter. [46776/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is the responsibility of the commercial consortium, under the PPP process, to arrange the funding and other resources to deliver the project and to have them in place when the contract is signed. It is not

[Deputy Dermot Ahern.]

appropriate, for commercial and procurement reasons, for me to comment on the specific financial funding aspects of the PPP contract negotiations which are currently in progress.

Since the enactment of the Prison Development (Confirmation of Resolutions) Act, 2008 the Irish Prison Service, along with its technical advisors and the National Development Finance Agency has focused on progressing the Negotiation Phase of the Public Private Partnership (PPP) process with Leargas, the preferred tenderer, across financial, technical and legal aspects of the project. This involved the continuation of the design development of the project and contract negotiations to enable the Irish Prison Service to contract with the PPP Co and commence construction of the new prison development.

While negotiations on the contract are at an advanced stage they have not yet been completed to the point that the Project Agreement can be signed. I am advised by the Irish Prison Service that it is anticipated that it will not be possible to have a contract signed this year. The aim would be to have a contract signed early in 2009. Construction will commence immediately after contract award and should take no more than 3 years. This timeframe is subject, of course, to the successful completion of the contract negotiations. I can say, however, that if the current contract negotiations are not successfully concluded there are other tenderers and other options which can still be considered.

The Thornton Hall project is a complex Public Private Partnership Project which involves the construction of more than 30 buildings, including 8 prison facilities on the site, a major internal road network, extensive perimeter security and a vast array of security systems both physical and electronic. Additional matters have had to be addressed following the extensive public consultation involving the publication of the Environmental Impact Assessment and consideration of the development by the Oireachtas.

Pressures on the international financial markets have the potential to impact on all major capital projects. The Irish Prison Service is being advised by the National Development Finance Agency in relation to trends and developments in this area.

The construction timeframe for the new prison facilities is approximately three years from the date of award of contract.

The cost of the acquisition of the site for the prison development was €29.9 million. An additional 8.7 acres has also been acquired to provide a dedicated access road to the main site. This was done following representations from the local community which reflected concern in relation to the effect of increased traffic generated by the prison project. The cost of this additional land was €1.3 million.

A total of €8.6 million has been expended to date on preliminary site works including surveys, landscaping, security and maintenance of the property, studies such as archaeological, topographical, etc., and professional fees including legal and specialist technical advice.

It is not appropriate, for commercial and procurement reasons, to provide details as to the likely costs of the construction. In particular it would not be in the public interest to give an indication of expected costs before a bid is accepted and a contract finalised. The disclosure of such information is, in any event, not allowed under Department of Finance guidelines applicable to Public Private Partnership.

Garda Strength.

50. **Deputy Olwyn Enright** asked the Minister for Justice, Equality and Law Reform the number of community Gardaí per Garda division employed here; and if he will make a statement on the matter. [47155/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 315 which was put down for answer on Wednesday 17 December 2008. The position remains unchanged.

51. **Deputy Seán Sherlock** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Reserve recruited to date; the stations to which they have been allocated; the number of applicants for the Reserve in training; if he is satisfied with the rate of recruitment; when he expects that the full complement of 1,500 will be in place; if restrictions have been placed on recruitment to the Reserve arising from budgetary restrictions; and if he will make a statement on the matter. [46762/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): On 30th November 2008, there were 331 attested Reserve Gardaí and 114 Reserve trainees. The 331 attested members currently operational are assigned to the following stations:

Dublin Metropolitan Region

Pearse St, Kevin Street, Kilmainham, Donnybrook, Store St, Bridewell, Fitzgibbon Street, Clondalkin, Finglas, Lucan, Ballyfermot, Blanchardstown, Ronanstown, Santry, Raheny, Swords, Clontarf, Coolock, Ballymun, Balbriggan, Malahide, Howth, Crumlin, Sundrive Road, Rathmines, Terenure, Tallaght, Rathfarnham, Dun Laoghaire and Blackrock.

Cork

Mayfield, Bandon, Gurrabraher, Middleton, Fermoy, Anglesea Street, Watercourse Road, Clonakilty, Macroom and Togher.

Other Regions

Sligo, Galway, Tuam, Henry Street, Limerick, Ennis, Tralee, Waterford, Tramore, Kilkenny, Wexford, New Ross, Gorey, Enniscorthy, Arklow, Wicklow, Baltinglass, Bray, Newbridge, Celbridge, Naas, Kildare, Carlow, Clonmel, Cahir, Carrick on Suir, Tipperary town, Nenagh, Thurles, Cavan town, Monaghan town, Drogheda, Dundalk, Ashbourne, Trim, Kells, Navan, Castlebar, Westport, Ballina, Mullingar, Longford, Letterkenny, Tullamore, Portlaoise, Carrick on Shannon and Roscommon.

The Agreed Programme for Government has set a target strength for the Reserve at 10% of the full-time strength of the force. As the Garda Reserve depends on volunteers who undertake their training and other duties during their free time, it is difficult to predict how many people will commence training in any particular period. However, I can assure the Deputy that the Garda Commissioner is continuing to make every effort to reach the recruitment target and that no restrictions are in place for recruitment to the Garda Reserve.

Recruitment is ongoing and the Public Appointments Service (PAS) has received just over 4,000 new applications to join the Reserve already this year up to end November. The PAS hold interviews on a rolling basis at a range of locations around the country. The ongoing public information campaign to recruit members to the Garda Reserve includes indoor and outdoor awareness raising campaigns and radio and TV promotional interviews nationally and locally.

Departmental Agencies.

52. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his views on the proposal by a group (details supplied) that the Budget 2009 cuts to the Human

[Deputy Aengus Ó Snodaigh.]

Rights Commission and Equality Authority be reversed and decentralisation of the latter be put on hold at least until after the Public Service Review Group completes its work. [46619/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my responses to Questions Nos. 2 and 18 of today, 18 December 2008. I have nothing further to add to the details of those replies.

Garda Deployment.

53. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform if there are plans to review the number of Garda personnel assigned to duties as Garda protection officers, having regard to the fact that there are 55 personnel allocated to these duties at an annual cost of €6 million and having regard to cutbacks in other public services; if the 3% payroll cut will apply to the Garda protection unit; and if he will make a statement on the matter. [46754/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Commissioner that the number of Garda personnel assigned to the Garda Protection Unit is determined by operational rather than financial considerations. The 3% payroll reduction in 2009 covers all Garda payroll expenditure including salaries and overtime. The Garda Commissioner is responsible for the allocation of resources including the allocation of personnel to the Garda Protection Unit as and when they are required.

Question No. 54 answered with Question No. 24.

Question No. 55 answered with Question No. 47.

Garda Stations.

56. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the storm damage to a Garda station (details supplied) in County Donegal; the plans to carry out necessary construction and renovation work; when it is expected that the said station can be reoccupied; and if he will make a statement on the matter. [46642/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that the Office of Public Works have been instructed to carry out the necessary remedial works as a priority following a recent lightning strike at the station named by the Deputy. Due to the extensive nature of the damage, initial estimates are that repair works would take in the region of 3 months. As a result, the Office of Public Works has been requested to source alternative accommodation for the station party. A number of alternatives have been identified and the OPW are working with Garda Housing Section and local Garda management in order to acquire suitable accommodation.

Drug Seizures.

57. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform the quantity and values of seizures of heroin, cocaine, cannabis and other drugs within the State during 2007 and to date in 2008; the proportion of the overall flow of drugs into the country that is believed to be represented by these seizures; the new initiatives he is planning to control the flow of illegal drugs into the country; and if he will make a statement on the matter. [46755/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The following tables show the quantity of drugs seized and their approximate street value for 2008 (up to 25th November):

2008

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	828.950 kgs	1,657,900
Cannabis Resin	5,102.530 kgs	35,717,710
Heroin	161.700 kgs	32,340,000
Cocaine	1,877 kgs	131,390,000
Ecstasy	196,341 tablets	1,963,410
Total Value		203,069,020

2007

Drug Type	Quantity	Estimated Street Value
		€
Cannabis	773.669 kgs	1,547,338
Cannabis Resin	1,271.727 kgs	8,902,089
Heroin	148.292 kgs	29,658,400
Cocaine	1,763.548 kgs	123,448,360
Ecstasy	275,082 tablets and 13.381 kgs	2,884,630
Amphetamine	58.223 kgs and 10,471 tablets	1,030,410
Total Value		167,471,227

*Statistics provided are operational, provisional and liable to change.

It is not possible, with any degree of scientific precision, to estimate the proportion of seized drugs relative to the overall market for illicit drugs. However, through ongoing specific initiatives and intelligence-led operations, An Garda Síochána continues to seize substantial quantities of illegal drugs destined for the streets in this jurisdiction, disrupting those criminals involved in the importation, distribution, sale and supply of illegal drugs in Ireland.

Initiatives undertaken by An Garda Síochána to target those suspected of involvement in this type of criminality include:

1. the allocation of additional resources to National Units involved in combating illegal drug-trafficking and organised crime gangs;
2. enhanced co-operation and co-ordination between National Units and District and Divisional Drug Units in identifying and targeting those persons identified as being involved in the sale, supply and distribution of illegal drugs at a local level;
3. continued collaboration with the Revenue Commissioners (Customs & Excise Branch), the Naval Service and other international law enforcement agencies, including participation at the Maritime Analysis Operations Centre for Narcotics, which was recently established in Lisbon, Portugal in identifying and targeting those involved in the importation of illegal drugs into this jurisdiction;

[Deputy Dermot Ahern.]

4. increasing public awareness of issues relating to the sale, supply and distribution of drugs, through working with communities and community groups to encourage co-operation with An Garda Síochána; and
5. ongoing training programmes for personnel as Divisional Asset Profilers, who have the specific remit of targeting assets of persons who are suspected of being involved in the importation, sale and supply of drugs at local, divisional, and district level.

These specific initiatives are taken in conjunction with the responsibility on all members of An Garda Síochána who are tasked with implementing the criminal law, including relevant drug-trafficking legislation. The recent interception by the Joint Task Force off the West Coast of a shipment of Cocaine being imported for the European market is an example of the excellent results achievable through a multi-agency, intelligence-led approach to the activities associated with the trafficking, importation and sale and supply of illegal drugs.

Garda Resignations.

58. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform if he will make a statement of the rate of resignation of female members from An Garda Síochána over the past five years. [46620/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Commissioner that the number of female members of An Garda Síochána who have resigned from the force and the number of total resignations from the force in each of the past five years and including this year to the 30 November 2008, the latest date for which figures are readily available, is as set out in the following table.

Year	Female Resignations	Total Resignations
2004	5	24
2005	12	33
2006	8	44
2007	8	62
30/11/2008	15	44

I have also been informed by the Commissioner that the number of female members of the force, as of the 30 November 2008, was 3,133, which represents 21.7% of the total strength of the force.

EU Directives.

59. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the number of EU Directives for which his Department has responsibility that remain to be implemented; the directives that are overdue; and if he will make a statement on the matter. [46738/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is set out in the following table.

	EU Measure	Transposition date	Current position
1	Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals	N/A	The transposition date does not apply to Ireland as this is a Schengen-related measure and the deadline only applies to Schengen Member States. The implementation of this Directive is being examined in the context of the Immigration, Residence and Protection Bill 2008.
2	Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence	N/A	The transposition date does not apply to Ireland as this is a Schengen-related measure and therefore the deadline only applies to Schengen Member States. It is proposed that this measure will be implemented by the Immigration, Residence and Protection Bill 2008.
3	Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data	N/A	The transposition date does not apply to Ireland as this is a Schengen-related measure and therefore the deadline only applies to Schengen Member States. The implementation of this Directive is being examined in the context of the Immigration, Residence and Protection Bill 2008.
4	Council Directive 2005/85/EC of 1 December 2005, relating to the minimum standards concerning the procedure for granting and withdrawal of refugee status in the Member States	1/12/2007 1/12/2008* (*Article 15)	Irish law and practice in this area is already substantially in compliance with the terms of this Directive. The Immigration, Residence and Protection Bill 2008 includes provisions to restate the law on refugee and other protection procedures with some amendments. These restatements are in compliance with Ireland's obligations under the Directive.
5	Directive 2006/24/EC of 15 March 2006 of the European Parliament and Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.	17/9/2007	Much of the Directive is covered by existing legislation. It is expected that legislation to transpose the remainder of the Directive will be published in early 2009.
6	Directive 2005/60/EC of the European Parliament and the Council of 26 October 2005 on the prevention of the use of financial systems for the purpose of money laundering and terrorist financing	15/12/2007	The Money Laundering Bill is currently being drafted. It is intended that it will be published in early 2009.
7	Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis	15/12/2007	The Money Laundering Bill is currently being drafted. It is intended that it will be published in early 2009.
8	Commission Directive 2008/43/EC of 4 April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses	05/04/2009	It is intended that the proposed Explosives Bill, which is to be published in early 2009, will empower the Minister to make regulations which will transpose this Directive.
9	Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles	04/01/2010	It is intended that the proposed Explosives Bill, which is to be published in early 2009, will empower the Minister to make regulations which will transpose this Directive.
10	Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	28/07/2010	It is expected that the Directive will be transposed by the deadline in 2010.
11	Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters	21/05/2011	It is expected that the Directive will be transposed by the deadline in 2011.

Proposed Legislation.

60. **Deputy Eamon Gilmore** asked the Minister for Justice, Equality and Law Reform when he expects to publish legislation based on his Justice for Victims Initiative; if his attention has been drawn to the concerns expressed by a group (details supplied) and set out in its report, *A Better Deal: the Human Rights of Victims in the Criminal Justice System*; his views on the concerns raised; and if he will make a statement on the matter. [46742/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): In June of this year I launched the Justice for Victims Initiative to respond to the needs of victims. On that occasion I announced an important legislative package of reforms to be published by Spring 2009. I remain confident of meeting that target.

The document prepared by the Irish Council for Civil Liberties (ICCL), *A Better Deal: the Human Rights of Victims in the Criminal Justice System* makes a welcome contribution to the debate on the position of victims of crime. The comments and recommendations from the ICCL are being given due consideration.

Garda Deployment.

61. **Deputy Joe Carey** asked the Minister for Justice, Equality and Law Reform his views on introducing incentives to community Gardaí to live in the communities that they police; and if he will make a statement on the matter. [47126/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): While there are currently no proposals to introduce specific incentives for members of An Garda Síochána to live in communities they police, it is the case that where Garda official accommodation is available in any of the operational Garda Divisions, applications are invited from members to occupy such accommodation, thus allowing Gardaí to live among the community they serve.

An Garda Síochána is committed to introducing a cohesive and integrated structure to community policing throughout Ireland and the development of the Garda Síochána National Model of Community Policing is at an advanced stage. Detailed and lengthy research was conducted with interested parties over a long period of time in the development of this model. I very much agree with the Garda Inspectorate's view that there is a strong foundation of community policing in Ireland and in that context it should be recognised that community policing is a matter for each member of An Garda Síochána.

Departmental Reports.

62. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform the action he has taken or plans to take arising from the report of the Hartnett Inquiry into the death of a person (details supplied), who died in Garda custody in Clonmel, County Tipperary, in 2002; and if he will make a statement on the matter. [46757/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As indicated in my response to Parliamentary Question Number 46 of 13 November 2008, the findings of the Hartnett Report have been accepted. Notwithstanding the fact that the Inquest into the death of the person in question has now concluded I am still constrained in what I can say due to the fact that civil proceedings instituted by the person's family are still ongoing.

A Chief Superintendent had been appointed under the Garda Síochána (Discipline) Regulations 2007 to deal with disciplinary matters arising from the Report. The question of discipline for members is, in the first instance, a matter for the Commissioner and I understand that one member has been dealt with under that process and the process is ongoing in respect of two others.

Garda Deployment.

63. **Deputy Ruairí Quinn** asked the Minister for Justice, Equality and Law Reform the number of gardaí operating as juvenile liaison officers; the proportion of personnel this represents; if he has plans to increase the numbers having regard to the success of schemes operated by JLOs; and if he will make a statement on the matter. [46759/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Commissioner that the number of Gardaí operating as Juvenile Liaison Officers (JLO's) on 30 November 2008, the latest date for which figures are readily available, was 107. The overall strength of An Garda Síochána on 30 November 2008 was 14,445. The number operating as JLO's represents 0.74% of the overall strength.

The Commissioner has approved the appointment of 7 Juvenile Liaison Officers per year for the period 2007-2010 (28 in total). The National Juvenile Office (N.J.O.) has examined the areas which will benefit most from the creation of the additional 7 new Juvenile Liaison Officers (J.L.O.) posts for 2008. In deciding on the locations, the following matters were taken into consideration;

- The number of children referred to the Diversion Programme over the past three years;
- The number of JLO's currently employed in each Division;
- The social background of the location under consideration;
- The geographical size of the area to be covered by existing JLO;
- Demographic trends;
- The work demands on the JLO.

In respect of appointments for 2008 the Commissioner has appointed, or is in the final stages of appointing, JLO's in the following Divisions:

- DMR South (Tallaght);
- DMR West (Finglas);
- DMR North (Coolock);
- Tipperary;
- Cavan/Monaghan;
- Limerick;
- Kerry.

Questions Nos. 64 and 65 answered with Question No. 22.

Garda Communications.

66. **Deputy Pat Rabbitte** asked the Minister for Justice, Equality and Law Reform if he will confirm that Garda personnel are barred from imputing incidents directly in the Garda PULSE system and that they must instead phone the details through to an office in Castlebar County Mayo; if he has satisfied himself that this is the best use of resources having regard to the fact that members of the force were trained to do this task; and if he will make a statement on the matter. [46733/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been advised by the Garda authorities that Garda members are not barred from directly inputting data onto the PULSE system. It is however a general policy that, with the exception of incidents where direct Garda input is required for operational reasons, incidents should be phoned into and created on PULSE by personnel in the Garda Information Service Centre (GISC).

The GISC provides for Gardaí, who would otherwise have to return to their Stations to input data onto the PULSE system, to log the information with their civilian colleagues in the GISC, while remaining free to continue their operational duties. This major initiative has freed up significant amounts of Garda time for frontline policing. Quality control and review of data is also managed by dedicated civilian staff at the GISC, thereby relieving Sergeants of this administrative task and allowing them to be deployed for more operational duties.

PULSE, the main repository of incident information available to the Force, is more widely available than ever in over 340 locations nationwide and continues to be an invaluable tool used extensively by Gardaí in the performance of their duties. The establishment of the GISC in Castlebar has been one of the most successful efficiency measures in the history of the Garda Síochána. It is an overwhelmingly civilianised operation which has vastly improved the effectiveness and accuracy of the PULSE system.

Legal Aid Service.

67. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent and cost of free legal aid awarded in criminal cases in each of the past five years to date; the number of convictions or acquittals in such cases; the number of prison sentences imposed; the number of such cases the subject matter of appeal; the outcome of the appeal; the number of such cases recidivist in nature with particular reference to homicide; the number of persons convicted and currently on release for whatever reason. [47119/08]

237. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which the cost of free legal aid in criminal cases has increased or decreased in each of the past five years to date; and if he will make a statement on the matter. [47631/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 67 and 237 together.

As the Deputy is aware, the courts, through the judiciary, are responsible for the granting of criminal legal aid. The expenditure for the past 5 years is set out in the following table.

Year	Expenditure	% Increase in Expenditure on Previous Year
	€m	
2003	37.353	29.3
2004	34.140	-8.6
2005	40.208	17.8
2006	42.093	4.7
2007	46.365	10.1
Jan to Nov 2008 (provisional)	48.858	17.9

I understand that the other details sought by the Deputy are not readily available and that they could only be obtained by the expenditure of a disproportionate amount of staff time and resources.

Tribunals of Inquiry.

68. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the action that will be taken arising from the seven reports from the Morris Tribunal; and if he will make a statement on the matter. [46747/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Morris Tribunal has completed its work and has produced a total of eight reports. The Government has already taken strong action on foot of its recommendations. These include:

- the passage of the Garda Síochána Act 2005, the most significant piece of legislation relating to An Garda Síochána in the history of the State,
- the establishment of the Garda Síochána Ombudsman Commission with almost 100 staff — including its own investigative staff,
- the establishment of the Garda Inspectorate with its international policing expertise, as a source of independent and expert advice for the Minister,
- new more streamlined discipline regulations,
- the imposition on members of a legal duty to account for their official actions,
- the empowerment of the Garda Commissioner, with the consent of the Government, to dismiss a member of garda, sergeant or inspector rank where he has lost confidence in the capacity of the member to discharge his or her duty and where dismissal is necessary to maintain public confidence in the Force,
- new promotion regulations and a competency based promotion system,
- a whistleblowers' charter and the appointment of an eminent former senior civil servant as a Confidential Recipient.

Other areas of organisational development and modernisation are being progressed within the terms of reference of the Garda Síochána's published Corporate Strategy 2007 to 2009 including a number of specific change projects under the chairmanship of the Deputy Commissioner, Strategy and Change Management. These changes are indicative of unprecedented reform and a new era in policing and will go a long way to ensuring that the events in Donegal will not be repeated.

Finally, it is my understanding that the Dail Committee on Procedures and Privileges has established a sub-Committee to consider Mr Justice Morris's recommendations as to how public representatives should deal with anonymous allegations.

Questions No. 69 answered with Question No. 19.

Legislative Programme.

70. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform if it remains policy that he will play the lead role in bringing forward legislation to address the issues confronting residents of developments governed by management companies; if heads of a Bill have been agreed; when it is proposed to publish such legislation; and if he will make a statement on the matter. [46778/08]

200. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform the stage at which he is planning to introduce new estate management company legislation; the stage at which his proposals are at; and when the Bill will be published. [47332/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 70 and 200 together.

Work on the preparation of legislative proposals to respond to recommendations set out in the Law Reform Commission's Report on Multi Unit Developments continues across relevant Departments as a matter of priority.

In so far as my Department is concerned, I expect to be in a position to progress the necessary legislation early in the New Year. However, in light of the broad range of policy areas involved, relevant Ministers and the Attorney General are consulting on whether it would be more expeditious to introduce a single Bill or, alternatively, to adopt a sectoral approach to amending legislation. The Government's ultimate decision on the matter will be made on the basis of how quickly the necessary legislation can be enacted.

Garda Operations.

71. **Deputy Liz McManus** asked the Minister for Justice, Equality and Law Reform the number of occasions in 2007 and to date in 2008 in which grenades, bombs or improvised explosive devices have been used; the number of occasions in each year when the Gardaí called on the assistance of the Army Ordnance Unit to deal with such devices; the number of prosecutions initiated as a result of the discovery of such devices; his views on the increased use of such devices by criminal elements; the steps being taken to curb the use of such devices, particularly having regard to the danger they pose the public; and if he will make a statement on the matter. [46753/08]

241. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he has taken or proposes to take to identify the strategy behind the increase in the number of explosive devices which have had to be disarmed in recent times; the number of such viable devices rendered harmless in the past 12 months; if he anticipates increased criminal activity with such weaponry playing a major role; and if he will make a statement on the matter. [47635/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 71 and 241 together.

I am informed by the Garda authorities that in 2008 (up to 1 December) there were 98 incidents involving grenades or pipe-bombs or other improvised explosive devices in the Dublin Metropolitan Region. A Defence Forces Explosive Ordnance Device team attended at 73 of these. In 2007 there were 24 such incidents and an Explosive Ordnance Device team attended at 17 of these.

The House will appreciate that it would not be helpful for me to comment on the specific details of Garda operations in this regard. However, investigations are carried out by the Garda Síochána into all such incidents. The Garda Síochána is firmly focused on disrupting such activities detecting the criminal elements involved and bringing them before the courts.

Crime Levels.

72. **Deputy Jan O'Sullivan** asked the Minister for Justice, Equality and Law Reform if the Gardaí have an estimate of the number of criminal gangs operating in this country; and if he will make a statement on the matter. [46735/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Authorities that there are two categories of organised crime groups operating in this jurisdiction.

The first category consists of individuals / groups that are well established and tightly structured and are involved in drug trafficking, armed robbery and firearms offences. The second category involves groups whose activities are characterised by less cohesive group structures, and criminal activities which are mainly confined to Ireland.

The membership of organised crime gangs tends to be fluid and the nature of criminal activity is such that offences committed by members of gangs may or may not be connected with the individual's membership of such gangs. Therefore it is not possible to ascertain the precise number of criminal gangs operating in this country.

Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis and profiles regarding the personnel of such groups are continually updated. Intelligence-led operations to target those suspected of being involved in organised crime are primarily undertaken by specialist units of An Garda Síochána, under the remit of Assistant Commissioner, National Support Services. These units include the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit, and the Criminal Assets Bureau.

Measures have been put in place to deal with serious crime. These include Operation Anvil and other intelligence-led operations which have been used to target specific individuals. Operation 'Anvil' commenced in May 2005 in the Dublin Metropolitan Region and was extended country-wide in 2006. The primary focus of Operation 'Anvil' is the disruption of serious and organised criminal activity, using intelligence-led targeted operations on the one hand and an increased overt visible Garda presence on the other. The Garda Commissioner has publicly reaffirmed his absolute commitment to the objectives of Operation 'Anvil', which is but one tool used by members of An Garda Síochána in endeavouring to combat crime.

An allocation of €21 million has been ring-fenced in the Garda Budget 2009 to ensure ongoing operations under Operation Anvil, which are augmented by other operations and initiatives, both locally and nationally.

Multi-agency approaches have been and continue to be used where all of the National Units from National Support Services i.e. National Bureau of Criminal Investigation, Criminal Assets Bureau, Garda Bureau of Fraud Investigation (Money Laundering) and the Garda Technical Bureau, are used to combat serious crime. These Units are also supported by the Security and Intelligence Section who assist with intelligence briefings and the provision of timely information.

I am further advised that information on organised crime groups is disseminated to Europol on a regular basis.

Prisoner Releases.

73. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the number of prisoners on temporary release from Mountjoy Women's Prison Dublin as a result of overcrowding; the steps being taken to deal with the overcrowding at the prison; and if he will make a statement on the matter. [46737/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I can advise the Deputy that there were 61 female prisoners on temporary release from Mountjoy Prison on 15 December 2008. The reasons for the temporary releases varied and should not all be directly attributed to overcrowding.

[Deputy Dermot Ahern.]

It has consistently been acknowledged that there has been an overcrowding problem in the Dóchas Centre since its opening, even with the benefit of an additional 20 spaces provided in the final phase of its construction.

In order to deal with the situation, it has been necessary to convert some rooms for use as sleeping accommodation. The Prison Service will continue to closely monitor the situation.

Social and demographic trends indicate that we will inevitably continue to experience an increasing level of women prisoners in our prison system in the future. It is the Government's intention, therefore, to include an expanded version of the Dóchas Centre in the plans to move the entire Mountjoy Prison Complex to a green-field site in the greater Dublin area.

Prisoner Transfers.

74. **Deputy Martin Ferris** asked the Minister for Justice, Equality and Law Reform the rationale behind the decision to refuse repatriation to a person (details supplied) and in particular the basis upon which the conclusion that the person had closer ties to the UK than the Irish jurisdiction was reached in view of the fact that the person's two children live here; and if he will make a statement detailing the weight of the Constitutionally protected family in his considerations around repatriation applications generally. [46623/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person referred to by the Deputy has made six separate applications for transfer to a prison in this jurisdiction under the Council of Europe Convention on the Transfer of Sentenced Persons. All of these have been refused and the person concerned has been notified of the reasons for these refusals.

As the Deputy is aware, the Council of Europe Convention on the Transfer of Sentenced Persons does not confer an automatic right on any prisoner to be transferred nor does it confer an obligation on any State to comply with a transfer request.

Community Employment Schemes.

75. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on changing the social welfare restrictions which make it impossible for women returning to work from family duties to access community employment schemes (details supplied); and if she will make a statement on the matter. [47323/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

The eligibility criteria and participation limits for CE are set by the Department of Enterprise, Trade and Employment (DETE). The qualifying criteria for participation are intended to facilitate the movement of participants through CE, allowing new participants who may not otherwise have such an opportunity, to avail of the programme.

In relation to the Deputy's query a person signing for credits from Social Welfare is not eligible to obtain a position on a FÁS Community Employment (CE) scheme.

However, I am advised that the FÁS programme Expanding the Workforce (ETW) is specifically aimed at women returning to the labour market. Women who have been out of the

workforce for 12 months or more, who are not in receipt of Jobseekers Allowance or Benefit and want to return to work are eligible to participate in this programme. Many other accredited training courses are also available from FÁS.

All of the options outlined can be explored in full by contacting the local FÁS Employment Services Offices where advice and guidance on the most suitable course of action for a client can be provided.

In conclusion then, I would say that this Government will continue to support into the future the positive role of CE in meeting the needs of long-term unemployed persons while at the same time providing essential services to communities. In this regard, we are keeping the operation of the Scheme under constant review.

Economic Competitiveness.

76. **Deputy Joan Burton** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 43 of 11 December 2008, the extent to which her Department is researching the possibility of the financial institutions accessing loan guarantees from the European Investment Fund that would enable them to expand their lending to small enterprises; and if she will make a statement on the matter. [47439/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): As the Deputy will be aware, the Competitiveness and Innovation Framework Programme (2007-2013) contains a financial instrument, the SME Loan Guarantee Facility, that aims to improve the financial environment for SMEs by facilitating their access to debt and equity finance. The total indicative budgetary appropriations for the financial instruments under Competitiveness and Innovation Framework Programme are €1.1 billion and about half of this, approximately €500 million, is foreseen for the SME Loan Guarantee Facility for the period 2007-2013.

The SME Loan Guarantee Facility is operated by the European Investment Fund (EIF) on behalf of the European Commission and was launched by the Commission and the EIF, in late September 2007. My Department informed the Irish Banking Federation of the proposal in December 2007, including, the operation and the scope of the arrangement.

Financial intermediaries are free to make contact directly with the EIF concerning participation in the facility and I am aware that some have done so in the past.

Proposals from financial intermediaries will be examined by the EIF on a continuous basis up to 2013, within the constraints of the available Community budget allocations. Irish financial intermediaries, therefore, continue to have an opportunity to participate in the Facility during this period.

My Department continues to make itself available to any bank interested in pursuing the possibility of securing funding under the SME Loan Guarantee, with a view to their being put in contact with relevant officials in the European Investment Fund (EIF) and/or the European Commission, for further advice and assistance.

Participation in the Facility is however, a commercial decision for any financial intermediary concerned, in the first instance.

The Deputy will also be aware that the above EIF Loan Guarantee Scheme is separate from the recently announced €30 billion EIB Fund to provide loans to SMEs through commercial banks, in the light of the current economic environment. The European Investment Bank (EIB) has in the last fortnight, indicated that it is in discussions with four Irish banks in relation to its new €30 billion Facility. I very much welcome this development.

Equal Opportunities Employment.

77. **Deputy David Stanton** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on a survey (details supplied) which showed that 70% of people with disabilities who were surveyed replied that they had problems regarding accessing employment; and if she will make a statement on the matter. [47453/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The survey results in question are consistent with Census findings which indicate that employment participation by those with a disability, who do not express a difficulty about working, remains significantly lower than for their non-disabled peers.

In regard to accessing employment in the open labour market, all FÁS Services are open to people with disabilities, and FÁS encourage people with disabilities to register with them in order to access such employment.

In addition, FÁS provides a comprehensive menu of employment supports and schemes to enable people with disabilities to enter the open labour market, and these are complemented by both specialist and mainline vocational training provision.

Under the Programme for Government “A Blueprint for Ireland’s Future 2007-2012” my Department is committed to putting in place a comprehensive employment strategy for people with disabilities to help them to work in all sectors. This strategy is a key component of the Sectoral Plan for my Department, which was published in 2006 pursuant to the Disability Act 2005.

An outline of how a Comprehensive Employment Strategy for people with disabilities is being implemented has been developed by my Department, and has received a positive response from the Consultative Forum on an Employment Strategy that has been established under the 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 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.

Social Welfare Code.

78. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment her views on whether monitoring the operation of coal mines by her Department failed in the past to address the working condition of miners; if, in view of same, she has had discussions with the Department of Social and Family Affairs regarding the inclusion of miners in the occupational injury benefit scheme; and if she will make a statement on the matter. [47558/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): This matter has already been raised with a number of Departments, including my own, by the Joint Committee on Communications, Energy and Natural Resources. On the basis of the information available via the Committee, it would appear that this is a matter between the former miners and their former employers and insofar as the State may be concerned, a matter for further consideration under the social welfare code governing the State’s disability and occupational illness benefit schemes.

The allegations regarding the policy of the provisions of the Mines and Quarries Act 1965 are, to the best of my knowledge, unproven. In any event, the legal advice available to me, is

that the mere existence of statutory regulation in a specific sector does not, of itself, impose any duty of care on the State in relation to the employees in that sector. The matter of compensation to former miners is, consequently, not a matter for my Department.

Departmental Properties.

79. **Deputy Joe McHugh** asked the Tánaiste and Minister for Enterprise, Trade and Employment the address and size in square feet of every building or premises in this State that is being rented or leased by her Department; the cost to the State of each of these rents or leases in 2007; if she will provide this information on a county basis; and if she will produce the information in tabular form. [47574/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): The buildings and premises occupied by my Department and the 8 Offices of my Department are not rented or leased by the Department or its Offices. The information requested by the Deputy is, therefore, not relevant in the case of my Department and its Offices. The Deputy may wish to know that all buildings and premises occupied by my Department and its Offices are provided by the Office of Public Works without any cost to the Department and its Offices.

Job Protection.

80. **Deputy Kieran O'Donnell** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, in view of the on-going uncertainty with the future of and the recent jobs losses at a plant (details supplied) in County Limerick she will seek an immediate meeting with the chief executive officer of the company to secure the 3,000 jobs at the plant. [47593/08]

Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan): We understand that the company is pushing ahead with its cost saving plan. Weakening demand and associated cost pressures continue to put pressure on the company to implement its new strategy.

It is standard IDA Ireland practice, where any of its client companies is undertaking reviews of this type, to engage with the company with a view to mitigating the impact on the company's Irish operations. IDA has been engaged in extensive discussions with the company concerned at the highest level. I have been fully briefed on these discussions as they have occurred and I have also met with the company at the highest level.

Such contacts with companies always proceed on a confidential basis and it is vitally important, if the best possible outcome for the Irish operations is to be secured, that confidentiality is respected.

Flood Relief.

81. **Deputy Edward O'Keefe** asked the Minister for Finance when the second phase of a project (details supplied) in County Cork will commence in view of the concerns being expressed by the residents of the area. [47264/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): It is intended to appoint the consultants to undertake the detailed design of the second phase of the Scheme as soon as construction works commence on the first phase of the Scheme. This is expected to occur early in 2009.

Subject to available funding, works on the southern banks are expected to commence in the early part of 2010.

Consultancy Contracts.

82. **Deputy Michael McGrath** asked the Minister for Finance the procedure for a design and consultancy firm to be considered for inclusion in a suitable Office of Public Works framework agreement. [47266/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works (OPW) is involved in the procurement and development of a wide variety of building projects. It considers the use of Framework Agreements, as provided in Directive 2004/18/EC to be a method of procuring building professionals, which best meets the business needs of the organisation.

At present the OPW has in place a multi-supplier Framework Agreement for the provision of professional services, namely Architectural Services, Civil & Structural Engineering Services, Quantity Surveying Services and Mechanical & Electrical Engineering Services.

Documentation regarding this multi-supplier Framework Agreement competition was advertised by the OPW in the national newspapers on 30 January 2007 and was published on the Government e-Tenders Procurement Portal — www.etenders.gov.ie. The closing date for receipt of tender submissions was 12 March 2007.

Following evaluation and assessment of the tender submissions received, successful firms were included in the Framework Agreement. In line with the terms of the Framework Agreement, firms will be commissioned on a project by project basis following a further competitive process.

The Framework Agreement will be in place for an initial period of at least two years and all participants will be subject to performance measurement and continuous improvement reviews throughout that period.

A Contract Award Notice detailing the list of successful firms included in the Framework Agreement was published on the Government e-Tenders Procurement Portal on 14 February 2008.

Departmental Staff.

83. **Deputy Brian O'Shea** asked the Minister for Finance the amount of money and staff which will be transferred from the Department of Agriculture, Fisheries and Food in 2009 to the Office of Public Works to combat coastal erosion; and if he will make a statement on the matter. [47269/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works are currently in negotiations with the Department of Agriculture, Fisheries and Food regarding the staffing posts and funding resources associated with the transfer of the coastal protection function with effect from 1 January 2009.

Departmental Agencies.

84. **Deputy Denis Naughten** asked the Minister for Finance the purchase cost and resale arrangements in relation to all properties purchased for the Reception and Integration Agency and subsequently disposed of; the purchase price paid by the State and associated costs of purchase; the costs associated with the premises in the meantime including maintenance, repair, security and otherwise; the net purchase price received on resale, taking into account the gross figure and the costs associated with the resale; and if he will make a statement on the matter. [47288/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Reception and Integration Agency of the Department of Justice, Equality and Law Reform has responsibility for the provision of accommodation for Asylum Seekers. The Commissioners of Public Works acting on the instructions of the Agency purchased the following properties for the purpose of accommodation of Asylum Seekers, which were subsequently disposed of.

Parnell West Hotel — 38/39 Parnell Street, Dublin. This property was purchased in March 2000 for €3,725,729. It was used to accommodate Asylum Seekers until October 2005 and was sold in August 2006 for €7,236,000. The total fees paid for the disposal of the property was €41,378.35, which included VAT, advertising and other expenses. All legal matters regarding the purchase and disposal of the property were handled by the Chief State Solicitor's Office.

Lynch's Lodge Hotel, Macroom, Co. Cork. This property was purchased in October 2000 for €3,549,711 and sold in December 2005 for €2,300,010. The total costs incurred on security, rates, utilities, maintenance, etc. were €940,000. The total agents fees incurred on the disposal was €33,676, including VAT and advertising. There were no legal fees involved as the purchase and sale of the property was handled by the Chief State Solicitor's Office.

Devereux Hotel and Bungalow, Rosslare Harbour, Co. Wexford. This property was purchased in May 2000 for €2,745,808 and sold in March 2003 for €1,854,990. The total costs incurred on security, maintenance, etc. was €269,038. The total agents fees incurred in the disposal was €57,215.68, including VAT, advertising, etc. There were no legal fees as the purchase and sale of the property was handled by the Chief State Solicitor's Office.

Broc House, Donnybrook, Dublin 4. This property was purchased in June 2000 for €9,205,601 and was transferred to the Affordable Homes Partnership in September 2006. The total security and other costs incurred prior to the transfer was €763,428.64. There were no legal costs involved as the purchase and transfer of the property was handled by the Chief State Solicitor's Office.

Ionad Follain, Myshall, Co. Carlow. This property was purchased in July 2000 for €1,333,224.90 and was transferred to the Minister for Health and Children in August 2002. The total security and other costs incurred prior to the transfer was €176,510. There were no legal costs involved as the purchase and transfer of the property was handled by the Chief State Solicitor's Office.

Pension Provisions.

85. **Deputy Michael McGrath** asked the Minister for Finance if he will respond to correspondence from a person (details supplied) in relation to pension contributions in the public and private sector. [47297/08]

Minister for Finance (Deputy Brian Lenihan): The details supplied with the Deputy's question raise a number of separate issues.

Firstly, as regards the annual earnings limit for tax-relieved pension contributions, I should explain that, in Budget 2009, I announced a significant reduction in that annual limit from just over €275,000 to €150,000. This reduced limit will apply for 2009 to all individuals contributing to supplementary pension arrangements whether those individuals work in the private sector or the public sector. The annual earnings cap acts, in conjunction with age-related percentage limits, to determine the value of pension contributions on which an individual taxpayer will get tax relief at his/her marginal income tax rate in any year.

This change is targeted at higher earners and the reduction in the annual earnings cap to €150,000 will result in a significant fall in the maximum value of tax relief that higher earners

[Deputy Brian Lenihan.]

can obtain on contributions to supplementary pension provision. This change was made to promote greater equity in this area.

The details supplied with the question also make reference to increases in public sector pension payments. Total expenditure on public service pensions in 2007 was €2.3 billion and is increasing, arising from the growth in public service employment in recent years and from increasing longevity.

Measures to contain the cost of this increase in public service pensions have been put in place in recent years and policy options for further reform are outlined in the Green Paper on Pensions. These policy options are now being examined in the context of preparing a framework for comprehensively addressing the pension agenda over the long term.

Financial Services Regulation.

86. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will introduce legislative changes in early 2009 to address the failure of financial regulation here over the past three decades. [47327/08]

Minister for Finance (Deputy Brian Lenihan): The legislative regime for financial regulation in Ireland is largely based on a comprehensive EU framework of Directives which applies across the EU. Arising from the recent financial turmoil, the Ecofin Council meetings in October and December 2007 agreed a set of common principles and a road map of further actions to enhance financial stability arrangements and the ability of authorities to respond to serious disturbances in EU financial markets. These Ecofin Road maps deal specifically with strengthening EU arrangements for financial stability and actions taken in response to the financial turmoil.

New regulatory proposals currently being discussed at European level and due for adoption by the European Parliament in early 2009 include:

- improvements to the Capital Requirements Directive to further strengthen the existing prudential framework for risk management and to put in place enhanced coordination among supervisors in relation to cross-border groups;
- amendments to the Deposit Guarantee Scheme Directive to improve coverage levels and payout periods.

I will, of course, ensure that Ireland introduces the required amendments to Irish legislation as timely as possible in order to transpose the resulting Directives within the required time-frame allowed.

The role and mandates of national regulators have been the subject of in-depth consideration by the Ecofin Council arising from the Ecofin Road maps. Common reporting standards for financial institutions are being introduced to enable greater EU-wide consistency in supervision and colleges of supervisors are being introduced for cross-border financial groups to allow for easier exchange of information between authorities.

It can be expected that further proposals in this area will be introduced during 2009 following the report of the de Larosi re Group, which was mandated by the European Commission to consider the organisation of European financial institutions to ensure prudential soundness, the orderly functioning of markets and stronger European co-operation on financial stability oversight, early warning mechanisms and crisis management, including the management of cross border and cross sectoral risks. It will also look at co-operation between the EU and

other major jurisdictions to help safeguard financial stability at a global level. It is due to submit an initial report to the Spring European Council.

I might also add that, following a request by the European Commission, the International Accountancy Standards Board (IASB) has made improvements in the valuation of illiquid assets in accounting standards (IAS 39 and IFRS 7) for financial institutions. The Commission has also introduced proposals to improve the oversight of independent credit rating agencies, which will most likely be adopted in 2009.

These measures are in addition to the broad range of conditions imposed on participants in the State's guarantee scheme for credit institutions. The Regulatory Authority, which has statutory responsibility for the regulation of credit institutions, has advised me that it will continue to intensify its on-site and off-site supervision of credit institutions. This will build on revised capital and liquidity measures introduced by the Regulatory Authority during 2006 and 2007. The Regulatory Authority will focus on liquidity requirements, capital adequacy, risk management, balance sheet structure and corporate governance. This may involve setting additional regulatory ratios as appropriate in order to reduce the risk in the balance sheet, reflecting the current domestic and global conditions.

In conclusion, many aspects of our regulatory systems have proved themselves to be robust and sound in the recent turmoil. But it is also clear that regulators in Ireland as elsewhere need to learn the lessons of recent events. I am relying on the Financial Regulator to do just that, and to adapt its regulatory systems to new conditions, to take on new skills and to ensure that Ireland has a top class regulatory system.

Credit Institutions Support Scheme.

87. **Deputy Thomas P. Broughan** asked the Minister for Finance the way he will protect the public interest and investment under the proposed bailout fund for six financial institutions; his views on nationalising one or more of the key financial system banks he referred to in a recent interview to protect and advance the public interest; and when significant management changes will be made to address perceived weaknesses in the recent banking near-collapse.

[47328/08]

Minister for Finance (Deputy Brian Lenihan): In my statement at 14th December 2008, I announced the Government's decision to support, alongside existing shareholders and private investors, a recapitalisation programme for credit institutions in Ireland of up to €10 billion. This will be done through the National Pension Reserve Fund or otherwise and subject to terms and conditions.

I also announced that in order to safeguard the interests of the taxpayer, State investment will be assessed on a case by case basis in an objective and non-discriminatory manner, having regard to the systemic importance of the institution, the importance of maintaining the stability of the financial system in the state and each credit institution's particular requirement for capital.

My priority is to ensure the long-term sustainability of the banking sector in Ireland and to underpin its contribution through the availability of credit to individuals and businesses in the real economy. I am closely monitoring each of the covered institutions and state investment, as mentioned previously, will be assessed on a case by case basis.

Recapitalised institutions may be required to comply with such requirements as to transparency and commercial conduct as the Minister sees fit.

88. **Deputy Thomas P. Broughan** asked the Minister for Finance the reason a company (details supplied) was included in the banks bailout scheme in view of the mutual nature of the society and its reported exposure by management to very small amounts of construction commercial bad debt; and if he will make a statement on the matter. [47329/08]

Minister for Finance (Deputy Brian Lenihan): Under the terms of the Scheme support may be provided to a specific institution, if it is necessary and in the public interest for maintaining the financial stability of the financial system in the State. I am of the opinion, having consulted with the Governor of the Central bank and the Financial Regulator that the specified institution qualifies for cover under the Scheme on this basis.

89. **Deputy Thomas P. Broughan** asked the Minister for Finance the key elements of the proposed bailout fund for six financial institutions; the terms on which the fund will operate and disburse necessary funding; and the financial status of each institution which will trigger or justify a response from the new fund. [47330/08]

Minister for Finance (Deputy Brian Lenihan): The Government's approach to the recapitalisation of credit institutions is designed to ensure the long-term sustainability of the banking sector in Ireland and to underpin its contribution through the availability of credit to individuals and businesses in the real economy.

The Government has decided to support, alongside existing shareholders and private investors, a recapitalisation programme for credit institutions in Ireland of up to €10 billion. This will be done through preference shares and/or ordinary shares and will be subject to terms and conditions. The State may, where appropriate, participate on an underwriting basis. In principle existing shareholders will be expected to have the right to subscribe for new capital on the same terms as the Government. A key principle in the operation of such a fund will be to secure the interests of the taxpayers through an appropriate return on, and appropriate terms for, the investment.

As the next step in the process I am initiating detailed engagement with the credit institutions themselves in respect of specific proposals. In order to safeguard fully the interests of the taxpayer, State investment will be assessed on a case-by-case basis in an objective and non-discriminatory manner, having regard to the systemic importance of the institution, the importance of maintaining the stability of the financial system in the State, and the most effective and economical use of resources available to the State, as well as each credit institution's particular requirement for capital.

The terms for disbursement of funds will be set, in this context, having regard to the particular position of individual credit institutions, to ensure that all State funds are deployed to optimal effect. Recapitalised institutions may be required to comply with such requirements as to transparency and commercial conduct as the Minister sees fit. Any State investment will be undertaken in line with best practice in the EU and elsewhere, consistent with EU State aid rules and in particular the recent European Commission communication on recapitalisation.

90. **Deputy Joan Burton** asked the Minister for Finance if his attention has been drawn to reports that senior bankers at a bank (details supplied) are in line to receive bonuses for 2008 up to 80% of the 2007 bonus; his views on whether such practices are inappropriate at a financial institution benefiting from a blanket guarantee from the taxpayer; and if he will make a statement on the matter. [47337/08]

Minister for Finance (Deputy Brian Lenihan): The Scheme prepared under the Credit Institutions (Financial Support) Act 2008 requires each covered institution to prepare a plan to

structure the remuneration packages of directors and executives, including total salary, bonuses, pension payments and any other benefits, so as to take account of the objectives of the Act.

I have recently established the independent, three member, committee CIROC (the Covered Institutions Remuneration Oversight Committee), as provided under the Scheme which will oversee all remuneration plans of senior executives of the covered institutions. Each covered institution has submitted its report to CIROC, which will then report to me within three months.

It is important to emphasise that one of the key features of this part of the Scheme is the requirement to orient the system of bonuses to create the appropriate incentives, incentives that point toward reduction in excessive risk-taking and that promote long-term sustainability.

The Scheme does not cover remuneration packages payable for periods before the coming into force of the Act.

It is important to note that the CIROC will have to develop its own views prior to reporting to me in March.

91. **Deputy Joan Burton** asked the Minister for Finance the way the public interest directors at banks covered by the bank guarantee scheme will be remunerated; the amount of this remuneration; the person who will make the payment; and if he will make a statement on the matter. [47338/08]

Minister for Finance (Deputy Brian Lenihan): As is stated in paragraph 32 of the Credit Institutions (Financial Support) Scheme, the non-executive directors appointed in the public interest by the covered institutions are to be remunerated by those covered institutions. The amount of this remuneration is a matter for the institutions themselves. However, the Deputy should note that paragraph 47 of the Scheme clearly states that “each covered institution shall prepare a plan to structure the remuneration packages of directors and executives so as to take account of the objectives of the Act of 2008”. This will form part of the work programme of the Covered Institution Remuneration Oversight Committee (CIROC), which I recently established.

92. **Deputy Joan Burton** asked the Minister for Finance if the public interest directors at banks covered by the bank guarantee scheme will undergo specialised training for that role; and if he will make a statement on the matter. [47339/08]

Minister for Finance (Deputy Brian Lenihan): My Department recently held generic briefing sessions on the Scheme in general and the fiduciary duties of non-executive directors for individuals on the panel from which the covered institutions are to appoint directors in the public interest.

93. **Deputy Joan Burton** asked the Minister for Finance the way public interest directors at banks covered by the bank guarantee scheme are to report back to him; and if he will make a statement on the matter. [47340/08]

Minister for Finance (Deputy Brian Lenihan): Any director appointed in the public interest by the covered institutions will be subject to the provisions of company law. As such, he or she will be bound to act in the interests of the separate legal entity that is the company. Therefore, directors appointed in the public interest will not have a reporting relationship to me or to my Department. However, the panel comprises people who, in addition to their other experiences, can bring a civic mindedness and a sense of where the public interest lies to inform their view of what is in the company’s interests.

Pension Provisions.

94. **Deputy Joan Burton** asked the Minister for Finance the details of the review carried out recently of the National Pensions Reserve Fund; and if he will make a statement on the matter. [47341/08]

Minister for Finance (Deputy Brian Lenihan): I announced in my Budget speech that I was conducting a review of the National Pensions Reserve Fund in the context of recent economic and fiscal developments. I asked Mr Maurice O’Connell, former Governor of the Central Bank, to conduct the review. Mr O’Connell has now submitted his review to me and I am considering his conclusions.

As I stated in my Budget speech, any changes requiring legislation will be brought forward in due course.

Flood Relief.

95. **Deputy Emmet Stagg** asked the Minister for Finance if the consulting engineers have completed the detailed designs for flood relief works in Johnstown village, Naas, County Kildare; and if funding will be allocated for the work in 2009. [47351/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Work on the detailed design is currently in progress. It is expected to be completed by April 2009.

The Office of Public Works is in discussion with Kildare Co. Council regarding funding of works. The discussions will be concluded when the detailed design is complete and estimates of costs and benefits are available.

Tax Code.

96. **Deputy Ciarán Lynch** asked the Minister for Finance if the 1% income levy will apply to all medical card holders; and if he will make a statement on the matter. [47548/08]

Minister for Finance (Deputy Brian Lenihan): The position is that those with an entitlement to the medical card will be exempt from the income levy.

Unemployment Levels.

97. **Deputy Joan Burton** asked the Minister for Finance the approximate average effect on the public finances of each 0.1% increase in the live register figures taking into account reduced income tax revenues, increased social welfare payments, including secondary benefits, and other associated costs; and if he will make a statement on the matter. [47563/08]

Minister for Finance (Deputy Brian Lenihan): A 0.1 per cent increase in the numbers on the Live Register at the end of November, 2008 would add €3.1 million in a full year to the cost of Jobseeker’s Benefit and Allowance payments.

Entitlement to secondary social welfare benefits varies according to the personal circumstances of the individual claimants and the available data on the costs of secondary benefits do not enable the determination of an average cost for any given increment in the numbers on the Live Register. Similarly, an individual’s income tax contribution is based on a number of unique factors such as taxable income and personal circumstances. Accordingly, it is not possible to estimate the effect of each 0.1 per cent increase in the Live Register on these elements.

Decentralisation Programme.

98. **Deputy Joan Burton** asked the Minister for Finance further to Parliamentary Question No. 46 of 11 December 2008, the details of the €17.5 million acquisition of sites for deferred elements of the decentralisation programme, including the cost per site, date of acquisition, current value, current usage, current rental income and future intentions; and if he will make a statement on the matter. [47564/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The details of the sites purchased where decentralisation has been deferred are as follows:

Location	Site Cost	Acquired
	€	
Cavan	2,900,000	2006
Dungarvan	2,383,500	2006
Edenderry	1,500,000	2006
Thomastown	1,800,000	2008
Thurles	967,500	2005
Waterford	8,000,000	2008

All of the above acquisitions preceded the Government's Budget decision to defer part of the Decentralisation Programme for further consideration in 2011.

The sites in question are now part of the State's property portfolio and will remain so at least until the Government completes its further consideration of the programme in 2011.

If it is the case that any of the sites are surplus to requirements at that stage, the OPW will consider how best to extract value having regard to prevailing market conditions at the time. At that stage, the market value of the sites will be determined.

EU Funding.

99. **Deputy Joan Burton** asked the Minister for Finance if Ireland will participate in the Joint European Resources for Micro-to-Medium Enterprises scheme managed by the European Investment Fund through which a portion of European Regional Development Funds can be allocated to the establishment of holding funds to support small and medium enterprises by improving the ability of SMEs to access finance; the contact, discussions or correspondence that have taken place between the EIF and his Department or other interested parties with respect to this initiative; the reasoning behind the decision to participate or not in the JEREMIE initiative; and if he will make a statement on the matter. [47565/08]

Minister for Finance (Deputy Brian Lenihan): I refer the Deputy to my response to question number 45359/08 on Thursday 11th December 2008.

The Joint European Resources for Micro to Medium Enterprises (JEREMIE) launched in 2005 is an initiative of the European Commission together with the European Investment Bank (EIB) and the European Investment Fund (EIF) to promote increased access to finance for the development of micro, small and medium-sized enterprises in the regions of the EU.

When Ireland's ERDF Structural Programmes 2007-13 were being developed, my Department in consultation with representatives of the Department of Enterprise, Trade and Employment, Enterprise Ireland, the Southern and Eastern Regional Assembly and the Border, Midland and Western Regional Assembly had a number of discussions with representatives from the EIB on this issue. As part of these discussions JEREMIE was examined in the context of

[Deputy Brian Lenihan.]

the arrangements then in place to assist SMEs in accessing appropriate financial support. Having reflected on the matter fully and given the nature and structure of JEREMIE, particularly in terms of the scale of operations that would be required to secure EIF participation, it was not considered suited to our Structural Funds programmes.

Following the recent change in global economic circumstances, the EU Commission launched a “European Recovery Plan” on 26th November 2008. As part of the plan, the Commission will be working closely with the EIF to accelerate and expand the existing provisions on financial instruments for small and medium enterprises under JEREMIE. The Commission together with the EIF, EIB and Member States will launch early next year two specific networking platforms as a forum for exchange of information, guidance and good practice. In this context, the Irish Authorities are considering if participation in JEREMIE is appropriate having regard to the ERDF programmes and the potential benefits to the Irish Businesses.

Credit Institutions Support Scheme.

100. **Deputy Joan Burton** asked the Minister for Finance further to his announcement on 14 December 2008 that up to €10 billion will be used to inject capital into the Irish banking system, the maximum possible proportion of State participation; if up to €10 billion in State funds could be injected into the banking system; if sources of State funding other than the National Pensions Reserve Fund have been ruled out for participation in this capital injection; and if he will make a statement on the matter. [47566/08]

Minister for Finance (Deputy Brian Lenihan): In my statement on the 14th December 2008, I announced the Government’s decision to support, alongside existing shareholders and private investors, a recapitalisation programme for credit institutions in Ireland of up to €10 bn. This will be done through the National Pensions Reserve Fund or otherwise and subject to terms and conditions.

I indicated that the State’s investment may take the form of preference shares and /or ordinary shares and the State may, where appropriate, participate on an underwriting basis. In principle existing shareholders and private investors will be expected to have the right to subscribe for new capital on the same terms as the Government.

In order to safeguard fully the interests of the taxpayer, State investment will be assessed on a case- by- case basis in an objective and non-discriminatory manner, having regard to the to the systemic importance of the institution, the importance of maintaining the stability of the financial system in the State, and the most effective and economical use of resources available to the State and each of the credit institution’s particular investment requirement for capital. Any State investment will be taken in line with best practice in the EU and elsewhere and consistent with the EU State aid rules, in particular the recent European Commission communication on recapitalisation.

Tax Code.

101. **Deputy Joan Burton** asked the Minister for Finance the annual, full-year cost to the Exchequer of exempting interest earned on foreign or off-shore bank accounts from the income levy; and if he will make a statement on the matter. [47567/08]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the cost to the Exchequer of exempting from the income levy all foreign-sourced interest income is estimated to be of the order of €10 million in a full year in terms of 2009 incomes.

However, in not applying the levy to this type of income, regard has to be taken of the fact that the tax liability on these products has been increased by 3 percentage points in Budget 2009. In overall terms, the take from these products will therefore increase by approximately €20 million.

Departmental Properties.

102. **Deputy Joe McHugh** asked the Minister for Finance the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form. [47576/08]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The following document details all ‘Office’ space leased by the Office of Public Works with an annual rent of €10,000 and above that was held by way of leases that were ‘live’ through 2007. It should be noted some buildings appear more than once in the list as there may be more than one lease associated with any building.

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Carlow	Carlow	LSE0109	Carlow Gov Off Church St	Church Street, Graiguecullen	Part	158.95	€ 37,500.00	Office
Carlow	Carlow	LSE0112	Carlow Vehicle Reg Off	6 – 8 Lower Staplestown Road	Whole	162.58	60,967.50	Office
Carlow	Carlow	LSE0110	Carlow Prob & Wel Service	Quinn House, Mill Lane	Part	131.92	18,030.28	Office
Carlow	Carlow	LSE1209	Carlow Education Office	4 Court Place, Dublin Road	Whole	131.13	27,500.00	Office
Carlow	Carlow	LSE1307	Carlow Temp Decent Off (D/Ete)	O'Brien Road	Whole	1806	369,436.00	Office
Cavan	Bailieborough	LSE0032	Bailieboro Swo	Barrack Street	Part	80.83	13,250.00	Office
Cavan	Cavan	LSE0142	Cavan Dtc	Esker Place, Cathedral Road	Part	17.55	16,000.00	Office
Cavan	Cavan	LSE1261	Cavan Dtc	Esker Place, Cathedral Road	Part	40.14	20,500.00	Office
Cavan	Cavan	LSE0145	Cavan Gov Off Newcourt Shop Ctr	Newcourt Shopping Centre, Church Street	Part	648.35	122,200.00	Office
Cavan	Cavan	LSE1139	Cavan Gov Off Elm Hse	Elm House, Kinnypottle	Part	192.5	34,188.00	Office
Cavan	Cavan	LSE1242	Cavan Gov Off Elm Hse	Elm House, Kinnypottle	Part	218.18	46,970.00	Office
Cavan	Cavan	LSE1251	Cavan Gov Off Elm Hse	Elm House, Kinnypottle	Part	120.44	25,928.00	Office
Cavan	Cavan	LSE1301	Cavan Gov Off Elm Hse	Elm House, Kinnypottle	Part	138.98	29,920.00	Office
Clare	Ennis	LSE0301	Ennis Justice Welfare	Abbey Arcade	Part	46.45	13,205.28	Office
Clare	Ennis	LSE0995	Ennis Education Office	First Floor, Francis Street	Part	579.5	47,615.00	Office
Clare	Ennis	LSE0996	Ennis Education Office	First Floor, Francis Street	Part	579.56	47,615.00	Office
Clare	Kilrush	LSE1299	Kilrush Decentral.Revenue Off.	Enterprise House	Whole	585.29	85,050.00	Office
Cork	Bandon	LSE0061	Bandon School Inspectors Office	The Weir Centre, Weir Street	Part	123.84	26,750.00	Office
Cork	Bandon	LSE0063	Bandon Swo	Weir Street	Part	73.76	15,300.00	Office
Cork	Bantry	LSE0068	Bantry Customs And Excise	Old Convent House, Townlots	Part	216	28,000.00	Office
Cork	Bantry	LSE0067	Bantry Swo – 7 Main Strret	7 Main Street	Part	0	24,000.00	Office
Cork	Castletownbere	LSE0136	Castletownbere Swo	Church Gate	Part	28.52	12,220.00	Office
Cork	Clonakilty	LSE0163	Clonakilty Prob & Wel Office	Emmet Square	Part	159.79	16,000.00	Office
Cork	Clonakilty	LSE1232	Clonakilty Temp Dec Off Cmr Bl C	Block C, West Cork Technology Park	Whole	1152	157,480.00	Office
Cork	Clonakilty	LSE1289	Clonakilty Tem Dec Of Sipa Bl G	Floor 1 Block G, West Cork Technology Park	Part	869.84	118,910.00	Office
Cork	Cork	LSE0196	Cork Gov Off Connolly Hall	Connolly Hall, Lapps Quay	Part	179.66	28,000.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Cork	Cork	LSE0197	Cork Gov Off Connolly Hall	Connolly Hall, Lapps Quay	Part	0	€ 17,000.00	Office
Cork	Cork	LSE0206	Cork Gov Off Irish Life Bldg	Irish Life House, 1a South Mall	Part	875.49	205,933.00	Office
Cork	Cork	LSE0209	Cork Gov Off Irish Life Bldg	Irish Life House, 1a South Mall	Part	982.23	190,800.00	Office
Cork	Cork	LSE1002	Cork Gov Off Irish Life Bldg	Irish Life House, 1a South Mall	Part	309.65	59,494.00	Office
Cork	Cork	LSE1210	Cork Gov Off Irish Life Bldg	Irish Life House, 1a South Mall	Part	360.98	69,914.52	Office
Cork	Cork	LSE0201	Cork Marine Office	Parliament House, 10 Georges Quay	Part	176.51	33,013.19	Office
Cork	Cork	LSE0957	Cork Marine Office	Oak House, Riverview Industrial Estate	Part	0	53,320.00	Office
Cork	Cork	LSE1062	Cork Marine Office	Oak House, Riverview Industrial Estate	Part	483	58,500.00	Office
Cork	Cork	LSE0981	Cork Education Office	Block C Heritage Business Park, Mahon	Whole	1341	234,536.25	Office
Cork	Cork	LSE1037	Cork Environment Office	Unit 7, Eastgate Avenue, Little Island	Part	411	68,906.00	Office
Cork	Cork	LSE1077	Cork Prob & Wel Serv Cove St	St Nicholas Church, Cove Street	Whole	1474.44	300,368.00	Office
Cork	Cork	LSE0194	Cork C&E Centre Park House	Centre Park House, Centre Park Road	Part	616.6	110,000.00	Office
Cork	Cork	LSE1137	Cork C&E Centre Park House	Centre Park House, Centre Park Road	Part	314	43,940.00	Office
Cork	Cork	LSE1421	Cork C&E Centre Park House	Centre Park House, Centre Park Road	Part	264.02	48,000.00	Office
Cork	Cork	LSE0204	Cork Gov Off Hibernian House	Hibernian House, South Mall	Part	1730.26	280,000.00	Office
Cork	Cork	LSE0205	Cork Gov Off Hibernian House	Hibernian House, South Mall	Part	111.2	11,247.09	Office
Cork	Cork	LSE0950	Cork Gov Off Hibernian House	Hibernian House, South Mall	Part	0	18,284.23	Office
Cork	Cork	LSE0212	Cork SWO – Esb Premises	Esb Premises, Marina	Part	659.96	102,850.00	Office
Cork	Cork	LSE0219	Cork Prob&Wel Serv 52 South Mall	52 South Mall	Part	119	20,200.00	Office
Cork	Dunmanway	LSE0288	Dunmanway SWO/CSO Office	Main Street	Part	103.3	14,119.49	Office
Cork	Fermoy	LSE0305	Fermoy SWO – Connolly Street	Connolly Street	Part	92.9	15,300.00	Office
Cork	Mallow	LSE0503	Mallow Farm Development Service	Gouldshill	Whole	95.3	10,361.06	Office
Cork	Mallow	LSE0504	Mallow Government Offices	25 O'brien Street	Whole	0	32,000.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Cork	Mallow	LSE0505	Mallow SWO	72 Main Street	Part	291.35	€ 33,846.14	Office
Cork	Skibbereen	LSE0656	Skibbereen Forestry Office	Townsend Street	Whole	44.59	11,700.00	Office
Cork	Youghal	LSE1020	Youghal SWO – Main Street	14 Main Street	Part	58.83	12,000.00	Office
Donegal	Ballybofey	LSE0045	Ballybofey SWO	13 Main Street	Part	67.35	15,000.00	Office
Donegal	Ballyshannon	LSE0056	Ballyshannon Marine Office	Main Street	Whole	130.99	10,234.09	Office
Donegal	Ballyshannon	LSE1146	Ballyshannon Maritime Office	Top Floor, Iona Office Block, Abbeyview	Part	264	25,000.00	Office
Donegal	Buncrana	LSE0099	Buncrana SWO	Castle Avenue	Whole	0	33,000.00	Office
Donegal	Buncrana	LSE0100	Buncrana Government Offices	St Mary's Road	Part	92.72	11,935.54	Office
Donegal	Buncrana	LSE0989	Buncrana SWO	St Marys Road	Part	185.81	34,000.00	Office
Donegal	Donegal	LSE0246	Donegal D.T.C.	'Irwin's Premises', Milltown Road	Whole	0	23,260.00	Office
Donegal	Donegal	LSE0247	Donegal D.T.C.	'Irwin's Premises', Milltown Road	Whole	93.46	11,176.23	Office
Donegal	Dunfanaghy	LSE0284	Dunfanaghy SWO	Main Street	Part	324.33	24,700.00	Office
Donegal	Killybegs	LSE0436	Killybegs Government Office	Donegal Road	Part	78.13	29,120.00	Office
Donegal	Letterkenny	LSE0451	Letterkenny Customs&Excise	Fortwell House, Lower Main Street	Part	179.39	24,000.00	Office
Donegal	Letterkenny	LSE0453	Letterkenny Driving Test Centre	Unit 5 Pearse Road	Part	76.18	15,000.00	Office
Donegal	Letterkenny	LSE0452	Letterkenny Revenue Office	Kilmacrennan Road	Part	467.38	58,000.00	Office
Donegal	Letterkenny	LSE1076	Letterkenny Prob/Wel Main St	48-50 Lower Main Street	Part	561.02	80,000.00	Office
Donegal	Letterkenny	LSE1426	Letterkenny Education Office	Mckendrich House, Pearse Road	Part	5400	41,896.00	Office
Dublin	Balbriggan	LSE1035	Balbriggan Passport Office	Unit 1, Fingal Bay Business Park, Balbriggan	Whole	2914.05	553,669.50	Office
Dublin	Blackrock	LSE0730	Blackrock Trident House	Trident House	Whole	1811.59	678,500.00	Office
Dublin	Dublin 01	LSE0598	Parnell Sq 13-15 Parnell House	13 – 15 Parnell Square	Whole	4837.88	1,830,000.00	Office
Dublin	Dublin 01	LSE0640	Marlborough St 101-104 Clare Hse	101-104 Marlborough Street	Part	0	412,344.90	Office
Dublin	Dublin 01	LSE0357	Amiens Street (Gandon House)	Amiens Street	Whole	0	75,500.00	Office
Dublin	Dublin 01	LSE0358	Amiens Street (Gandon House)	Amiens Street	Whole	1882.05	655,000.00	Office
Dublin	Dublin 01	LSE0359	Amiens Street (Gandon House)	Amiens Street	Whole	1476.99	500,000.00	Office
Dublin	Dublin 01	LSE0497	O'Connell St 29-32	Lyon/Findlater House, 29-32 O'Connell Street	Part	1698.3	533,290.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Dublin	Dublin 01	LSE1278	O'Connell St 29-32	Lyon/Findlater House, 29-32 O'Connell Street	Part	707.7	€ 345,000.00	Office
Dublin	Dublin 01	LSE0407	Irish Life Centre Block 1	Lower Abbey Street	Part	2779.94	918,000.00	Office
Dublin	Dublin 01	LSE0408	Irish Life Centre Block 1	Lower Abbey Street	Part	529.53	206,000.00	Office
Dublin	Dublin 01	LSE0404	Irish Life Centre Block 2	Lower Abbey Street	Whole	3630.53	1,310,000.00	Office
Dublin	Dublin 01	LSE0405	Irish Life Centre Block 4 & 5	Lower Abbey Street	Part	779.18	273,000.00	Office
Dublin	Dublin 01	LSE0409	Irish Life Centre Block 5/7	Lower Abbey Street	Part	3319.76	1,110,000.00	Office
Dublin	Dublin 01	LSE0406	Irish Life Centre Block D E & F	Lower Abbey Street	Part	2469	900,000.00	Office
Dublin	Dublin 01	LSE0317	Frederick St North Frederick Crt	Frederick Court, North Frederick Street	Whole	1996.77	702,000.00	Office
Dublin	Dublin 01	LSE0020	Arran Quay (Arran Court)	Arran Quay	Part	473.24	165,337.23	Office
Dublin	Dublin 01	LSE0596	Parnell St Parnell Busines Cntr	125 Parnell Street	Part	272	45,801.99	Office
Dublin	Dublin 01	LSE0001	Abbey Street Upper 26 – 30	Chapter House, 26 – 30 Upper Abbey Street	Whole	1583.7	667,133.08	Office
Dublin	Dublin 01	LSE0002	Abbey Street Upper 26 – 30	Chapter House, 26 – 30 Upper Abbey Street	Whole	2855	1,206,162.28	Office
Dublin	Dublin 01	LSE0004	Abbey Street Upper 26 – 30	Chapter House, 26 – 30 Upper Abbey Street	Whole	2351.39	994,923.93	Office
Dublin	Dublin 01	LSE0970	Abbey Street Upper 26 – 30	Chapter House, 26 – 30 Upper Abbey Street	Whole	491.16	211,542.00	Office
Dublin	Dublin 01	LSE0108	Capel Street 89 -94	89 -94 Capel Street	Part	1971.6	689,321.76	Office
Dublin	Dublin 01	LSE0599	Parnell Sq 2 – 3	2 – 3 Parnell Square	Part	0	698,355.94	Office
Dublin	Dublin 01	LSE0961	Parnell Sq 16	16 Parnell Square	Whole	3274.54	1,493,644.72	Office
Dublin	Dublin 01	LSE1140	Great Strand St Millennium Hse	52-56 Great Strand Street	Part	904.7	265,675.00	Office
Dublin	Dublin 01	LSE1430	Kings Inn House SWO	Parnell St	Part	774	208,275.00	Office
Dublin	Dublin 01	LSE1431	Kings Inn House SWO	Parnell St	Part	1967	558,200.00	Office
Dublin	Dublin 02	LSE0292	Adelaide Rd 65a (Davitt House)	65a Adelaide Road	Whole	4097.27	1,680,000.00	Office
Dublin	Dublin 02	LSE0300	Ely Place 7-8 Ely Court	7-8 Ely Place	Whole	1785.95	711,322.50	Office
Dublin	Dublin 02	LSE0314	Wilton Place Fitzwilton House	Wilton Place	Part	409.78	205,500.00	Office
Dublin	Dublin 02	LSE0374	Grand Canal Street	1 Lower Grand Canal Street	Whole	3998.42	1,625,264.70	Office
Dublin	Dublin 02	LSE0386	St Stephens Gr 67-71 Hainault Hse	67-71 St Stephen's Green	Part	1750.61	600,000.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Dublin	Dublin 02	LSE0387	Harcourt St Harcourt Centre Blk 2	Harcourt Street	Part	515.69	€ 228,500.00	Office
Dublin	Dublin 02	LSE0388	Harcourt Road 4-5	4-5 Harcourt Road	Whole	3047	1,260,000.00	Office
Dublin	Dublin 02	LSE0395	Harcourt Street 75-78	76-78 Harcourt Street	Whole	2279.3	1,010,000.00	Office
Dublin	Dublin 02	LSE0396	Hatch Street 13-15	13-15 Hatch Street	Whole	1056.46	397,000.00	Office
Dublin	Dublin 02	LSE0526	Mespil Road 43-49	43 – 49 Mespil Road	Whole	3784	1,637,756.00	Office
Dublin	Dublin 02	LSE0532	Mount St Lr 73-79 Ballaugh House	73-79 Lower Mount Street	Whole	2392.83	933,500.00	Office
Dublin	Dublin 02	LSE0533	Mount Street Lower 85 – 93	85-93 Lower Mount Street	Whole	4590.49	1,743,000.00	Office
Dublin	Dublin 02	LSE0585	Pearse St 212-213 Oisín House	212-213 Pearse Street	Whole	0	1,493,000.00	Office
Dublin	Dublin 02	LSE0590	Leeson Street Lower Ossory House	Earlsfort Centre, Lower Leeson Street	Whole	0	900,000.00	Office
Dublin	Dublin 02	LSE0681	Molesworth St Gov Publications	Molesworth Street	Whole	296.27	241,000.00	Office
Dublin	Dublin 02	LSE0707	Mount St Lr 79-83 Timberlay Hse	79-83 Lower Mount Street	Whole	3191.76	1,149,615.70	Office
Dublin	Dublin 02	LSE0713	Townsend St 157 – 164	157-164 Townsend Street	Whole	5617	1,370,000.00	Office
Dublin	Dublin 02	LSE0733	Andrew St 10-12	10-12 Andrew St.	Whole	1022.49	340,000.00	Office
Dublin	Dublin 02	LSE0676	Earlsfort Tee St Steph Gr Hse	Earlsfort Terrace	Part	0	1,024,229.00	Office
Dublin	Dublin 02	LSE0679	Earlsfort Tee St Steph Gr Hse	Earlsfort Terrace	Part	415.27	205,270.00	Office
Dublin	Dublin 02	LSE1004	Earlsfort Tee St Steph Gr Hse	Earlsfort Terrace	Part	826.85	365,000.00	Office
Dublin	Dublin 02	LSE0008	Tara Street Apollo House	Tara Street	Whole	1473.39	560,750.00	Office
Dublin	Dublin 02	LSE0009	Tara Street Apollo House	Tara Street	Whole	1477.11	453,120.20	Office
Dublin	Dublin 02	LSE0010	Tara Street Apollo House	Tara Street	Whole	425.57	185,600.00	Office
Dublin	Dublin 02	LSE0376	Mount St Lr 67-72 Grattan House	67-72 Lower Mount Street	Part	386.47	184,900.00	Office
Dublin	Dublin 02	LSE0377	Mount St Lr 67-72 Grattan House	67-72 Lower Mount Street	Part	386.47	190,000.00	Office
Dublin	Dublin 02	LSE0378	Mount St Lr 67-72 Grattan House	67-72 Lower Mount Street	Part	386.47	190,000.00	Office
Dublin	Dublin 02	LSE0379	Mount St Lr 67-72 Grattan House	67-72 Lower Mount Street	Part	288	145,800.00	Office
Dublin	Dublin 02	LSE0415	Lombard St East 8 – 11 Joyce Hse	8 – 11 Lombard Street	Whole	1408.96	560,000.00	Office
Dublin	Dublin 02	LSE0529	Molesworth Bldg Setanta Centre	Molesworth Street/South Frederic	Part	248.6	114,388.00	Office
Dublin	Dublin 02	LSE0530	Molesworth Bldg Setanta Centre	Molesworth Street/South Frederic	Part	5155.76	2,267,000.00	Office
Dublin	Dublin 02	LSE0555	Nassau Building Setanta Centre	Nassau Street	Part	994	469,680.00	Office

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Dublin	Dublin 02	LSE0556	Nassau Building Setanta Centre	Nassau Street	Part	1632.29	€ 643,500.00	Office
Dublin	Dublin 02	LSE0557	Nassau Building Setanta Centre	Nassau Street	Part	1520	688,600.00	Office
Dublin	Dublin 02	LSE0558	Nassau Building Setanta Centre	Nassau Street	Part	1608.32	656,454.00	Office
Dublin	Dublin 02	LSE0559	Nassau Building Setanta Centre	Nassau Street	Part	582.03	240,000.00	Office
Dublin	Dublin 02	LSE0560	Nassau Building Setanta Centre	Nassau Street	Part	1743.36	639,000.00	Office
Dublin	Dublin 02	LSE0645	Statoil Building	1 Setanta Place, Kildare Street	Part	889.24	373,500.00	Office
Dublin	Dublin 02	LSE0389	Harcourt Sq Garda Block 1	Harcourt Street	Whole	3669	1,300,000.00	Office
Dublin	Dublin 02	LSE0391	Harcourt Sq Garda Block 2	Harcourt Street	Whole	3864	1,832,500.00	Office
Dublin	Dublin 02	LSE1419	Harcourt Sq Garda Block 2	Harcourt Street	Whole	0	105,000.00	Office
Dublin	Dublin 02	LSE0392	Harcourt Sq Garda Block 3	Harcourt Street	Whole	2531	1,278,800.00	Office
Dublin	Dublin 02	LSE0393	Harcourt Sq Garda Block 4	Harcourt Street	Whole	799.5	417,250.00	Office
Dublin	Dublin 02	LSE0176	Clonmel Street [Clonmel Place]	Clonmel Place, Clonmel Street	Whole	1711.96	804,500.00	Office
Dublin	Dublin 02	LSE0295	Earlsfort Terrace Earl Ctr Blk C	Earlsfort Centre Block C, Earlsfort Terrace	Whole	2788.46	1,210,000.00	Office
Dublin	Dublin 02	LSE0318	Frederick St South Frederick Hse	Frederick House, South Frederick Street	Part	423	188,050.00	Office
Dublin	Dublin 02	LSE0515	Merrion Square 24	24 Merrion Square	Whole	628.87	235,300.00	Office
Dublin	Dublin 02	LSE0535	Mount St Upr. 36	36 Upper Mount Street	Whole	417.14	200,000.00	Office
Dublin	Dublin 02	LSE1014	St Stephens Gr 94	94 St Stephens Green	Part	1875	711,724.00	Office
Dublin	Dublin 02	LSE0121	Great Georges St Sth 73/83	73-83 South Great Georges Street	Whole	3222.14	260,000.00	Office
Dublin	Dublin 02	LSE0153	Mount Street Lr Clanwilliam Crt	Lower Mount Street	Part	1172.61	480,000.00	Office
Dublin	Dublin 02	LSE0154	Clare Street 12	12 Clare Street	Whole	320.04	112,500.00	Office
Dublin	Dublin 02	LSE0155	Clare Street 22-25	22-25 Clare Street	Whole	1893.77	670,375.00	Office
Dublin	Dublin 02	LSE0399	Holles Street Holbrook House	Holbrook House Holles Street	Part	404.96	174,000.00	Office
Dublin	Dublin 02	LSE0613	Leinster St Sth 6-9 Phoenix Hse	6 – 9 South Leinster Street	Part	530.83	218,000.00	Office
Dublin	Dublin 02	LSE0411	Harcourt Road Dun Sceine	Iveagh Court Block A	Whole	1881.27	850,000.00	Office
Dublin	Dublin 02	LSE0078	Bishops Square	Redmonds Hill	Part	3020.46	1,495,500.00	Office
Dublin	Dublin 02	LSE0080	Bishops Square	Redmonds Hill	Part	3082.05	1,525,000.00	Office
Dublin	Dublin 02	LSE0082	Bishops Square	Redmonds Hill	Part	2260.07	1,120,000.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Dublin	Dublin 02	LSE0516	Merrion Square 24 The Mews	24 Merrion Square		137.68	€ 68,210.33	Office
Dublin	Dublin 02	LSE0954	St Stephens Gr Ardilaun House	St Stephens Green	Part	2814.47	1,098,323.04	Office
Dublin	Dublin 02	LSE0963	Merrion Row 2 - 4	2/4 Merrion Row	Part	1023.5	472,500.00	Office
Dublin	Dublin 02	LSE0969	Earlsfort Terrace Earl Ctr Blk	Earlsfort Centre Block J, Earlsfort Terrace	Part	417	195,000.00	Office
Dublin	Dublin 02	LSE1044	Adelaide Road 29-31	29-31 Adelaide Road	Whole	5482.39	2,524,569.50	Office
Dublin	Dublin 02	LSE1147	Nassau St Social Srv Insp Unit	Morrison Chambers, 32 Nassau Street	Part	232.58	87,622.06	Office
Dublin	Dublin 02	LSE1169	Harcourt Street 71	Pinebrook House, 71 - 74 Harcourt Street	Whole	590	200,000.00	Office
Dublin	Dublin 02	LSE1170	Harcourt St 72-74	Pinebrook House, 72-74 Harcourt Street	Whole	3249	1,419,143.00	Office
Dublin	Dublin 02	LSE0184	Kildare Street 43-44	Confederation House, 43-44 Kildare Street	Whole	2454.48	1,174,500.00	Office
Dublin	Dublin 02	LSE0241	D'olier Street (D'olier House)	D'olier Street	Part	3873.81	1,085,626.00	Office
Dublin	Dublin 04	LSE0652	Shelbourne Rd 21 Shelbourne Hse	21 Shelbourne Road, Ballsbridge	Part	2763.99	1,018,000.00	Office
Dublin	Dublin 04	LSE0156	Claremont Road Revenue Office	Claremont Road, Sandymount	Whole	1920.91	655,000.00	Office
Dublin	Dublin 04	LSE0997	Waterloo Road St Martins House	Dublin 4	Part	1092	507,005.00	Office
Dublin	Dublin 05	LSE0381	Kilbarrack Swo	Greendale Shopping Centre, Kilbarrack	Part	0	145,500.00	Office
Dublin	Dublin 05	LSE0186	Coolock Northside Shop Centre	Oscar Traynor Road, Coolock	Part	204.85	48,000.00	Office
Dublin	Dublin 06	LSE0620	Rathgar Driving Test Centre	95 Orwell Road, Rathgar	Part	117.5	36,822.40	Office
Dublin	Dublin 06	LSE0107	Canal Road (Canal House)	Canal Road	Whole	744	370,000.00	Office
Dublin	Dublin 07	LSE0588	Ormond Quay Ormond House	Ormond Quay	Part	668.42	282,750.00	Office
Dublin	Dublin 07	LSE0591	North Circular Road Park House	North Circular Road	Part	1305.28	340,000.00	Office
Dublin	Dublin 07	LSE0592	North Circular Road Park House	North Circular Road	Part	345.22	90,000.00	Office
Dublin	Dublin 07	LSE0589	Ormond Quay Upper 19	Upper Ormond Quay	Whole	365.85	99,000.00	Office
Dublin	Dublin 07	LSE0506	Manor St Nursing Council	Units 6 & 7, Manor St Business Park	Part	338.17	85,000.00	Office

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Dublin	Dublin 07	LSE0090	Bow Street Gov Office	31-35 Bow Street	Whole	917.67	€ 450,000.00	Office
Dublin	Dublin 07	LSE0980	Navan Road Ashtowngate	Navan Road	Whole	6255	1,550,000.00	Office
Dublin	Dublin 07	LSE0987	Bow Street 12-13	Fitzgerald Building, 12-13 Bow Street	Whole	919.06	300,000.00	Office
Dublin	Dublin 07	LSE1180	Blackhall Plee Smithwick Tribu	Block C, 9-13 Blackhall Place	Part	627.91	375,000.00	Office
Dublin	Dublin 07	LSE1266	Navan Road Ashtowngate Block B	Navan Road	Part	1048	254,401.00	Office
Dublin	Dublin 08	LSE0700	Thomas Street 126 – 7	126 -127 Thomas Street	Whole	991.1	194,000.00	Office
Dublin	Dublin 08	LSE0614	Conyngham Road Phoenix House	Phoenix House, Conyngham Road	Whole	1265.51	330,000.00	Office
Dublin	Dublin 08	LSE1073	Garden Lane Prob/Welfare Off	Carman's Hall, Garden Lane	Part	316.14	55,980.00	Office
Dublin	Dublin 08	LSE1228	Le Pole House	Le Pole House, Great Ship Street	Part	657.48	306,759.00	Office
Dublin	Dublin 08	LSE1258	The Chancery Building	3-10 Chancery Lane	Part	1630	547,056.00	Office
Dublin	Dublin 09	LSE0643	Santry Revenue Warehouse/Office	Unit H Furry Park, Furry Park	Whole	3382.4	400,000.00	Office
Dublin	Dublin 10	LSE0047	Ballyfermot Prob & Wel Service	Le Fanu Road, Ballyfermot	Part	260	36,822.40	Office
Dublin	Dublin 11	LSE0309	Finglas Prob&Welfare Service	Poppintree Mall, Finglas	Part	436.44	66,000.00	Office
Dublin	Dublin 11	LSE0310	Finglas Shopping Centre Fás	Unit 14c, Finglas Shopping Centre	Part	255.01	39,500.00	Office
Dublin	Dublin 11	LSE0740	Finglas Driv Test Ctr+Rev Store	Unidare Industrial Estate, Jamestown Road	Part	500.45	45,520.15	Office
Dublin	Dublin 11	LSE0053	Ballymun Swo	Ballymun Shopping Centre, Ballymun	Part	189.52	25,394.76	Office
Dublin	Dublin 11	LSE0054	Ballymun Swo	Ballymun Shopping Centre, Ballymun	Part	0	28,092.95	Office
Dublin	Dublin 12	LSE0594	Park West Business Park Block 43	Block 43, Park West Business Park	Part	915.09	212,585.90	Office
Dublin	Dublin 13	LSE0244	Donaghmede Prob/Welfare Service	Donaghmede Shopping Centre, Grange Road	Part	719.33	160,000.00	Office
Dublin	Dublin 14	LSE0577	Nutgrove Swo	Nutgrove Shopping Centre, Rathfarnham	Part	0	144,480.00	Office
Dublin	Dublin 14	LSE0147	Churchtown Driving Test Centre	5 Braemor Road, Churchtown	Part	65.03	13,800.00	Office

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Dublin	Dublin 14	LSE0071	Clonskeagh Belfield Office Park	Block 5 Belfield Office Park, Clonskeagh	Whole	3533.45	€ 1,160,000.00	Office
Dublin	Dublin 15	LSE0084	Blanchardstown Swo	Block A Westend Office Park	Part	2898.48	638,678.25	Office
Dublin	Dublin 15	LSE1282	Blanchardstown Gov Office	Block 3 Grove Court, Blanchardstown	Part	805.57	157,907.00	Office
Dublin	Dublin 15	LSE1283	Blanchardstown Gov Office	Block 3 Grove Court, Blanchardstown	Part	805.54	157,907.00	Office
Dublin	Dublin 22	LSE0170	Clondalkin Swo Ninth Lock Rd	Block B, Ninth Lock Road	Part	1144.71	215,000.00	Office
Dublin	Dublin 22	LSE0167	Clondalkin Education Office	Convent Road, Clondalkin	Whole	418.06	43,000.00	Office
Dublin	Dublin 22	LSE0168	Clondalkin Education Office	Convent Road, Clondalkin	Whole	418.06	43,000.00	Office
Dublin	Dublin 22	LSE0169	Clondalkin Siac Building	Siac Building Monastery Road, Clondalkin	Part	2239.09	570,000.00	Office
Dublin	Dublin 24	LSE0691	Tallaght Revenue Commissioners	Unit 247, The Square	Part	349.86	107,500.00	Office
Dublin	Dublin 24	LSE0692	Tallaght Prob And Welf Service	Westpark House, Westpark Road	Whole	326.73	92,057.00	Office
Dublin	Dublin 24	LSE1053	Tallaght DTC	Unit 1, Belgard Industrial Estate	Part	157.93	48,250.05	Office
Dublin	Dublin 24	LSE0690	Tallaght Gov Off St Johns Hse	St John's House, Tallaght Retail Centre	Part	2948.18	722,501.00	Office
Dublin	Dublin 24	LSE0687	Tallaght Gov Off Plaza Complex	Plaza Complex Belgard Road, Tallaght	Part	1866.13	380,000.00	Office
Dublin	Dublin 24	LSE0688	Tallaght Gov Off Plaza Complex	Plaza Complex Belgard Road, Tallaght	Part	2288.46	500,000.00	Office
Dublin	Dublin 24	LSE1047	Tallaght PIAB	The Grain Hse, Blk 1, The Exchange, Belgard Square North	Part	1011.8	188,553.75	Office
Dublin	Dublin 24	LSE1058	Tallaght Education Office	County Hall, Belgard Sq North, Town Centre	Part	589.99	113,658.00	Office
Dublin	Dublin Airport	LSE0265	Dublin Airport Transaer House	Transaer House, Dublin Airport	Whole	1190.82	565,235.00	Office
Dublin	Dublin Airport	LSE1050	Dublin Airport Pier B	Dublin Airport	Part	39.7	14,599.20	Office
Dublin	Dublin Airport	LSE1577	Dublin Airport Terminal Building	Dublin Airport	Part	38.3	16,086.00	Office
Dublin	Dun Laoghaire	LSE0238	Dun Laoghaire Vehicle Reg Off	111 Lower Georges Street	Whole	182.2	47,500.00	Office
Dublin	Dun Laoghaire	LSE0235	Dun Laoghaire Prob & Welfare Serv	Foundation House, 12 Northumberland Avenue	Whole	245.63	85,999.36	Office

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Dublin	Lucan	LSE0493	Lucan Swo – Chapel Hill	Chapel Hill	Part	0	€ 16,671.66	Office
Dublin	Lucan	LSE0495	Lucan Swo – Main Street	Main Street	Part	0	12,697.38	Office
Dublin	Malahide	LSE0500	Malahide Swo	Main Street	Part	0	15,871.73	Office
Dublin	Swords	LSE0684	Swords Business Campus Unit 4	Balheary Road, Swords	Part	3480.71	634,852.53	Office
Dublin	Swords	LSE1144	Swords Business Campus Unit 5/6d	Balheary Road, Swords	Whole	864.84	181,490.55	Office
Dublin	Swords	LSE1174	Swords Business Campus Unit 5/6a	Unit 4, Balheary Road	Whole	1261.62	231,443.68	Office
Dublin	Swords	LSE1175	Swords Business Campus Unit 5/6c	Unit 4, Units A & C, Balheary Road	Whole	931.71	173,226.50	Office
Galway	Ballinasloe	LSE0037	Ballinasloe Gov Office	3 Society Street	Part	127.74	14,195.67	Office
Galway	Galway	LSE0326	Galway Swo – Augustine House	Augustine House, Merchant's Road	Part	0	33,267.14	Office
Galway	Galway	LSE0345	Galway Garda Training	Mayoralty House, Flood Street	Part	171.77	31,420.00	Office
Galway	Galway	LSE0347	Galway Gov Off Ross House	Ross House, Merchants Road	Part	408.78	88,000.00	Office
Galway	Galway	LSE0348	Galway Gov Off Ross House	Ross House, Merchants Road	Part	402.72	81,281.25	Office
Galway	Galway	LSE0356	Galway Driving Test Centre	Unit 4 Westside, Westside Shopping Centre	Part	104.51	28,600.00	Office
Galway	Galway	LSE0335	Galway Revenue Tax Office	Hibernian House, Eyre Square	Part	194.44	27,299.37	Office
Galway	Galway	LSE0336	Galway Revenue Tax Office	Hibernian House, Eyre Square	Part	184.03	31,696.00	Office
Galway	Galway	LSE0337	Galway Revenue Tax Office	Hibernian House, Eyre Square	Part	380.62	54,281.30	Office
Galway	Galway	LSE0338	Galway Revenue Tax Office	Hibernian House, Eyre Square	Part	931.34	150,375.00	Office
Galway	Galway	LSE0340	Galway Gov Off Hynes Building	Hynes Building, St Augustine Street	Part	984.74	172,250.00	Office
Galway	Galway	LSE0341	Galway Gov Off Hynes Building	Hynes Building, St Augustine Street	Part	0	235,000.00	Office
Galway	Galway	LSE1167	Galway Gov Off Hynes Building	Hynes Building, St Augustine Street	Part	1333.17	222,425.00	Office
Galway	Galway	LSE0344	Galway Irish Water Safety	Long Walk	Part	153.19	41,722.00	Office
Galway	Galway	LSE0355	Galway Education Office	Victoria Place	Whole	701.4	180,000.00	Office
Galway	Galway	LSE0353	Galway Prob & Wel Serv	Abbey Arch Units 1, 4, 5, 7 & 8, Upper Abbeygate Street	Part	181.15	42,334.50	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Galway	Galway	LSE0354	Galway Prob & Wel Serv	Abbey Arch Units 1, 4, 5, 7 & 8, Upper Abbeygate Street	Part	154.77	€ 31,144.00	Office
Galway	Galway	LSE0951	Galway Environment Office	Office No. 3 The Plaza, Headford Road	Part	272.3	48,000.00	Office
Galway	Galway	LSE0972	Galway Garda Office	Unit 2 Liosban, Liosban Business Park	Whole	460.23	65,899.41	Office
Galway	Galway	LSE1021	Galway Daf Dockgate	Dockgate, Dock Road	Part	3430.37	744,825.84	Office
Galway	Galway	LSE1142	Galway Swo – Island House	Island House, Cathedral Square	Part	37.16	13,500.00	Office
Galway	Galway	LSE1222	Galway Liosbaun Garda Unit 1b	Liosbaun Business Park, Tuam Road	Whole	179	25,987.50	Office
Galway	Galway	LSE1239	Galway Revenue Fairgreen	Fairgreen Rd And Loughatalia Rd	Part	5525.95	1,214,221.40	Office
Galway	Loughrea	LSE0490	Loughrea Agriculture Offices	Esb Premises, Main Street	Part	92.89	26,600.00	Office
Galway	Loughrea	LSE0491	Loughrea Agriculture Offices	Esb Premises, Main Street	Part	100.33	13,865.54	Office
Galway	Loughrea	LSE0492	Loughrea Swo – PMPA Building	Pmpa Building, Bride Street	Part	111.48	23,000.00	Office
Galway	Loughrea	LSE1267	Loughrea Trans & RSA Temp Off	Clonfert House, Bride St	Part	116	31,225.00	Office
Galway	Loughrea	LSE1268	Loughrea Trans & RSA Temp Off	Clonfert House, Bride St	Part	360	56,187.50	Office
Galway	Loughrea	LSE1269	Loughrea Trans & RSA Temp Off	Clonfert House, Bride St	Part	332	51,837.50	Office
Galway	Spiddal	LSE1134	An Coimisinéir Teanga	Baile An Tsagairt	Part	340.6	45,981.00	Office
Galway	Tuam	LSE0734	Tuam Ordnance Survey Office	Airglooney House, Ballygaddy Road	Part	0	28,500.00	Office
Galway	Tuam	LSE0736	Tuam Government Offices	Rhatigans Premises, The Mall	Whole	235.78	38,500.00	Office
Galway	Tuam	LSE0735	Tuam Dtc	Balgaddy Road	Part	128.67	12,697.38	Office
Kerry	Kenmare	LSE0417	Kenmare Swo	Old Bridge Street	Part	160.07	19,000.00	Office
Kerry	Killarney	LSE0430	Killarney Government Offices	Credit Union Building, Beech Road New Street	Part	323.3	36,822.40	Office
Kerry	Killarney	LSE1234	Fossa Temp Ast Decentral Off	Killalea, Fossa	Whole	1115	140,000.00	Office
Kerry	Killarney	LSE1275	Killarney Park Court	Beech Road	Part	315.87	61,200.00	Office
Kerry	Listowel	LSE0487	Listowel Swo	12 The Square	Whole	0	81,263.24	Office
Kerry	Listowel	LSE1298	Listowel Revenue Office	Old Mill Road	Whole	1140	244,923.70	Office
Kerry	Tralee	LSE0715	Tralee Prob And Wel Service	7 Ashe Street	Part	128.48	35,000.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Kerry	Tralee	LSE0721	Tralee Greenview Office	3 Greenview Terrace	Whole	108.98	€ 20,500.00	Office
Kerry	Tralee	LSE0723	Tralee Garda Training Centre	Market Place Main Street	Part	90.75	18,000.00	Office
Kerry	Tralee	LSE0725	Tralee Education Office	The Monastery Clounalour, Oakpark	Whole	371.61	69,000.00	Office
Kerry	Tralee	LSE0726	Tralee Education Office	The Monastery Clounalour, Oakpark	Whole	371.61	34,500.00	Office
Kildare	Athy	LSE0030	Athy Swo	Hibernian House, Leinster Street	Part	81.29	12,500.00	Office
Kildare	Athy	LSE1308	Athy Revenue Temp Decent Off	Unit 4 & 5, Athy Business Campus	Whole	1269.14	231,553.95	Office
Kildare	Kildare	LSE1428	Kildare Heritage Office	Station Road	Part	148.42	20,761.00	Office
Kildare	Maynooth	LSE0960	Maynooth Agriculture Office	Block B, Maynooth Business Park	Whole	4866.1	940,625.68	Office
Kildare	Naas	LSE0550	Naas Agric Off – Poplar House	Poplar House, Poplar Square	Part	557.5	95,696.00	Office
Kildare	Naas	LSE0552	Naas Swo – Rathasker Square	Unit 2 Rathasker Square, Kicullen Road	Part	106.84	23,000.00	Office
Kildare	Naas	LSE0553	Naas Agric Off Spring Garden Hse	Spring Garden House, Sallins Road	Part	193.4	41,000.00	Office
Kildare	Naas	LSE0554	Naas Vehicle Registration Office	St David's House, North Main Street	Part	144	38,000.00	Office
Kildare	Naas	LSE1022	Naas Gov Office	Maudlins Hall, Dublin Road	Whole	1343.37	254,034.00	Office
Kildare	Naas	LSE1211	Willow Hse Millennium Pk Block 6	Block 6, Willow House, Millennium Park	Part	607.48	119,163.00	Office
Kildare	Newbridge	LSE0573	Newbridge Swo – Henry Street	Henry Street	Part	106.84	20,500.00	Office
Laois	Portarlinton	LSE1254	Portarlinton Decentral Office	Data Protection Commissioners, Station Road	Part	457.38	73,500.00	Office
Laois	Portlaoise	LSE1013	Portlaoise DAF Appeals Office	Kilminchy Court	Whole	612.05	83,259.00	Office
Laois	Portlaoise	LSE1136	Portlaoise Agric Office Eircom	Knockmay	Part	1323.82	191,000.00	Office
Laois	Portlaoise	LSE1214	Portlaoise Grattan Business Cent	Grattan Business Centre, Dublin Road	Whole	1479.08	264,640.00	Office
Laois	Portlaoise	LSE1237	Portlaoise Grattan House	Grattan Business Centre,	Part	306.58	46,860.00	Office
Laois	Portlaoise	LSE1429	Portlaoise Grattan House	Grattan Business Centre,	Part	405.52	75,000.00	Office
Leitrim	Ballinamore	LSE0035	Ballinamore Swo	Main Street	Part	85.5	12,220.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Leitrim	Carrick On Shannon	LSE1295	Carrick-On-Shannon Dcnt Swo		Whole	3716	€ 800,000.00	Office
Limerick	Kilmallock	LSE1032	Kilmallock Swo	Charleville Road	Whole	51.87	12,000.00	Office
Limerick	Limerick	LSE0460	Limerick Revenue Office	River House, Charlotte Quay	Whole	3307.24	615,000.00	Office
Limerick	Limerick	LSE0476	Limerick Swo – Plassey	International Business Park, Plassey	Part	269.41	42,050.00	Office
Limerick	Limerick	LSE0483	Limerick Driving Test Centre	Woodview Shopping Centre, Moylish	Part	60.2	15,000.00	Office
Limerick	Limerick	LSE0978	Limerick Education Office	Rosbrien Road, Punches Cross	Whole	1432.77	255,000.00	Office
Limerick	Limerick	LSE1069	Limerick Prob/Welfare Service	Theatre Court 1st & 2nd Floors, Lower Mallow St	Part	258.5	45,262.00	Office
Limerick	Limerick	LSE1070	Limerick Prob/Welfare Service	Theatre Court 1st & 2nd Floors, Lower Mallow St	Part	258.5	45,262.00	Office
Limerick	Limerick	LSE1150	Limerick Gov Off Houston Hall	Houston Hall, Raheen Business Park	Part	2669.64	373,568.00	Office
Limerick	Limerick	LSE1220	Limerick Estuary House	First Floor, Henry Street	Part	492	68,771.00	Office
Limerick	Limerick	LSE1422	Limerick Temp. Decent. Office	4th And 5th Floor, 106/108 O'Connell St	Part	853.69	128,694.00	Office
Limerick	Newcastle West	LSE0979	Newcastle West Prob/Wel Office	Churchtown Road	Whole	305.48	39,613.16	Office
Longford	Longford	LSE0488	Longford Vehicle Reg Off	Richmond Street	Whole	83.61	12,825.00	Office
Longford	Moynes	LSE0021	Moynes Wildlife Office	Longford Road	Whole	113.6	13,205.28	Office
Louth	Ardee	LSE0016	Ardee Swo	William Street	Part	33.45	14,000.00	Office
Louth	Drogheda	LSE0261	Drogheda Prob & Wel Serv	23 Laurence Street	Part	260.68	66,000.00	Office
Louth	Drogheda	LSE0976	Drogheda Education Office	C C O House, Industrial Estate	Whole	343.74	70,089.52	Office
Louth	Drogheda	LSE1173	Drogheda Swo Singleton House	Singleton House, Laurence Street	Part	257	70,533.00	Office
Louth	Dundalk	LSE0270	Dundalk Gov Off Brook St	Brook Street, Ardee Road	Whole	277.58	35,000.00	Office
Louth	Dundalk	LSE0273	Dundalk Gov Off Earl Hse	Earl House, 13-14 Earl Street	Whole	1487.36	177,763.33	Office
Louth	Dundalk	LSE1206	Dundalk Education Office	Dundalk Institute Of Technology, Dublin Road	Part	66	13,860.00	Office
Mayo	Castlebar	LSE0124	Castlebar Swo – Humbert Mall	Humbert Mall	Part	371.6	67,500.00	Office
Mayo	Castlebar	LSE0123	Castlebar Dtc	Mitchells Gaa Club Mchale Park	Part	51.65	11,500.00	Office
Mayo	Castlebar	LSE0126	Castlebar Nat Ed Physch Serv	Thomas Street	Part	139.35	23,000.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Mayo	Castlebar	LSE1063	Castlebar Prob/Welfare Service	Unit 10, N5 Business Retail Park	Part	355.45	€ 38,259.80	Office
Mayo	Claremorris	LSE0158	Claremorris Agriculture Office	St Colman's Credit Union, The Square	Part	264.2	€ 37,000.00	Office
Mayo	Claremorris	LSE1281	Claremorris Temp Decent Off	Unit 20, Lakeside Retail Park	Whole	797.93	€ 68,712.00	Office
Meath	Kells	LSE0416	Kells Swo	Headfort Place	Part	55.74	€ 18,500.00	Office
Meath	Navan	LSE0968	Navan Swo	Kennedy Road	Part	938.78	€ 230,000.00	Office
Meath	Navan	LSE1162	Navan Gov Off Athlumney	Athlumney, Kilcairn	Whole	3217.67	€ 575,000.00	Office
Meath	Navan	LSE1435	Navan Revenue Abbey Mall	Abbey Road	Part	2672.63	€ 575,360.00	Office
Meath	Navan	LSE1427	Navan Athlumney House	Atulmney House	Whole	2744.38	€ 439,921.00	Office
Meath	Trim	LSE1048	Trim Nese	Mill Street	Whole	407.17	€ 87,645.60	Office
Meath	Trim	LSE1272	Scurlockstown Temp Opw Office	Unit 1, Scurlockstown, Business Park	Whole	381.58	€ 67,752.06	Office
Monaghan	Ballybay	LSE0043	Ballybay Dist Veterinary Office	7 Main Street	Whole	139.35	€ 11,427.64	Office
Monaghan	Ballybay	LSE0044	Ballybay Livestock Office	Main Street	Whole	517	€ 42,000.00	Office
Monaghan	Carrickmacross	LSE0116	Carrickmacross Swo	Ardee Road	Part	174.56	€ 27,000.00	Office
Monaghan	Castleblayney	LSE1219	Castleblaney Credit Union House	Credit Union House, Main Street	Part	70.3	€ 14,250.00	Office
Offaly	Tullamore	LSE1280	Tullamore Swo Castle Buildings	Office Suite 1 & 2 Castle Builds, Tara Street	Part	1247.14	€ 204,044.80	Office
Roscommon	Roscommon	LSE0629	Roscommon Vehicle Reg Office	Castle Street	Whole	120.77	€ 13,713.17	Office
Sligo	Sligo	LSE0665	Sligo Gov Off-Westward Town Cntr	Westward Town Centre, Bridge Street	Part	174.19	€ 31,000.00	Office
Sligo	Sligo	LSE0666	Sligo Gov Off-Westward Town Cntr	Westward Town Centre, Bridge Street	Part	187.28	€ 34,752.73	Office
Sligo	Sligo	LSE0667	Sligo Gov Off-Westward Town Cntr	Westward Town Centre, Bridge Street	Part	281.95	€ 53,250.00	Office
Sligo	Sligo	LSE0668	Sligo Gov Off-Westward Town Cntr	Westward Town Centre, Bridge Street	Part	209.03	€ 42,260.00	Office
Sligo	Sligo	LSE0659	Sligo Vehicle Reg Off	Unit 2, Customs House Quay	Whole	72.7	€ 15,000.00	Office
Sligo	Sligo	LSE0663	Sligo Garda Welfare Office	4 Lower Pearse Road	Part	61.3	€ 11,732.38	Office
Sligo	Sligo	LSE0657	Sligo SCFA Office	Waterfront House, Bridge Street	Part	800	€ 194,600.00	Office
Sligo	Sligo	LSE1215	Sligo SCFA Office	Waterfront House, Bridge Street	Part	146	€ 32,000.00	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Sligo	Sligo	LSE1026	Sligo Driving Test Centre	Carrowgobbadagh, Carraroe	Whole	126	€ 109,220.00	Office
Sligo	Sligo	LSE1224	Marino House	Finisklin Business Park	Part	350	57,642.00	Office
Sligo	Sligo	LSE1444	Marino House	Finisklin Business Park	Part	349.9	57,640.15	Office
Sligo	Sligo	LSE1424	Lough Arrow Field Study Centre	Ballinafad	Part	311	33,430.00	Office
Sligo	Sligo	LSE1297	Beulah Building	Finisklin Road	Part	722.6	124,448.00	Office
Sligo	Sligo	LSE1442	Beulah Building	Finisklin Road	Part	539.14	92,848.00	Office
Sligo	Tubbercurry	LSE1225	Tubbercurry Temp CRGA Office	Main Street	Whole	753.71	86,755.00	Office
Tipperary	Clonmel	LSE0175	Clonmel Gov Off Harbour Hse	Harbour House, Nelson Street/New Quay	Part	1614.86	275,000.00	Office
Tipperary	Roscrea	LSE0634	Roscrea Swo	The Malthouse, Valley Place	Part	72.5	16,506.60	Office
Tipperary	Roscrea	LSE1061	Roscrea Civil Defence Office	Enterprise Hse, Benamore Bus Pk., Dublin Road	Whole	1876.89	178,825.00	Office
Tipperary	Roscrea	LSE1071	Roscrea Civil Defence Office	Enterprise Hse, Benamore Bus Pk., Dublin Road	Whole	8094	25,000.00	Office
Tipperary	Thurles	LSE0702	Thurles Gov Offices – Acc House	Acc House, Liberty Square	Part	148.83	10,157.90	Office
Tipperary	Thurles	LSE0706	Thurles Justice Welfare Office	Teach An Chuinne, Parnell Street	Part	74.32	10,729.29	Office
Tipperary	Thurles	LSE1185	Tipp Technology Park Unit F2	Units F2, A6 & A7, Tipperary Technology Park	Part	376	64,736.00	Office
Tipperary	Thurles	LSE1304	Thurles Garda Fines Office	Parnell Street, Thurles	Part	1235.53	186,186.00	Office
Tipperary	Tipperary	LSE1178	Tipperary Justice Office	Tipperary Technology Park, Rosanna Road	Part	502.61	108,200.00	Office
Waterford	Dungarvan	LSE0285	Dungarvan Gov Off Civic Bldgs	Civic Offices	Part	548.17	81,806.68	Office
Waterford	Waterford	LSE0757	Waterford Dtc	Unit 23, Tramore Business Park	Part	144.92	13,967.12	Office
Waterford	Waterford	LSE1028	Waterford Gov Off-Johnstown	Johnstown Industrial Estate, Johnstown	Whole	1095.97	117,968.00	Office
Waterford	Waterford	LSE1440	Waterford RSA Test Centre	Unit 7a1 & A2, Six Cross Roads Bus Park	Part	350	40,000.00	Office
Westmeath	Athlone	LSE0026	Athlone Dtc	Unit 8 Mccormack Centre	Part	74.32	17,370.04	Office
Westmeath	Athlone	LSE1075	Athlone Prob/Wel The Crescent	The Crescent, Ballymahon Road	Part	613.14	110,472.00	Office
Westmeath	Mullingar	LSE0546	Mullingar Vehicle Reg Office	Spout Well Lane	Part	74.32	14,500.00	Office
Westmeath	Mullingar	LSE0542	Mullingar Prob & Wel Serv	Friars Mill Road	Part	195.09	26,664.50	Office

County	Location	Lease Code	Building Name	Address	Leased	Net Lett Sqm	Rent Pa	Type
Westmeath	Mullingar	LSE0994	Mullingar Gov Offices	Friars Mill Road	Whole	908.6	€ 186,309.00	Office
Wexford	Enniscorthy	LSE1138	Enniscorthy Swo Portsmouth Hse	Unit 9, Portsmouth House, Templeshannon	Whole	181.16	25,000.00	Office
Wexford	Rosslare Harbour	LSE0637	Rosslare Harbour Veh Reg Office	Rosslare Harbour	Part	696.77	90,000.00	Office
Wexford	Wexford	LSE0999	Wexford Education Office	3rd Flr, Bushel House, Commarket	Part	443	95,316.60	Office
Wexford	Wexford	LSE1288	Wexford Temp Decent Off Dehlg	Unit 1a, Ardeavan Business Park	Whole	580	75,000.00	Office
Wicklow	Arklow	LSE0017	Arklow Prob & Welfare Serv	Wexford Road	Part	185.8	19,046.07	Office
Wicklow	Bray	LSE0095	Bray Swo – The Esplanade	The Esplanade	Part	275.45	48,942.05	Office
Wicklow	Bray	LSE0096	Bray Swo – The Esplanade	The Esplanade	Part	246.19	43,742.48	Office
Wicklow	Bray	LSE1449	Block D Bray Civic Centre	Cualann Centre, Co.Wicklow	Part	1865.65	471,541.36	Office
Wicklow	Wicklow	LSE0768	Wicklow Gov Off Murrrough	The Murrrough	Part	739.58	123,926.44	Office

Tax Code.

103. **Deputy Mary Upton** asked the Minister for Finance if he will review the decision of the Revenue Commissioners to require a person (details supplied) in County Galway to discharge the tax liability of their overseas landlord in circumstances in which this person is a recipient of rent supplement; and if he will make a statement on the matter. [47582/08]

104. **Deputy Mary Upton** asked the Minister for Finance his plans to reform the practice of the Revenue Commissioners in situations in which a tenant is paying rent to an overseas landlord, in order that there is direct contact from the Revenue Commissioners with the landlord and that the tenant is not penalised for failing to discharge the landlord's tax obligations; and if he will make a statement on the matter. [47583/08]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 103 and 104 together.

The operation and impact of tax law as it applies to the legal obligation on a tenant, who pays rent to a non-resident landlord, to deduct income tax from the rental payments is monitored and reviewed on an ongoing basis as part of the normal work of my Department and the Revenue Commissioners.

I am informed by the Revenue Commissioners that the withholding of tax on rental income by tenants of non-resident landlords acts to promote greater compliance and deter evasion in this area, having regard to the obvious risk factors associated with non-resident taxpayers. The provision also ensures that a minimum tax payment is made by such landlords which might not be the case if the provision were removed.

The Revenue Commissioners accept that this provision might not be well known to some tenants and as a consequence could give rise to some practical difficulties. In recognition of this, where a tenant acts in good faith and is genuinely unaware of the obligation to deduct tax or of the residence status of the landlord, Revenue will only seek to apply the legislation from a current date. There is no question of such tenants being penalised for past failures to withhold tax from rental payments. This practical approach is reflected in Revenue's operational instructions in this area. In this context Revenue are prepared to review the specific case outlined by the Deputy. If the person forwards details of the assessment to Gerard Moyles, Customer Services, Galway County District, he will be pleased to assist. He can be contacted at 091535952 or by email at gmoyles@revenue.ie.

On the general issue raised by the Deputy there are a number of factors that need careful consideration, not least to protect the Exchequer from loss of revenue through tax evasion. The removal of the obligation to withhold tax would create a situation where it would be easy for non-resident landlords to evade tax. Revenue would have no way of recovering the tax due as Revenue would not be in a position to force such non-residents to make a tax return and to declare their income.

I have to ensure that Irish income tax is capable of being collected and, having consulted with the Revenue Commissioners and considered the matter, I am of the view that the current position, whereby tenants operate a withholding tax on such rental payments coupled with the Revenue practice of accepting the good faith of tenants who were genuinely unaware of their responsibilities or of the residency status of their landlords, remains the most effective approach in this area. An alternative arrangement that would avoid opening up opportunities for tax evasion simply does not present itself at present.

Financial Services Regulation.

105. **Deputy Róisín Shortall** asked the Minister for Finance the arrangements in place to ensure that banks who are availing of the bank guarantee scheme pass on ECB interest rate reductions in full to customers; the monitoring there is of such activity; and if he will make a statement on the matter. [47585/08]

Minister for Finance (Deputy Brian Lenihan): The decision on whether a bank operating in Ireland passes on ECB interest rate cuts to customers is a commercial decision for the individual banks concerned. While my Department monitors the impact of changes in mortgage interest rates on the Consumer Price Index (CPI), it has no direct function in relation to the individual bank decisions on the matter.

However, as the Deputy will be aware, I have publicly indicated that I expect banks to pass on funding cost reductions to their customers, including in particular to those purchasing properties on variable mortgages and to small and medium-sized enterprises. This is important to help support sustainable growth and employment along with the maintenance of price stability.

My Department will be working closely with the Financial Regulator to ensure that those institutions covered by the bank guarantee scheme do not pass on the costs of the bank guarantee to their customers in an unwarranted manner. However, it must be borne in mind that banks primarily borrow not from the ECB but from the interbank market, where spreads have been significantly above ECB rates over the last year. All covered institutions have to date passed ECB interest rate reductions to their customers in full. While two credit institutions have indicated that they will not be passing on the full amount of the recent interest rate cut to their customers, these are not covered by the guarantee scheme.

Food Safety Authority.

106. **Deputy Paul Kehoe** asked the Minister for Health and Children the number of prosecutions made since 2002 to date in 2008 in each county in which people have been selling off imported meat products as guaranteed Irish products; and if she will make a statement on the matter. [47430/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): Responsibility for the enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) and its official agents, which include the Health Service Executive, the Department of Agriculture, Fisheries and Food and the Local Authorities.

I am informed that the prosecution data received by the FSAI from its official agencies indicates the legislation against which the prosecution was taken, but does not necessarily identify the specific offence under that legislation (e.g. mislabelling with regards to origin). Furthermore, the FSAI does not collate data on prosecutions by county.

I have asked the Chief Executive Officer of the FSAI to identify and to forward, directly to the Deputy, details on those prosecutions, relating to mislabelling of country of origin.

107. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will appoint one person to oversee all policy on the implementation of food safety; if the Food Safety Authority of Ireland and his Department will have their competences merged to ensure against future food scares; and if she will make a statement on the matter. [47533/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): The Food Safety Authority of Ireland (FSAI) is responsible for ensuring that food produced and

[Deputy Mary Wallace.]

marketed in Ireland meets the highest standard of safety and hygiene possible. It ensures that food complies with national and EU legislation and, where appropriate, with the provisions of codes of good practice. works closely with my Department and the Department of Agriculture, Fisheries and Food.

The current food safety system was introduced following the various crises that beset the European food industry in the 1990s. I believe that this approach has served Ireland well. Some of the major achievements since this restructuring include a dramatic decline in the numbers of BSE cases in the national herd which is largely due to the strict enforcement of food safety controls throughout the food chain, an increase in the number of food premises that have put in place food safety management system based on the principles of the Hazard Analysis and Critical Control Point systems (HACCP) as required by law and the reduction of salt in processed foods which has been achieved through working in partnership with industry.

The efficiency and robustness of this system has been acknowledged by international experts. In 2008, the FSAI was awarded the World Health Organisation's Food Safety Award, a testimony to its excellent international reputation and a validation of the strong performance of the Irish food safety system. In addition, there was widespread favourable response to the speed and efficiency with which the three organisations dealt with the recent pork incident. French Agriculture Minister Michel Barnier welcomed Ireland's actions, stating that Ireland "reacted very rapidly". Androulla Vassilou, the European commissioner for public health, expressed satisfaction with Ireland's actions. Domestically, industry representatives welcomed the quick response from the Irish food safety system.

Nursing Homes Repayment Scheme.

108. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding an application under the nursing home charges repayment scheme for a person (details supplied) in County Cork. [47256/08]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator KPMG McCann Fitzgerald.

The Scheme Administrator provides in respect of each individual rejection an explanation as to the reason why a claim is being rejected. The Health (Repayment Scheme) Act 2006 provides the framework for lodging appeals under the health repayment scheme. A person who wishes to appeal the decision of the scheme administrator to reject a claim must do so in writing within the statutory 28 day period for appeal following receipt of the decision under the scheme.

Health Services.

109. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 5. [47259/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Vaccination Programme.

110. **Deputy Denis Naughten** asked the Minister for Health and Children further to the Health Service Executive response to Question No. 167 of 10 July 2008, the number of children which have been vaccinated to date in each hospital or in each primary community and continu-

ing centre area since the policy change of 1 October 2008, in the areas concerned; and if she will make a statement on the matter. [47283/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Nursing Homes Repayment Scheme.

111. **Deputy Denis Naughten** asked the Minister for Health and Children further to Question No. 327 of 8 July 2008, the position regarding the issue of interest owing to long-stay patients and the recommendations and conclusion as a result of these meetings; the estimate of the value of interest which is owed to patients; when repayment will commence: the cost of the administration of this repayment programme; and if she will make a statement on the matter. [47284/08]

Minister for Health and Children (Deputy Mary Harney): The HSE plans to commence the actual payment of interest retained on funds invested since 2005 in early 2009.

All interest to be repaid since 2005 is retained in the PPP Fund as unallocated income and is available for distribution. The HSE will incur some administrative costs in making these repayments, which the HSE are currently establishing.

The HSE is also finalising a proposal to repay any interest owed as a result of interest retained by former Health Boards prior to 2005. When agreed, the HSE will then be in a position to commence making necessary repayments.

Food Safety Authority.

112. **Deputy Denis Naughten** asked the Minister for Health and Children the number of inspections performed by environmental health officers on restaurants in 2007 and 2008; the number planned for 2009; the number of premises in breach of the beef labelling laws in each year concerned; and if she will make a statement on the matter. [47292/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): Responsibility for the enforcement of food safety and food labelling legislation rests with the Food Safety Authority of Ireland (FSAI) and its official agents, which include Health Service Executive and the Department of Agriculture, Fisheries and Food.

I have been informed by the FSAI, that in 2007 the Health Service Executive recorded 48,597 inspections across all premises under their supervision. In the retail and service sectors 11,692 and 32,909 inspections took place respectively. During the course of these inspections, 1,500 infringements of general labelling and presentation legislation were recorded by Environmental Health Officers.

In the first six months of 2008, in excess of 17,500 programmed inspections took place. The projected number of inspections for 2009 has not yet been finalised.

I have also been advised by the FSAI that while inspection information relating specifically to beef labelling legislation infringements is not currently identifiable, it is intended to compile this information for 2008. I understand that the number of inspections and follow-up actions taken in cases of non-compliance with the Health (Country of Origin of Beef) Regulations, 2006 will be compiled for 2008. I have asked the Chief Executive Officer of the FSAI to identify and to forward, directly to the Deputy, details on the non-compliances with the aforementioned regulations for 2008.

Health Services.

113. **Deputy Michael McGrath** asked the Minister for Health and Children if funding is available for a capital project (details supplied) in County Cork. [47298/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

114. **Deputy Terence Flanagan** asked the Minister for Health and Children the procurement procedures in the primary care procurement programme for primary care centres nationwide (details supplied); and if she will make a statement on the matter. [47299/08]

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.

115. **Deputy Terence Flanagan** asked the Minister for Health and Children the position regarding a matter (details supplied). [47300/08]

Minister for Health and Children (Deputy Mary Harney): The supply of drugs, medicines and appliances is a service matter and therefore this matter has been referred to the Health Service Executive for direct reply to the Deputy.

116. **Deputy Terence Flanagan** asked the Minister for Health and Children the help available for a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [47301/08]

Minister for Health and Children (Deputy Mary Harney): The supply of drugs, medicines and appliances is a service matter and therefore this matter has been referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards.

117. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if she will make a statement on concerns raised by retired teachers and other pensioners over 70 years who will lose their medical card entitlements in March 2009; her views on whether only 5% of pensioners will be affected by this public policy change and that citizens over 80 years are also losing an earlier entitlement at age 80 years to a full medical card. [47331/08]

Minister for Health and Children (Deputy Mary Harney): The objective of the General Medical Services (GMS) Scheme is to ensure that the medical card benefit is available to those who are unable without undue hardship, to meet the cost of health services for themselves and their dependants. I am satisfied that the Government decision to remove automatic entitlement to a medical card for persons aged 70 or over with effect from 1st January 2009 is an effective measure to ensure that public health funding is used to help those most in need.

Under the Health Act 2008, which passed all stages in the Oireachtas and was signed into law on 12th December 2008, automatic entitlement to a medical card for persons aged 70 and over will end on 31st December 2008, and with effect from 1st January, 2009, the income thresholds for entitlement to a medical card for those aged 70 and over will be €700 (gross) per week (€36,500 per year) for a single person and €1,400 (gross) per week (€73,000 per year) for a couple. Persons whose income is above the specified thresholds will have until 2nd March 2009 to advise the Health Service Executive that their income is above those limits. After that date, their medical card will no longer be valid.

Under the new arrangements, 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 5% estimate 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.

In relation to the issue raised by the Deputy that persons over 80 years of age had an earlier entitlement to a medical card, I wish to clarify that Section 1 of the Health (Miscellaneous Provisions) Act 2001 provided a statutory entitlement to persons aged 70 and over to a medical card, regardless of income, with effect from 1st July 2001. Persons aged 80 and over did not have a statutory entitlement to a medical card prior to that date.

Hospitals Building Programme.

118. **Deputy Emmet Stagg** asked the Minister for Health and Children if she will include phase 3C of Naas General Hospital in the final 2009 Health Service Executive Capital Plan. [47346/08]

Minister for Health and Children (Deputy Mary Harney): In drawing up its capital programme, the Health Service Executive is required to prioritise the capital infrastructure projects to be progressed within its overall capital funding allocation under the National Development Plan, taking account of the NDP targets for division of capital investment between the Acute and Primary, Community & Continuing Care pillars.

The Executive is currently revising its proposed Capital Plan for the remainder of the NDP in the context of funding notified as part of Budget 2009 and changes in construction costs. I have requested that proposals be submitted to my Department as soon as possible for consideration and approval in the normal way. Details on individual projects will be made available when the Capital Plan is approved.

Health Services.

119. **Deputy Emmet Stagg** asked the Minister for Health and Children the number of children and adults awaiting assessment for occupational therapy in County Kildare. [47347/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Health Service Staff.

120. **Deputy Emmet Stagg** asked the Minister for Health and Children the number of vacant posts in community occupational therapy in County Kildare. [47348/08]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 people work full-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 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.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is

[Deputy Mary Harney.]

a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. As this is a service matter it has been referred to the HSE for direct reply.

121. **Deputy Emmet Stagg** asked the Minister for Health and Children the number of vacant public health nurse positions in County Kildare. [47349/08]

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.

122. **Deputy Emmet Stagg** asked the Minister for Health and Children the number of persons receiving home care packages in County Kildare; the number on the waiting list for home care packages in County Kildare; and the number of people awaiting assessment for home care packages in County Kildare. [47355/08]

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.

123. **Deputy Emmet Stagg** asked the Minister for Health and Children the number of people in County Kildare awaiting admission to a long-term bed in public nursing homes in County Kildare and their circumstances be it in acute hospital beds, living at home and so on. [47356/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Service Staff.

124. **Deputy Emmet Stagg** asked the Minister for Health and Children the number of permanent speech and language therapists in Kildare/west Wicklow; the number of temporary speech and language therapists; and the number of vacancies for posts in the Kildare/west Wicklow service. [47361/08]

Minister for Health and Children (Deputy Mary Harney): Almost 130,000 people work full-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 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.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. As this is a service matter it has been referred to the HSE for direct reply.

Health Services.

125. **Deputy Emmet Stagg** asked the Minister for Health and Children the number of children

awaiting orthodontic treatment in County Kildare; and the number of orthodontists working in the service. [47362/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

126. **Deputy Emmet Stagg** asked the Minister for Health and Children the waiting times for hearing tests for children in County Kildare in Newbridge and Tallaght Health Centres. [47364/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Mental Health Services.

127. **Deputy Jack Wall** asked the Minister for Health and Children the costs incurred by a person who is a patient at a psychiatric unit on a medium stay basis; and if she will make a statement on the matter. [47374/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter the question has been referred to the HSE for direct reply.

Services for People with Disabilities.

128. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 9. [47409/08]

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.

Health Service Inquiries.

129. **Deputy Joe Costello** asked the Minister for Health and Children the steps she will take arising out of the medical report on a person (details supplied) in Dublin 9 which concluded that there was gross negligence in nursing care; and if she will make a statement on the matter. [47440/08]

Minister for Health and Children (Deputy Mary Harney): My Department has referred the report supplied by the Deputy to the Health Service Executive for appropriate action.

The case referred to is currently with the Coroner and as such the hospital concerned is precluded from making any comment at this point. I am advised that the relevant hospital consultant met with the family last July to discuss the matter.

Health Services.

130. **Deputy David Stanton** asked the Minister for Health and Children the amount spent by her Department and the Health Service Executive in arranging, securing and purchasing treatment abroad for patients other than those treated through the National Treatment Purchase Fund in the past five years respectively; and if she will make a statement on the matter. [47450/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

131. **Deputy David Stanton** asked the Minister for Health and Children her policy regarding the expansion of thrombolysis treatment availability to stroke patients across the country; the percentage of stroke patients who have access to this treatment; the locations at which this treatment is available; her efforts to reach the World Health Organisation target of treating 10% of patients with thrombolysis; and if she will make a statement on the matter. [47451/08]

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.

132. **Deputy David Stanton** asked the Minister for Health and Children if the report from the working group who are devising a national action plan for rehabilitation services has been completed; if she or the Health Service Executive have received a copy of same; and the action that she will take as a result. [47452/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): The Department of Health and Children and the Health Service Executive (HSE) are embarking on the development of a national policy/strategy for the provision of Rehabilitation Services. A Working Group was established in July 2008 to develop the policy/strategy.

The Working Group consists of key stakeholders and experts in the field of rehabilitation and is chaired by James O'Grady, Policy Advisor to the Office for Disability and Mental Health. Its Terms of Reference are to consider the rehabilitation needs at acute and community levels of people at all stages of the lifecycle with static and progressive neurological conditions; traumatic and non-traumatic brain injury; and other physically disabling conditions who may benefit from medical, psychological and/or social rehabilitation service provision.

The objectives of this process are the development of an appropriate policy framework; a strategy for service provision; and a preferred model of care. A report describing same will be prepared by the Working Group for submission to the Secretary General of the Department of Health and Children and the CEO of the Health Service Executive.

The Working Group has met on three occasions to date and will complete its work in the first half of 2009. To assist and inform this process an invitation has been issued to all interested organisations and individuals to make submissions to the Working Group. The closing date for receipt of submissions is Monday 26th January 2009.

Health Service Staff.

133. **Deputy James Reilly** asked the Minister for Health and Children the number of staff appointed to date including details of the type and location of each post of the 52 infection prevention and control posts approved in the latter half of 2006; the number of staff who have yet to be recruited including details of the type and location of each post; when this recruitment process will be completed; and if she will make a statement on the matter. [47466/08]

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 Accommodation.

134. **Deputy James Reilly** asked the Minister for Health and Children if the 14 fast-tracked single room beds for people with cystic fibrosis have been completed; if the full complement of 14 beds are operational; and if she will make a statement on the matter. [47467/08]

Minister for Health and Children (Deputy Mary Harney): I have identified the need to improve services for persons with cystic fibrosis as a priority in the Estimates process over recent years. Since 2006, additional revenue funding of €6.78m has been allocated to the Health Service Executive (HSE) to develop services for patients with cystic fibrosis.

I asked the HSE to place a particular focus on the development of services at St. Vincent's Hospital, the National Adult Tertiary Centre for the treatment of persons with cystic fibrosis, where concerns had been raised regarding the need to improve facilities. A number of capital projects have been completed at the hospital and further developments are in progress. My Department has asked the Executive to respond directly to the Deputy on the specific issues raised.

Departmental Expenditure.

135. **Deputy James Reilly** asked the Minister for Health and Children the estimate provided by the Health Service Executive as part of the 2009 estimates process, to her Department and the Department of Finance, of the cost of delivering the existing level of service in 2009; and if she will make a statement on the matter. [47468/08]

Minister for Health and Children (Deputy Mary Harney): The gross current allocation in 2009 for the Health Service Executive (HSE) is €14,791m, an increase of €454m or 3.2% on the 2008 provision. The objective set by the Government for the HSE is to maintain services in both hospital and community settings and to expand certain services, in particular cancer services and services for children with disabilities. These objectives are reflected in the Executive's Service Plan which I approved last week.

In the course of the discussions which were carried out between the HSE, my Department and the Department of Finance, the HSE identified a range of issues which gave rise to service pressures and which would have to be addressed in the context of the Estimates for the Executive in 2009. These were additional costs arising from demographic changes, increasing costs in relation to community schemes and in particular community drug services, additional pay costs, inflation, the full year cost of developments initiated in 2008 and the cost of implementing service developments deferred in 2008.

The Estimate for the HSE was determined against the background of very challenging circumstances facing the Public Finances. In this context my Department and the HSE identified a range of measures that the HSE had to undertake in order to maintain existing services and provide for developments in accordance with the Government's priorities while operating within the level of funding allocated by the Government. These included additional income generation, containing the cost of demand led schemes, reducing overhead costs and the further implementation of value for money initiatives.

Mental Health Services.

136. **Deputy James Reilly** asked the Minister for Health and Children the number of child and adolescent mental health teams established to date; the number of teams that have the full staff complement as recommended in A Vision for Change; the number of teams that do not have a full staff complement as recommended in A Vision for Change; the staff and staff vacancies within each team; and if she will make a statement on the matter. [47469/08]

137. **Deputy James Reilly** asked the Minister for Health and Children if she will publish the Waiting List Report on Child and Adolescent Mental Health Services which was completed by the HSE in 2007; and if she will make a statement on the matter. [47470/08]

138. **Deputy James Reilly** asked the Minister for Health and Children the number of child adolescents on psychiatric waiting lists; and if she will make a statement on the matter. [47471/08]

Minister of State at the Department of Health and Children (Deputy John Moloney): I propose to take Questions Nos. 136 to 138, inclusive, together.

As this is a service matter the question has been referred to the HSE for direct reply.

Hospital Accommodation.

139. **Deputy James Reilly** asked the Minister for Health and Children the number of bed days lost at each hospital due to delayed discharges at each hospital here in the year 2008; and if she will make a statement on the matter. [47472/08]

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.

Health Services.

140. **Deputy James Reilly** asked the Minister for Health and Children the number of day cases and inpatient procedures cancelled in 2007; the number of day cases and inpatient procedures cancelled in 2008; and if she will make a statement on the matter. [47473/08]

Minister for Health and Children (Deputy Mary Harney): The National Hospitals Office of the HSE is responsible for the collection and publication of performance data on acute hospitals nationally including information on cancellation rates. I have, therefore, referred the Deputy's question to the Executive for direct reply.

Long-Term Illness Scheme.

141. **Deputy Paul Kehoe** asked the Minister for Health and Children if it is the intention of her Department or the Health Service Executive to add myasthenia gravis to the list of qualifying conditions for the long term illness scheme; the supports available to sufferers of the condition; and if she will make a statement on the matter. [47482/08]

Minister for Health and Children (Deputy Mary Harney): Under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of medicines and medical and surgical appliances to people with specified conditions, for the treatment of that condition, through the Long Term Illness Scheme (LTI). The LTI does not cover GP fees or hospital co-payments. The conditions are: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, parkinsonism, conditions arising from thalidomide and acute leukaemia. There are currently no plans to extend the list of eligible conditions.

Food Poverty.

142. **Deputy Mary Upton** asked the Minister for Health and Children the steps she has taken to tackle food poverty; and if she will make a statement on the matter. [47495/08]

159. **Deputy Mary Upton** asked the Minister for Health and Children the actions that have been taken to tackle food poverty and the progress that has been made to date; and if she will make a statement on the matter. [47581/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): I propose to take Questions Nos. 142 and 159 together.

Food poverty is usually defined as an inability to obtain an adequate, nutritious diet, because of lack of money, physical difficulty in getting to and from suitable shops, lack of equipment or cooking skills, and linguistic or cultural barriers. It will be appreciated, therefore, that tackling food poverty involves a range of Government Departments and Agencies.

Poor diet and nutrition is a major cause of chronic diseases such as cardiovascular disease, cancer and type — 2 diabetes. My Department is currently finalising a National Nutrition Policy, which, while addressing the nutritional needs of the whole population, will also deal with the issue of food poverty.

Already, a number of actions have been undertaken at community level by the Health Service Executive. The HSE has worked with the Local Authorities and other groups to address the environmental factors that contribute to food poverty and obesity by developing food co-ops in disadvantaged areas. The HSE has also provided funding for the Food Poverty project Healthy Food for All which is being undertaken by a number of agencies, including St. Vincent de Paul, Combat Poverty and Safefood.

Obesity Levels.

143. **Deputy Mary Upton** asked the Minister for Health and Children the specific targets or commitments she has taken to tackle the rising levels of obesity here; and if she will make a statement on the matter. [47497/08]

144. **Deputy Mary Upton** asked the Minister for Health and Children the progress on implementing the recommendations of the National Task Force on Obesity; the amount of funding that has been dedicated towards reducing obesity here; and if she will make a statement on the matter. [47498/08]

157. **Deputy Mary Upton** asked the Minister for Health and Children the progress on implementing the recommendations of the National Task Force on Obesity; the amount of funding that has been dedicated towards reducing obesity here; and if she will make a statement on the matter. [47578/08]

158. **Deputy Mary Upton** asked the Minister for Health and Children the specific targets or commitments she has taken to tackle the rising levels of obesity here; and if she will make a statement on the matter. [47579/08]

Minister of State at the Department of Health and Children (Deputy Mary Wallace): I propose to take Questions Nos. 143, 144, 157 and 158 together.

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.

[Deputy Mary Wallace.]

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.

At Department of Health and Children level, a key recommendation of the Taskforce was the development of a National Nutrition Policy. My Department is currently finalising this policy, which will provide strategic direction on nutrition for the next ten years. The target group is young people, 0-18 years, and the priority actions are intended to reduce obesity and food poverty. The Cardiovascular Health Policy Group, due to report early next year, will be advising on measures to tackle lifestyle issues like obesity at population level as well as in the primary care setting. My Department, through the EU High Level Group on Diet, Physical Activity and Health, is also playing an advocacy role within the EU to reform policies relating to healthy eating. Specifically the Group has set targets for the reduction of salt in foods, on which work has already commenced. The next stage will be setting targets for a reduction in sugar and fats in food.

The HSE established a Working Group to implement the health related recommendations of the report of the NTFO. The working group has developed a framework for Action on Obesity. Among the actions already taken are: the development of specialist hospital services for the treatment of obesity; the development of obesity management programme for overweight children in the midland region; funded clinical management services in Loughlinstown, Crumlin and Galway; ongoing media campaign 'Little Steps Go a Long Way'. A sum of €3 million has been allocated to the HSE to fund obesity prevention and treatment programmes. This is in addition to HSE spending on health promotion activities.

My Department has been actively involved with other Government Departments in pursuing the implementation of the key recommendations of the NTFO with the result that a range of initiatives are being taken by various Government Departments and Agencies. These include: working with the Department and the Department of Education and Science on the development of Healthy Eating Guidelines for pre-schools and primary schools. Appropriate healthy eating training by community dieticians with preschool and primary school staff is currently underway. Guidelines for post-primary schools will be published shortly; working with the Department of Social & Family Affairs on drawing up literature for healthy food choices for the school food programme; liaising with the Department of Agriculture and Food who are leading out on the EU Fruit and Vegetable Scheme. This scheme will build on the "Food Dudes" Programme. There will also be consultation with the Department of Transport on their Sustainable Travel and Transport Action Plan which contains proposals for the development of a National Cycling Policy framework and the promotion of cycling and walking.

Hospital Services.

145. **Deputy Arthur Morgan** asked the Minister for Health and Children the average cost of a total hip replacement and total knee replacement in public hospitals. [47535/08]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

National Treatment Purchase Fund.

146. **Deputy Arthur Morgan** asked the Minister for Health and Children the average cost of a total hip replacement and total knee replacement in private hospitals under the National Treatment Purchase Fund. [47536/08]

147. **Deputy Arthur Morgan** asked the Minister for Health and Children the number of total hip replacements and total knee replacements which have been subcontracted out to private hospitals under the National Treatment Purchase Fund. [47537/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 146 and 147 together.

As the Deputy's question relates to the operation of the National Treatment Purchase Fund, my Department has asked the Chief Executive of the Fund to reply directly to the Deputy in relation to the information requested.

148. **Deputy Arthur Morgan** asked the Minister for Health and Children the extra cost to the Exchequer to subcontract total hip replacements and total knee replacements to private hospitals under the National Treatment Purchase Fund. [47538/08]

Minister for Health and Children (Deputy Mary Harney): The prices paid to private hospitals by the NTPF for particular procedures are not directly comparable with the costs of similar procedures in the public hospitals. HSE casemix data indicates the cost of treating groups of patients with similar conditions, not the cost of individual procedures. Furthermore, the prices paid by the NTPF in the private hospital sector are for a full package of care, including pre- and post-operative treatment as required.

Nonetheless HSE casemix cost data is one of the comparators used by the NTPF in the course of its dealings with private hospitals in order to achieve competitive rates. Other reference points used include estimated insurers' prices, consultant costs based on the insurers' schedules of fees and the prices proposed by peer hospitals for similar work. With the information available from these sources, the NTPF enters into a negotiating process on individual pricing proposals and seeks to conclude a service agreement with a given private hospital for the provision of the required service. On occasion, the NTPF has declined to agree prices with hospitals where it has been not been satisfied that value for money would be achieved.

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, in its recent Third Interim Report on the 2006 Report of the C&AG on Expenditure in the Health Services, noted that the C&AG had access to information about the prices paid by the NTPF for procedures undertaken in private hospitals and that this information should not be disclosed on the basis that the publication of commercially sensitive information would affect the negotiating position of NTPF and, as a result, its capacity to deliver value for money. 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 wish to assure the Deputy that 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. Value for money will continue to be the subject of attention in the context of my Department's oversight and monitoring role in relation to the NTPF.

Health Services.

149. **Deputy Catherine Byrne** asked the Minister for Health and Children the cost of one community based residential detox bed per patient per day; and if she will make a statement on the matter. [47540/08]

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.

150. **Deputy Catherine Byrne** asked the Minister for Health and Children the cost of one medical detox bed per patient per day; and if she will make a statement on the matter. [47541/08]

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.

151. **Deputy Catherine Byrne** asked the Minister for Health and Children the cost of methadone treatment for one patient per month; and if she will make a statement on the matter. [47542/08]

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.

152. **Deputy Catherine Byrne** asked the Minister for Health and Children the cost of employing one trained addiction counsellor per year; and if she will make a statement on the matter. [47543/08]

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.

153. **Deputy Catherine Byrne** asked the Minister for Health and Children the cost of running one cocaine clinic per year; and if she will make a statement on the matter. [47544/08]

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.

Asylum Support Services.

154. **Deputy Denis Naughten** asked the Minister for Health and Children the budget of the separated children seeking asylum unit within the Health Service Executive; the number of staff employed and their grades and professions; the budget for 2009; and if she will make a statement on the matter. [47554/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

155. **Deputy Denis Naughten** asked the Minister for Health and Children the number of places in each hostel for separated children seeking asylum; the number of places occupied in each facility; the corresponding number of places allocated to a child but unoccupied; and if she will make a statement on the matter. [47555/08]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Health Services.

156. **Deputy James Reilly** asked the Minister for Health and Children if her attention has been drawn to the fact that a Health Service Executive company (details supplied) is charging means tested clients private fees and donations over and above the fee it has contracted with the HSE for homecare services; if this practice is approved by her Department; if it is legal in view of the fact that the company has been contracted and remunerated by the HSE to provide those services; if her attention has further been drawn to other companies or service providers of homecare services engaging in such practices; and if she will make a statement on the matter. [47562/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): The legislation relating to the provision of home care services is Section 60 and 61 of the Health Act 1970.

Section 60, which relates primarily to nursing services for those with full eligibility, prescribes the provision of relevant services without charge. Section 61 relates to “arrangements to assist in the maintenance at home” and covers, for example, Home-Help services. This Section allows the CEO of a Health Board, now the Health Service Executive, to determine charges, and includes provision for any directions given by the Minister. No such directions have been made to-date. It is understood that, in practice, the Executive does not apply charges for services envisaged under Section 61 but that, in certain cases, voluntary agencies funded by the Executive may receive contributions by agreement with individuals.

My colleague, the Minister for Health and Children, is not familiar with the particular operational issue raised by the Deputy. In the circumstances, and as this is a service matter, it has been referred to the Executive for direct reply.

Questions Nos. 157 and 158 answered with Question No. 143.

Question No. 159 answered with Question No. 142.

Hospital Accommodation.

160. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if her attention has been drawn to the fact that the Health Service Executive has not responded to Parliamentary Question No. 188 of 10 July 2008 in view of the fact that in a reply to a follow-up question dated 24 September 2008 it was indicated that this information was being finalised and in a further follow up question dated 5 November 2008 it was stated that the reply would be forwarded shortly; the reason for the delay; and if she will ensure the question is replied to without further delay. [47588/08]

Minister for Health and Children (Deputy Mary Harney): My Department has been in communication with the Health Service Executive in relation to the matter raised by the Deputy. Over recent months, the Executive has been undertaking significant work on the complex task of compiling, and evaluating the quality of, data on bed numbers in public acute hospitals. This work is nearing completion, which will allow the response to the Deputy to be finalised.

Hospital Services.

161. **Deputy James Reilly** asked the Minister for Health and Children her plans to purchase a spinal monitoring machine for Tallaght Hospital Dublin which they do not currently have; and if she will make a statement on the matter. [47594/08]

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.

162. **Deputy Brian O'Shea** asked the Minister for Health and Children the cancer services which will be provided at Waterford Regional Hospital; the accommodation which will be provided; the staff which will be provided; and if she will make a statement on the matter. [47644/08]

163. **Deputy Brian O'Shea** asked the Minister for Health and Children if the centre of excellence for cancer care to be provided at Waterford Regional Hospital will adequately provide for the needs of patients from the south east region; and if she will make a statement on the matter. [47645/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 162 and 163 together.

As these are service matters they have been referred to the Health Service Executive for direct reply.

Departmental Staff.

164. **Deputy Fergus O'Dowd** asked the Minister for Transport the number of staff allowed to be hired by his Department; if the Department of Finance has communicated concerns over staffing policy in his Department; if his Department has complained to the Department of Finance regarding finance to fill vacancies in his Department; and if he will make a statement on the matter. [47314/08]

Minister for Transport (Deputy Noel Dempsey): My Department has been discussing with the Department of Finance the application of measures announced by the Minister for Finance in the recent budget to reduce payroll costs across the public service. As part of these discussions this Department has identified a number of priority vacancies which it considers essential to fill at this time, and the two Departments are currently exploring how these can be accommodated within the context of achieving a payroll reduction in 2009.

Road Safety.

165. **Deputy Denis Naughten** asked the Minister for Transport if in view of an Act (details supplied) he will provide funding and instruct local authorities to grit busy regional and local roads during poor weather; and if he will make a statement on the matter. [47291/08]

Minister for Transport (Deputy Noel Dempsey): I refer the Deputy to the response to PQ number 46117/08 of 16th December 2008. The position remains unchanged.

166. **Deputy Fergus O'Dowd** asked the Minister for Transport the function of the Minister of State with special responsibility for road safety within his Department in view of the fact that all functions relating to road safety have been transferred to the Road Safety Authority under extensive primary and secondary legislation; and if he will make a statement on the matter. [47305/08]

Minister of State at the Department of Transport (Deputy Noel Ahern): As well as my responsibilities in the Maritime sector which includes Maritime Transport, Marine Safety and the Irish Coast Guard, I also have responsibility for the road safety functions within the Department, which includes the Road Traffic Acts, corporate governance of the Road Safety Authority and the Medical Bureau of Road Safety, and the making of secondary legislation on issues such as driver testing and licensing, vehicle standards and the regulation of traffic.

Departmental Staff.

167. **Deputy Fergus O'Dowd** asked the Minister for Transport the number of staff assigned to work for the Minister of State in his Department; the budget the Minister of State has at his control; the number of meetings he has had with the Road Safety Authority since being appointed; the legislation he has specifically introduced since his appointment; and if he will make a statement on the matter. [47306/08]

Minister of State at the Department of Transport (Deputy Noel Ahern): As Minister of State for Transport, I have responsibility for Road Safety and Maritime affairs, with a total capital budget of approximately €87 million (capital and current) and covering approximately 180 staff and nearly 1000 volunteer staff (Irish Coast Guard).

The number of staff assigned to work for me directly in the Department are as follows:

- 1 Private Secretary;
- 2 Executive officers;
- 2 Clerical officers.

Since my appointment as Minister of State for Transport, I have met with senior management of all the relevant agencies under my control as required from time to time to address matters of particular pertinence for a given agency.

The legislation I have brought forward since my appointment is set out below.

Maritime Transport.

The Harbours (Amendment) Bill 2008 was published in July 2008 and is currently at Committee Stage in the Seanad. The primary purpose of the Bill is to give effect to certain aspects of the Government's Ports Policy Statement, launched in 2005.

Harbour Rates (Tralee and Fenit Pier and Harbour) Order, 2008 S.I. No. 360 of 2008

Harbours Act 1996 (River Moy Commissioners) Transfer Order 2008 S.I. No. 387 of 2008.

Maritime Safety

Merchant Shipping (Safety Convention) (Countries of Acceptance) Order 2008 (S.I. No. 553 of 2008)

Sea Pollution (Prevention of Pollution by Sewage from Ships) (Amendment) (No. 2) Regulations 2008 (S.I. No. 372 of 2008)

Road Safety

Road Traffic and Transport Bill, which is currently being drafted is expected to be published early next year.

Road Traffic (Licensing of Drivers) (Amendment) Regulations 2008. (S.I. No. 471 of 2008)

Departmental Strategy Statements.

168. **Deputy Fergus O'Dowd** asked the Minister for Transport the action he plans to take to address the long-term planning deficit within his Department; the structural changes that will be imposed in order to free up senior management time and resources for long term planning and setting strategic direction; and if he will make a statement on the matter. [47307/08]

169. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on whether the work of his Department is hindered by its lack of long-term planning; and if he will make a statement on the matter. [47308/08]

170. **Deputy Fergus O'Dowd** asked the Minister for Transport the way he will address the lack of communication between senior management in his Department with lower grades of management; the action he has ordered to correct this criticism as outlined in the organisational review programme report of his Department; and if he will make a statement on the matter. [47309/08]

171. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on the criticism of many transport agencies that his Department fails to set and clarify strategy across the transport sector; and if he will make a statement on the matter. [47310/08]

172. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on the criticism of the organisational review programme that his Department's relationship with some of the transport agencies is poor; and if he will make a statement on the matter. [47311/08]

173. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on the situation in which there appears to be little consensus within his Department regarding whether users of services of agencies are customers of his Department and regarding his Department's role in respect of these service users and that some staff in his Department hold the view that monitoring of services provided by agencies is a matter for the agencies alone while others think his Department has a responsibility in ensuring independent monitoring of agency services; if he will clarify the situation; the actions he has taken to inform staff of the correct position; and if he will make a statement on the matter. [47312/08]

180. **Deputy Fergus O'Dowd** asked the Minister for Transport the effect the issue of underperformance is having on general staff morale within his Department; the action contained within the new strategy to deal with staff underperformance; and if he will make a statement on the matter. [47320/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 168 to 173, inclusive, and 180 together.

The issues raised by the Deputy have been identified in the Report of the Organisational Review Programme as areas that need to be addressed. In response to the findings of the ORP my Department has prepared an action plan that was published with the Report and includes the actions that are intended to address the issues raised.

Departmental Agencies.

174. **Deputy Fergus O'Dowd** asked the Minister for Transport if his Department has the capacity to monitor independently the output and services of the agencies under his Department; if he has the relevant expert staff available in his Department to access and report on the activities of all the transport agencies properly; the number of staff assigned to this task; and if he will make a statement on the matter. [47313/08]

175. **Deputy Fergus O'Dowd** asked the Minister for Transport his views on his Department's access to information held by agencies under his Department and on whether systems are adequate to retrieve and share information between his Department and its agencies. [47315/08]

181. **Deputy Fergus O'Dowd** asked the Minister for Transport if he is satisfied that his Department receives enough information from its agencies and State-owned transport companies to develop proper policy; and if he will make a statement on the matter. [47321/08]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 174, 175 and 181 together.

I believe my Department has a very good working relationship with its agencies and that arrangements for access to and sharing of information between the Department and its agencies are working well. However, in order to further enhance this relationship, I wrote to the Chair-

persons of the State agencies under my remit last month announcing the introduction of a new approach to corporate governance. This new initiative is aimed at:

- Providing a clearer mandate to each of our State agencies and enhancing my Department's monitoring of their performance;
- Ensuring continuing compliance by agencies with the Code of Practice for the Governance of State Bodies; and
- Ensuring that more regular and structured engagement takes place at Ministerial and senior management level with all agencies, as a means of reviewing performance and ensuring that the Department's objectives are being met.

My Department has over 100 experienced officers working in those divisions that have a role in monitoring our State agencies. In addition, my Department has its own in-house financial, legal and other specialist advisors who can be called upon for their expertise and advice as and when required.

I am satisfied, therefore, within the constraints imposed on my Department by Public Service pay and personnel policy that it is as effectively accessing, monitoring and reporting on the activities of the agencies under its remit.

Departmental Communications.

176. **Deputy Fergus O'Dowd** asked the Minister for Transport if he is satisfied that communication lines between his Department and local authority level are adequate to properly advance the agenda of aligning transport, spatial and land use policies; and if he will make a statement on the matter. [47316/08]

Minister for Transport (Deputy Noel Dempsey): My Department, along with the Department of Environment, Heritage and Local Government, and the local authorities around the country, has long recognised the importance of integrating transport, spatial and land use policies.

Good lines of communication at several levels are obviously essential to ensure that this happens. I am satisfied that such communications are currently in place.

My Department is working closely with Local Authorities in a number of ways in promoting integrated Land Use and Transportation Planning. My officials have frequent contact with the relevant local authorities in the NSS Gateways which currently have land use and transport strategies in place. For example, my Department, through the Cork Area Strategic Plan (CASP) Steering Group and through bilateral meetings with the Cork local authorities has inputted extensively to the recent update of the CASP.

In addition, I myself, and my officials, have met with the City and County Managers Association (CCMA) about the preparation of integrated transport and land use plans for the NSS Gateways and Hubs which currently do not have land use and transport strategies in place.

In addition, I have made provision in the DTA Act for close alignment of transport and spatial planning for the Greater Dublin Area. On a broader strategic level my officials have been working very closely with the Department of Environment, Heritage and Local Government in ensuring that the proposed Sustainable Travel and Transport Action Plan addresses greater integration of these issues. Furthermore, the CCMA was represented on the Inter-departmental Working Group which oversaw the draft Action Plan.

Departmental Staff.

177. **Deputy Fergus O'Dowd** asked the Minister for Transport the number of staff in his Department assigned to media monitoring duties; and the changes he has introduced to tackle the issue of poor time management of his Department's staff in responding to media articles; and if he will make a statement on the matter. [47317/08]

Minister for Transport (Deputy Noel Dempsey): The Press Office in my Department comprises of four staff. The Press Office is responsible for the management and dissemination of information to the media.

A press cutting service is provided by one officer assigned on a part time basis and assisted by two others on a part time rota basis. Media monitoring services relate to the daily review of media sources and the occasional purchase of transcripts.

While I recognise the need for delivery of the Departments message to our customers and stakeholders through the media. The priority must be on the delivery of the services rather than servicing the media.

Departmental Reports.

178. **Deputy Fergus O'Dowd** asked the Minister for Transport the number of internal audit reports which have been completed within his Department since 2004; the breakdown of each section within his Department that they covered; if the reports led to disciplinary action; and if he will make a statement on the matter. [47318/08]

Minister for Transport (Deputy Noel Dempsey): I can advise the Deputy that 42 internal audit reports have been completed by my Department's Internal Audit Unit since 2004, details of which are appended to this reply.

I am advised that no disciplinary action has been taken against any employee of my Department as a consequence of a recommendation contained in an Internal Audit Report.

APPENDIX

Completed Audit Reports 2004-2008

2004

- Roads (EU Audit) — M1 Cloghran-Lissenhall (Stage 2) Project
- Roads (EU Audit) — M1 Lissenhall-Balbriggan Project
- Roads (EU Audit)- M50 South Eastern Motorway (Stage 2) Project
- Public Transport (EU Audit)- Heuston Terminal & South West Rail Corridor Development (Stage 1) Project
- Road Haulage Division

2005

- Audit of IT Financial Systems
- CIE Payments of capital and safety grants
- Finance Unit Processing of Payments

- General controls over bank accounts
- Procurement Audit — Administrative Budget for Procurement
- Road Haulage Payments System
- Road Policy Division — Approval and Payment of Capital Grants to NRA
- RPA Investment Division approval and payment of capital grants to RPA

2006

- Driver Testing Section — Audit of cash receipts in respect of driver testing fees
- Driver Licensing Section and Finance Unit — Audit of recoupment of driver licensing expenses from the Local Government Fund
- CIE — Public Service Obligation Payments (Non-Capital)
- EU Audit — ESIOP National Public Transport Services Measure
- Payments to Regional Airports (Non-Capital)
- DTO- Traffic Management Measures (Capital)
- Bus Licensing -System for processing of licenses and handling of fees
- Receipt of fees in respect of National Toll Roads
- Audit of European Conference of Ministers of Transport (ECMT) expenditure
- Arrangements for approval and payment of overtime
- Audit of Irish Coast Guard Helicopter Contract
- EU Audit — ESIOP National Roads Measure

2007

- Audit of the system of selection and payment of a representative sample of subhead A7 (consultants / contractors)
- Audit of the system for processing of subscriptions to Eurocontrol and recoupment of subscriptions from the Irish Aviation Authority.
- Audit of the system for processing of administration payments and expenses to the National Roads Authority.
- Audit of the system for Maintenance of the Systems Dossier.
- Cohesion Fund — Systems-Based Audit of the Ennis Bypass Project.
- Review of Integration of Maritime Functions into the Department of Transport.
- Systems-Based Audit of the Fixed Asset Register.
- Control & Management of Stores in the Irish Coastguard.

[Deputy Noel Dempsey.]

- Comparative review of compliance with Code of Practice on the Governance of State Bodies.
- Review of Public Procurement Practices.

2008

- Regional Airports — Capital Expenditure Grant Scheme
- Review of arrangements for maintenance of Risk Management System
- Audit of the system for payment of capital grants to RPA
- Audit of system for management and maintenance of the Flexible Working Hours system
- Audit of system for processing grants for non-national roads
- Audit of Payroll — staff joining / leaving
- Audit of the system for processing payments under the Rural Transport Programme

Departmental Staff.

179. **Deputy Fergus O'Dowd** asked the Minister for Transport if he is satisfied with the performance management and development system process in his Department; and if he will make a statement on the matter. [47319/08]

Minister for Transport (Deputy Noel Dempsey): The performance management and development system has been implemented in my Department, with the fully integrated performance development model linking the process to the awarding of increments, higher scale posts and promotion posts operating from 1 January 2007.

A Competency Framework has been developed for staff and a performance management and development system calendar set out for staff within which each phase of the process takes place on an annual basis. The identification of staff training and development needs is also an integral part of the performance management and development system and enables my Department to meet formal staff training needs in a structured way.

The system is operated in my Department in accordance with the guidelines.

Question No. 180 answered with Question No. 168.

Question No. 181 answered with Question No. 174.

Public Transport.

182. **Deputy Joan Burton** asked the Minister for Transport the position in respect of the proposed route change for the number 37 bus in Dublin 15; if his attention has been drawn to the fact that this route change will, in effect, replace the existing 237 service which currently operates that route, taking in Blanchardstown town centre; the way the proposed new 37 route is judged to be in competition with a private operator in view of the fact that it is replacing the existing 237 route; if his attention has further been drawn to the fact that a range of much needed bus service improvements are being held up until the location of the new terminus for the 37 bus is resolved; and if he will make a statement on the matter. [47334/08]

Minister for Transport (Deputy Noel Dempsey): My Department received a proposal from Dublin Bus for revised services on Route 37 on 1st May 2008. Following an examination of the proposal, which included consultation with Dublin Bus, my Department deemed that the proposal would give rise to competition with an existing licensed service. Accordingly, my Department advised Dublin Bus on 9th June, 2008 that an application in accordance with Section 25 of the Transport Act, 1958 was required should the Company wish to pursue the introduction of the change. Dublin Bus subsequently submitted in July a revised proposal for this route. This revised proposal raised certain concerns of a legal nature from a competition point of view which have only been clarified in recent days. The application is now being processed and a decision in the matter can be expected shortly.

Rail Network.

183. **Deputy Emmet Stagg** asked the Minister for Transport further to Parliamentary Question No. 254 of 10 July 2008, if there has been further progress. [47353/08]

Minister for Transport (Deputy Noel Dempsey): I understand from Iarnród Éireann that discussions are ongoing with the relevant local authorities on the removal of level crossings on the Maynooth line.

184. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will publish a report (details supplied) on the Shannon Airport rail link; the reason this report has not been published; and if he will make a statement on the matter. [47398/08]

Minister for Transport (Deputy Noel Dempsey): I understand from Iarnród Éireann that a feasibility study for a Shannon Rail Link was completed in February 2007 and was made widely available through the Steering Group overseeing the study which included representatives of local authorities and local development interests, including the Shannon Rail Partnership.

185. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will confirm that major reports have been carried out and completed into the western rail corridor and the Mullingar-Athlone rail line; if these reports were undertaken by outside consultants or by his Department; when he will publish these reports; the reason he has not published them to date; and if he will make a statement on the matter. [47399/08]

Minister for Transport (Deputy Noel Dempsey): The Report of the Expert Working Group on the Western Rail Corridor (chaired by Mr. Pat McCann) is available on my Department's website. Other reports, including Limerick-Galway Service Development — Business Case and the Audit of Business Case for re-introduction Ennis to Athenry, relating to the Western Rail Corridor are also available on my Department's website. I understand that the Midland Railway Action Group prepared some time ago a report on the re-opening of the Mullingar — Athlone railway line. The publication of this report is a matter for the Action Group.

Consultancy Contracts.

186. **Deputy Joanna Tuffy** asked the Minister for Transport the position regarding all contracts for the years 2004, 2005, and 2006 with consultants in respect of the preparation of reports of any kind; the name of the consultants; the cost for each report; if he will provide this information in tabular form; and if he will make a statement on the matter. [47456/08]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is contained in the following table.

Consultant	Year	Cost	Report	Status of Report
Fitzpatrick Associates	2006	€ 59,532	Discussion Paper on Rural Public Transport	Published
IBM	2006	72650	IT Strategy Project for the Department of Transport	IBM delivered a 3-year strategy, which was adopted by the Management Board.
Change Management Training	2006	93,230.50	Review and Redesign of Driver Tester training programme	Finalised
Goodbody Economic Consultants	October 2005	30,000	Economic Evaluation of the Government Strategy for Road Safety, 1998-2002	Yes
SWOV	Published as part of the Government's Road Safety Strategy Sept 2004	Part of overall cost of report	Progress Report on Road Safety Strategy 1998-2002	Yes
Pricewaterhouse Coopers	Published on 30 July 2006	Included in Supervision Services Contract with Pricewaterhouse Coopers	Mid-term Review of the National Car Test Service	Implementation is a matter for the Road Safety Authority
Farrell Grant Sparks	15 April 2005 (Completed)	59,019	Report on an appropriate organisational structure for the Driver Testing and Standards Authority (Now Road Safety Authority)	Yes
Boreham Consulting Engineers	29 July 2005 (Completed)	51,639	Risk assessment of conducting truck, bus and motorcycle driving tests at one location.	Implementation is a matter for the Road Safety Authority
Hay Group Ireland (Consultants)	2006	26,620	To make recommendations on the appropriate remuneration for senior positions in the proposed Dublin Transport Authority.	Completed
Matheson Ormsby Prentice (Consultants)	2006	13,255	To provide legal advice in respect of the Dublin Transport Authority Bill.	Completed
Matheson Ormsby Prentice (Consultants)	2006	26,630	To provide legal advice in respect of the Dublin Transport Authority Bill.	Completed
Deloitte & Touche	2004	12,100	Audit of the Heuston Terminal & South West Rail Corridor (Stage 1) project	Completed
Crowleys	2005	10,059	Audit of Road Haulage Division — Cash receipts in respect of road transport licence fees	Completed

Consultant	Year	Cost	Report	Status of Report
Crowleys	2005	€ 14,850	Audit of Driver Testing Section — cash receipts in respect of driver testing fees	Completed
Mazars	2005	15,000	Audit of IT financial systems	Completed
Crowleys	2005	11,159	Audit of Driver Licensing Section & Finance Unit — Recoupment of Driver Licensing expenses from the Local Government Fund	Completed
Mazars	2005	9,680	Audit of ESIOIP National Roads Measure	Completed
Crowleys	2005	18,208	Audit of Finance Unit-processing of payments	Completed
Mazars	2006	9,680	Audit of National Roads Measure	Completed
Helm Corporation Ltd	2006	7,260	Audit of Personnel/Finance Division- Overtime	Completed
Helm Corporation Ltd	2006	19,360	Audit of Irish Coast Guard-Search & rescue Helicopter Contracts	Completed
Drury Communications Ltd	2006	27,683.40	Information & Communications Strategy for Transport 21	Completed. Implementation ongoing.
Aspen Connect & Tekenable	2006	8,863.25	Report on the viability of an information technology solution to an Information Centre required under an EU Motor Insurance Directive	Information.
Goodbody Economic Consultants	2006	16,316.85	Appraisal of Cherrywood Luas extension and assessment of Methodology of evaluating impact of proposed Luas cross — city link on bus services	Completed
Indecon	2005	107,125	Update Evaluation of the Economic and Social Infrastructure Operational Programme (ESIOIP) 2000-06	Completed
LECG Ltd	2006	35,965.73	Work relating to the Competition Authority investigation into access to Dublin Airport infrastructure	Complete
INDECON (Ireland)	2006	101,970.04	Capital Expenditure Grant Scheme Review for regional airports	Complete
Boyd Creed Sweet	2006	157,300.00	Verification Process for Terminal 2	Complete

Consultant	Year	Cost	Report	Status of Report
C.C Fisher associates	2006	€ 85,000 inc VAT	Evaluation of projects for Irelands unit load capacity to 2014 and beyond	Completed
Staveley & Partners.	July 2004	35,348.00	Report on the Delays and Cost Overruns on the N11 Glen of the Downs Road Improvement Project	Completed August 2005
Watson Wyatt (Actuaries and Benefit Consultants) and O'Donnell Sweeney Solicitors	2004	95,686.80	Review of CIE Pension arrangements	Report completed
Atkins Consultancy	2004	154,298.80	Fares Study- to provide advice on an appropriate fares system for Dublin e.g. (zonal, distance based on rebated fares) and related issues regarding integration of fares on different modes e.g. bus and rail	Report completed
Booz Allen Hamilton	2006	98,494,000	Expenditure Review on CIÉ Subvention	Completed
Mott McDonald	2004	24,332	Safety review of Iarnród Éireann's rolling stock procurement and safety acceptance	Completed
Lloyd's Register Rail	2004	24,847	Mid-term safety review of Iarnród Éireann's DASH project	Completed
Mr. Dom Hegarty, Inspector to the Public Inquiry	2004	8,048	Report of the Public Inquiry into the Kilkenny Railway Order application	Completed
Goodbody Economic Consultants	2004	40,815	Appraisal of a number of public transport project business cases	Completed
Mr. James Connolly, SC, Inspector to the Public Inquiry	2006	45,375	Report of the Public Inquiry into the Kildare Route Railway Order application	Completed
Moore Stephens	2006	4,235.00	Financial Audit of cohesion funded rail network track & signalling project	Completed 2007
Caplin Meehan	2007	14,217.50		
Goldman Sachs	2004	36,300 incl vat	Examination of Ownership Options regarding Aer Lingus	Published in 2004
AIB Capital Markets/UBS/ Freshfields Bruckhaus Deringer/ William Fry Solicitors	2005	287,730 incl vat	Report to recommend an appropriate transaction structure for Aer Lingus	Completed 22 December 2005
John Malone Consulting	2005	5445 incl vat	Process Auditor for selection of advisors	Completed Sept. 2005

Consultant	Year	Cost	Report	Status of Report
Richard Hooper	2005	€ 10,900	Advice in connection with the selection of advisors re Aer Lingus IPO	Completed 2005
Mercer Human resource Consulting	2006	13,602 incl vat	Actuarial advice in relation to Aer Lingus pension schemes	Report fed into Aer Lingus IPO process
Environmental Resources Management (ERM)	2004	39,746	Public Safety Zones at Dublin, Cork and Shannon Airports	Completed
Booz, Allen, Hamilton	2004	114,466	Safety Audit of Irish Aviation Authority	Completed
Environmental Resources Management (ERM)	2005	6,799	Public Safety Zones at Dublin, Cork and Shannon Airports (see 2004 ERM Report above)	Completed
RPS Group	2004	495,571	Pavement Condition Study Report & Pavement Management Systems Review Report	Both reports published in December 2004
RPS Group	2005	64,290	Pavement Condition Study Report & Pavement Management Systems Review Report	Both reports published in December 2004

Public Transport.

187. **Deputy Joanna Tuffy** asked the Minister for Transport the amount of funding from his Department to Dublin Bus per year for the past 10 years; the number of buses that were provided under this funding per year for the past ten years; the number of buses that were promised under the current and previous national development plan; and if he will make a statement on the matter. [47457/08]

Minister for Transport (Deputy Noel Dempsey): Since 1997 Dublin Bus has purchased 1,295 new buses. 718 of these buses were funded, partially and/or fully, by the Exchequer. Details of this funding are set out in the following table:

Year	Amount of Funding	Fully funded or partially funded bus purchases
	€m	
1999	27.11	150
2000	16.82	118
2001	11.74	45
2002	14.79	53
2003	—	32*
2004	—	—
2005	5.25	20
2006	24.56	100
2007	21.34	100
2008	17.73	100
Total	139.34	718

*Buses ordered in 2002 and delivered in 2003.

The 2000-2006 NDP, through the economic and Social Infrastructure Operational Programme, envisaged a 28% increase in the capacity of the Dublin Bus Fleet. The capacity (seated and standing) of the fleet has increased by over 30% over the period 2000-2008. The current NDP provides, through Transport 21, for a significant expansion in bus services in the Greater Dublin Area. Over the period 2006-2008 grants totalling €62 m have been paid to Dublin Bus towards the cost of 100 additional and 200 replacement buses. The position regarding the funding of further additional buses will be reviewed in light of the outcome of the cost and efficiency review currently being finalised.

Departmental Agencies.

188. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has full confidence in the chairman of the Dublin Port Company; and if he will make a statement on the matter. [47489/08]

Minister of State at the Department of Transport (Deputy Noel Ahern): I do not consider it appropriate to comment on the performance of individual directors of State companies in this manner.

189. **Deputy Brian Hayes** asked the Minister for Transport the discussions that have been taking place between his Department and CIÉ in view of the financial difficulties facing CIÉ;

if he expects services to be reduced or jobs to be lost in CIÉ; and if he will make a statement on the matter. [47503/08]

Minister for Transport (Deputy Noel Dempsey): The 2009 Exchequer subvention to CIÉ will be €313.279 million, an increase of 1.5% on the 2008 figure. During the course of the Estimates discussions, my Department had discussions with the Department of Finance and with CIÉ in relation to the overall financial position of the CIÉ operating companies, Dublin Bus, Bus Éireann and Iarnród Éireann. The Chairman and Chief Executive of each of the companies also briefed me on the financial outlook on 1st December.

CIÉ are projecting an operating deficit of €39.5 million for 2008 after Exchequer subvention, compared to an operating deficit of €1.47 million in 2007. This significant deterioration in the financial position of CIÉ is due in the main to losses in revenue due to a drop in demand for services and increases in costs, particularly fuel costs in the earlier part of this year. The outlook for 2009 is for a further deterioration in the group's financial situation in the absence of corrective measure.

It is a matter for the CIÉ group of companies to secure operational efficiencies and to reduce costs so as to maintain services at the highest level possible. I have requested that, in deciding on service reductions to maintain rail services, peak-time bus services, and bus services to developing areas. Service reductions should be a last resort in their efforts to maintain financial stability.

Light Rail Project.

190. **Deputy Róisín Shortall** asked the Minister for Transport the budget provided for metro north in 2009; and the aspects of the project which will proceed in 2009. [47516/08]

Minister for Transport (Deputy Noel Dempsey): Metro North is being delivered as a Public Private Partnership (PPP). In January of this year, the Government approved the funding structure for the Metro North PPP, including an Exchequer provision for advance works ahead of the main PPP contract and a capital contribution during construction.

Good progress is being made in the delivery of Metro North. The Railway Procurement Agency (RPA) lodged copies of the Railway Order application for Metro North with An Bórd Pleanála in September 2008. In addition, the RPA continues to make good progress on the PPP tender process for Metro North. Receipt of tenders is now required by 6 February 2009. I have allocated in excess of €200m to the RPA to progress Luas and Metro projects, including Metro North, in 2009. The amount of expenditure on Metro North in 2009 is contingent on the grant of an enforceable railway order.

Public Transport.

191. **Deputy Róisín Shortall** asked the Minister for Transport his decision in respect of the request by CIÉ for an increase in fares. [47517/08]

Minister for Transport (Deputy Noel Dempsey): I approved, on the 3rd December, an average 10% increase in CIE fares.

Garda Deployment.

192. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [47260/08]

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. Local Garda management is aware of the difficulties being experienced by residents in the area concerned. A member of the local Community Policing Unit is allocated to this area and regularly attends meetings with local community groups. 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.

Residency Permits.

193. **Deputy Niall Collins** asked the Minister for Justice, Equality and Law Reform if he will provide assistance to a person (details supplied) in County Limerick. [47270/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am advised by officials in the Long Term Residency Section of my Department that a decision was made in the case of the person referred to on the 17 November 2008. A copy of this letter has now re-issued to him as requested by the Deputy.

Prisoner Transfers.

194. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that five Irish women (details supplied) serving prison sentences in the United Kingdom may be due for release on remission in late January 2009 with electronic tagging for the remainder of their sentence; if his Department, through the Irish Prison Service, will negotiate with the UK authorities to allow the remainder of these sentences to be served in custody here as an alternative to the arrangement proposed by the UK Probation Service; and if he will make a statement on the matter. [47272/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to advise the Deputy that the 1983 Council of Europe Convention on the Transfer of Sentenced Persons provides a mechanism for enabling the transfer of sentenced prisoners from the United Kingdom to Ireland. It is provided for in legislation in this State by way of the Transfer of Sentence Persons Acts, 1995 and 1997 and all applications for transfer are subject to a three way consent mechanism; that of the applicant, the sentencing state and the receiving state.

Applications under the Convention have not been received in my Department from the persons concerned and should they now wish to apply they may do so through their prison Governor. However, the Deputy may wish to note that Article 3 of the Convention which sets out the conditions for a transfer, states that all applicants must have a minimum of 6 months of their sentence left to serve at the time of application.

Deportation Orders.

195. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if he

will furnish details of costs (details supplied); the breakdown of these costs; and if he will make a statement on the matter. [47276/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The deportation of illegal immigrants and refused asylum seekers is costly, particularly to distant countries such as Nigeria, China, etc. In most cases removals are carried out using commercial flights which usually involves transit through other European airports as Ireland does not have direct flights to most of the countries of return. In addition, most flights have to be booked at short notice very near the date of departure which involves higher costs than if booked well in advance.

In considering the costs of deportations, the considerable expense arising from the continued presence in the State of persons who are the subject of deportation orders has to be taken into account. These costs include social welfare costs, direct provision costs, and detention costs in certain cases. While it is important to keep deportation costs to a minimum, not to remove persons refused permission to remain in the State would call into question the integrity of the entire immigration system. This would leave this country open to further illegal immigration and even more expense to taxpayers.

There are two main categories of repatriation charter flights. Smaller charters are organised to remove disruptive deportees that commercial airlines will not take on account of previous disruptive behaviour on board aircraft. Bigger charters are organised to return larger numbers of deportees in a more efficient way than using scheduled flights. It should be stated that Ireland does not have direct flights to the destinations where these charters have taken place. The alternative to chartering is transiting through hub European airports involving longer transfer times, more inconvenience to deportees and the attendant risk of deportees absconding in transit.

The use of charter flights, including joint charters shared by two or more countries, is accepted and used widely across the European Union as an effective and efficient means of returning persons illegally present on the territories of member States following individual consideration of their cases. The European Council of Ministers adopted a decision in April 2004 facilitating the greater use of joint repatriation flights as a means of demonstrating solidarity among member States, increasing the rate of returns and making more effective use of resources. The implications for State resources and the integrity of the asylum and immigration processes are plain to see should deported persons have been allowed to remain in the State. This factor must always be offset against the seemingly high cost of charter operations.

Set out in the following table are the statistics requested by the Deputy.

Destination	Date	Number deported	Cost
			€
Ghana (Commercial/scheduled flight)	14 August 2006	1	5,824
Ghana (Charter flight)	11 March 2008	1*	151,900

*The individual in question was a violent criminal who had served a prison sentence for drugs offences and was considered a security risk by the Garda National Immigration Bureau. The removal of this individual by charter became necessary after 3 attempts to remove him on commercial flights failed due to his violent behaviour. On one occasion a member of An Garda Síochána was assaulted.

196. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the cost of each deportation which has taken place in the past 12 months and the number of persons involved in each case; if another EU country was involved in any deportation of persons in

[Deputy Denis Naughten.]

conjunction with the authorities here; the breakdown of costs between the Member States; the steps which are being taken to reduce costs; and if he will make a statement on the matter.

[47286/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The deportation costs provided below refer to the deportation of either illegal immigrants or persons refused refugee status in the State. The vast majority of the removals involved persons who were refused refugee status in the State.

Set out in the following table are the cost of removals of persons subject to Deportation Orders over a twelve month period by scheduled/commercial flights for deportees and their Garda escorts.

Year	Number deported	Cost (Euros) of scheduled/commercial flight removals
		€
2007 (November and December)	65	145,577
2008 (January until October)	76	212,437

The figures provided do not include the cost of overtime or subsistence payments for Garda escorts.

Set out in the following table are the cost of removals of persons subject to Deportation Orders over a twelve month period by charter flights for deportees and their Garda escorts.

Charter flights (November 2007 until end of October 2008)

Destination	Date	Number deported	Cost
			€
Nigeria	4 December 2007	8	206,400
Ghana	11 March 2008	1	151,900
Nigeria (FRONTEX) — lead by Holland	24 June 2008	8	32,720
*Nigeria (FRONTEX) — lead by the State	22 July 2008	6	291,900
Nigeria (FRONTEX) — lead by Austria	21 August 2008	4	38,240

*72,000 to be re-imbursed from participating countries.

The deportation of illegal immigrants and refused asylum seekers is costly, particularly to distant countries such as Nigeria, China, etc. In most cases removals are carried out using commercial flights which usually involves transit through other European airports as Ireland does not have direct flights to most of the countries of return. In addition, most flights have to be booked at short notice very near the date of departure which involves higher costs than if booked well in advance.

In considering the costs of deportations, the considerable expense arising from the continued presence in the State of persons who are the subject of deportation orders has to be taken into account. These costs include social welfare costs, direct provision costs, and detention costs in certain cases. While it is important to keep deportation costs to a minimum, not to remove persons refused permission to remain in the State would call into question the integrity of the

entire immigration system. This would leave this country open to further illegal immigration and even more expense to taxpayers.

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Authorities in Member States responsible for returns are increasing their cooperation. The main reasons for this are, *inter alia*, greater dialogue with third countries on migration issues and increased joint return operations involving a number of Member States and greater use of Member States of transit for return. Co-operation between the authorities responsible is in many cases a prerequisite for the successful completion of return operations. Article 9(1) of Council Regulation No 2007/2004 of 26 October 2004 establishing FRONTEX (OJ L 349, 25.11.2004, p. 1) stipulates that, subject to the Community return policy, the Agency is to provide the necessary assistance for organising joint return operations by Member States. In accordance with the Commission communication of 19 July 2006 on policy priorities in the fight against illegal immigration of third-country nationals, “FRONTEX will provide the necessary assistance for organising and coordinating the joint return operations”. Ireland first participated in a FRONTEX operation in June of this year as indicated in the table above.

It is well established that an effective deportation process is a necessary element of an Immigration system. The lack of an effective means to deport persons not granted permission to remain in the State would call into question the integrity of the entire immigration and asylum laws. Failure to enforce deportation orders in the case of disruptive behaviour would produce two inevitable outcomes. Firstly, it would send a clear signal that deportation can be avoided by simply being disruptive. Secondly, disruptive behaviour by deportees on scheduled flights would become the norm, leading to concerns for the safety of passengers and staff on aircraft and cause further difficulties for the Gardaí in the already problematic task of enforcing deportation orders.

Refugee Appeals Tribunal.

197. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the members of the Refugee Appeals Tribunal; the dates of their appointment ; and the remuneration paid to each of them in each of the years since their appointment. [47287/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The information requested by the Deputy is set out at Tables 1 to 3. The Refugee Appeals Tribunal has been in operation since November 2000 and is currently comprised of a full time Chairperson and 35 part-time Members.

Table 1 — Current Members of the Refugee Appeals Tribunal

Name	Date of Initial Appointment
1. Eamonn Cahill, SC	20/11/00
2. Eamonn Barnes, BL	20/11/00
3. Donal Egan, BL	20/11/00
4. Patrick Hurley, Solr	20/11/00
5. Bernadette Cronin, SC	20/11/00
6. Michael O’Kennedy, SC	05/06/02
7. Olive Brennan, BL	30/04/03
8. Michelle O’Gorman, BL	17/07/01
9. David Andrews, SC	05/06/02
10. Ben Garvey, BL	26/09/01
11. Joseph Barnes, BL	23/05/02
12. Paul A. McGarry, BL	21/01/02
13. Bruce St. John Blake, Solr	22/02/02
14. Denis Linehan, Solr	04/03/02
15. Anne Tait, Solr	12/03/02
16. John Hayes, Solr	12/03/02
17. Bernard McCabe, BL	12/01/04
18. Ricardo Dourado, BL	12/01/04
19. Elizabeth O’Brien, BL	12/01/04
20. Susan Nolan, Solr	08/03/04
21. Samantha Cruess Callaghan, BL	10/03/04
22. Margaret Levey, BL	10/06/04
23. Judy Blake, BL	20/12/04
24. Sean Deegan, BL	20/12/04
25. David Goldberg, SC	20/01/05
26. Majella Twomey, BL	04/07/07
27. Laura MacKenna, BL	04/07/07
28. Conor Gallagher, BL	04/07/07
29. Paul Christopher, BL	28/11/07
30. Brendan Gogarty, BL	28/11/07
31. Fergus O’Connor, BL	28/11/07
32. Paul Gormley, BL	28/11/07
33. Nehru Morgan Pillay, BL	08/04/08
34. Emma Toal, BL	02/05/08
35. Sean Bellew, BL	31/08/08

Table 2 — Remuneration Paid to Current Members 2001-2004

Tribunal Member	2001	2002	2003	2004
	€	€	€	€
E. Cahill, SC	63,606.44	156,198.20	109,653.81	112,766.23
E. Barnes, BL	26,603.34	62,862.19	41,708.73	62,472.95
D. Egan, BL	42,708.91	88,588.34	116,315.44	94,588.18
P. Hurley, Solr	21,410.32	129,783.23	90,941.02	116,573.67
B. Cronin, SC	36,878.27	156,103.38	129,799.58	128,348.96
M. O’Kennedy, SC		14,335.84	87,196.92	81,333.21
O. Brennan, BL			19,097.45	124,841.03
M. O’Gorman, BL	4,670.10	70,907.88	76,735.48	86,734.64
D. Andrews, SC		18,582.94	55,638.86	93,865.54
B. Garvey, BL	2,285.53	95,831.50	155,416.31	194,085.88
J. Barnes, BL	2,025.29	10,049.07	28,957.16	9,550.58
P. McGarry, BL		47,116.53	82,419.55	57,781.16
B. St. John Blake, Solr		18,503.08	56,366.67	40,357.96
D. Linehan, Solr		20,887.44	57,422.99	131,848.88
A. Tait, Solr		15,611.24	45,345.36	22,391.66
J. Hayes, Solr		49,837.87	82,385.41	54,719.25
B. McCabe, BL				35,397.98
R. Dourado, BL				20,698.90
E. O’Brien, BL				54,094.90
S. Nolan, Solr				17,130.24
S. Cruess Callaghan, BL				17,600.68
M. Levey, BL				11,792.07
J. Blake, BL				0.00
S. Deegan, BL				0.00

Table 3 — Remuneration Paid to Current Members 2005-2008

Tribunal Member	2005	2006	2007	2008
	€	€	€	€
E. Cahill, SC	81,353.44	39,926.67	44,155.24	55,564.41
E. Barnes, BL	27,621.64	20,014.64	3,021.75	8,167.05
D. Egan, BL	46,941.39	32,340.28	13,571.90	8,130.75
P. Hurley, Solr	88,851.57	44,608.27	20,012.65	46,505.90
B. Cronin, SC	92,817.33	25,061.53	3,938.25	9,262.10
M. O’Kennedy, SC	67,065.77	51,959.23	9,576.85	14,955.15
O. Brennan, BL	98,112.90	92,093.10	64,621.81	68,351.06
M. O’Gorman, BL	99,540.67	73,984.85	113,488.88	160,222.10
D. Andrews, SC	100,627.26	63,273.63	64,462.60	80,694.75
B. Garvey, BL	101,548.69	72,852.19	113,170.12	103,262.05
J. Barnes, BL	1,417.53			
P. McGarry, BL	46,931.07	30,256.05	10,817.25	10,275.85
B. St. John Blake, Solr	49,210.77	10,710.79	762.00	4,431.25
D. Linehan, Solr	65,597.15	35,017.40	40,595.50	41,420.50
A. Tait, Solr	36,839.06	13,125.40	4,374.15	2,813.10

[Deputy Dermot Ahern.]

Tribunal Member	2005	2006	2007	2008
	€	€	€	€
J. Hayes, Solr	47,853.73	13,567.67	7,538.15	11,579.25
B. McCabe, BL	52,391.82	60,370.47	102,940.60	109,148.85
R. Dourado, BL	33,563.63	29,264.17	18,204.15	24,814.25
E. O'Brien, BL	100,390.72	99,335.56	103,414.40	86,204.21
S. Nolan, Solr	37,590.42	31,648.62	20,309.55	27,448.40
S. Cruess Callaghan, BL	34,465.07	19,215.41	13,848.15	13,630.50
M. Levey, BL	57,270.54	38,907.41	58,848.20	81,273.30
J. Blake, BL	15,645.33	7,389.03	4,746.00	8,599.70
S. Deegan, BL	6,508.01	14,274.00	3,871.50	7,552.50
D. Goldberg, SC	9,542.10	10,884.76	19,081.40	18,049.80
M. Twomey, BL			1,772.50	29,974.20
L. MacKenna, BL			1,772.50	19,786.00
C. Gallagher, BL			1,781.65	15,783.70
P. Christopher, BL				7,719.50
B. Gogarty, BL				952.50
F. O'Connor, BL				13,551.55
P. Gormley, BL				6,566.75
N. Morgan Pillay, BL				11,549.00
E. Toal, BL				2,011.25
S. Bellew, BL				0.00

Garda Deployment.

198. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform the breakdown in relation to the number of gardaí in Garda stations (detail supplied) for the years 2002 to date in 2008; and if he will make a statement on the matter. [47303/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Commissioner that the personnel strength of Raheny, Coolock, Howth and Malahide Garda Stations on 31 December 2002 to 2007 and on 30 November 2008, the latest date for which figures are readily available, was as set out in the table:

Station	2002	2003	2004	2005	2006	2007	30/11/08
Raheny	64	60	66	59	69	68	71
Coolock	84	87	84	88	98	117	118
Howth	41	42	44	49	42	42	40
Malahide	43	40	40	40	45	46	45

The Portmarnock area forms part of the Malahide Sub-District.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the allocation of Gardaí to these stations will be fully considered by the Commissioner within the overall context of policing requirements throughout the country.

Garda Reserve.

199. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform the function of members of the Garda Reserve; the number of members stationed at Garda stations (details supplied); if he has satisfied himself with the effectiveness of the Garda Reserve; and if he will make a statement on the matter. [47304/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I believe that the establishment of the Garda Reserve is one of the most progressive innovations in policing in Ireland in recent years. It has strengthened the links between An Garda Síochána and local communities and is a source of local support and knowledge. Full-time and Reserve members are working well together and I believe that the positive impacts made since the establishment of the Reserve in late 2006 bode well for the future of the force.

The duties of a Reserve Garda are as follows: Station duty, other than the care and custody of prisoners; Assistant to the Station Orderly; Communications room duty, to include monitoring CCTV; Foot patrol, accompanied by a member of the permanent Garda Service; Static security duty; Road traffic checkpoint duties, accompanied by a full-time member; Duty at the outer cordon of major events such as festivals and major sporting events; Assisting in the event of accidents, fires and major emergencies; Giving evidence in court; Community/ Neighbourhood Policing.

The powers of Reserve Gardaí are as follows: Under the Road Traffic Act 1961/2006: they can demand production of driving licence in accordance with Section 40 of the Road Traffic Act 1961/2006; they can demand production of a certificate of insurance or exemption in accordance with Section 69 of the Road Traffic Act, 1961/2006; they can regulate traffic movement in accordance with Section 91 of the Road Traffic Act, 1961/2006; they can require a person driving a vehicle in a public place to stop in accordance with Section 109 of the Road Traffic Act, 1961/2006.

Power of arrest without warrant under: Section 40 (4)(a) & (b) Road Traffic Act, 1961/2006; Section 69(5) Road Traffic Act, 1961/2006; Section 109 Road Traffic Act, 1961/2006; Section 4(3) of the Criminal Law Act 1997 (power of arrest for an ‘arrestable offence’)

14 Garda Reserve members are attached to the stations referred to by the Deputy as follows:

Garda Station	Number of Reserve Gardaí
Raheny	4
Coolock	6
Howth	3
Malahide	1

Question No. 200 answered with Question No. 70.

Crime Levels.

201. **Deputy Emmet Stagg** asked the Minister for Justice, Equality and Law Reform the headline crime statistics for the Carlow-Kildare division for the third quarter for 2008. [47345/08]

208. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the headline crime figures in 2008 at Whitehall, Santry, Ballymun and Finglas Garda stations. [47511/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 201 and 208 together.

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 sought by the Deputies directly to them.

Garda Stations.

202. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support a matter (details supplied). [47408/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Commissioner that Clontarf Garda Station covers the Marino and Fairview area referred to by the Deputy. The personnel strength of Clontarf Garda Station on 30 November 2008, the latest date for which figures are readily available, was 81, of which 6 are Community Gardaí. One member of the Community Policing Unit is specifically allocated to the Marino and Fairview areas and regularly attends meetings with various residents and local business groups.

I have been further informed by the Garda Commissioner that the areas referred to are subject to regular patrols by uniform and plain-clothes units. Patrols are supplemented by the District Garda Mountain Bike Unit, Detective and Drugs Units, Divisional Crime Task Force and Traffic Corps personnel.

Clontarf Garda Station forms part of the DMR Northern Division. The personnel strength of the JLO's, Traffic Corps and Drugs Unit attached to the DMR Northern Division on 30 November 2008 was as set out in the table:

Station	30 November 2008
JLO's	11
Traffic Corps	20
Drugs Unit	26

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the allocation of Gardaí will be fully considered by the Commissioner within the overall context of policing requirements throughout the country.

Garda Deployment.

203. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí who will be devoted to community policing in the Dublin region by the end of December 2008; the number at the end of December 2007; and if he will make a statement on the matter. [47504/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Garda Commissioner that the personnel strength of the Community Gardaí in the Dublin Metropolitan Region on 31 December 2007 and on 30 November 2008, the latest date for which figures are readily available, was as set out in the table:

Division	31/12/07	30/11/08
DMR South Central	70	64
DMR North Central	70	71
DMR North	69	66
DMR East	55	41
DMR South	48	54
DMR West	86	87
Total	398	383

As with any large organisation, on any given day, the overall strength of the organisation may fluctuate due, for example, to retirements, resignations etc. Specifically, the reduction in Community Gardaí in the DMR Division is as a result of the re-alignment of the Bray District to the Wicklow Division. It is the responsibility of the Garda Divisional Officer to allocate personnel within his or her Division taking everything into account. Notwithstanding this, all Gardaí have responsibility, inter alia, to deal with Community Policing issues as and when they arise.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and when additional personnel next become available the allocation of Community Gardaí will be fully considered by the Commissioner within the overall context of policing requirements throughout the country.

Question No. 204 answered with Question No. 41.

Garda Strength.

205. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí operational in Dublin 1 and Dublin 3 by the end of 2008; the same details for end of 2007; and if he will make a statement on the matter. [47507/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Commissioner that the personnel strength of Store Street, Fitzgibbon Street and Clontarf Garda Stations, which are located in the postal districts referred to by the Deputy, as at 31 December 2007 and 30 November 2008, the latest date for which figures are readily available, was as set out as follows:

Station/Postcode	31/12/2007	30/11/2008
Store Street (Dublin 1)	296	308
Fitzgibbon Street (Dublin 1)	117	117
Clontarf (Dublin 3)	71	81

Resources are further augmented by a number of Garda Divisional and National Units including the Garda National Drugs Unit, National Bureau of Criminal Investigations (NBCI), Criminal Assets Bureau (CAB) and other specialised units.

As the Deputy will be aware, it is the responsibility of the Garda Commissioner to allocate personnel throughout the Force. In doing this he takes into account all relevant factors, including factors such as population, crime rates and trends as well as operational priorities.

Garda Operations.

206. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of prosecutions that have been made due to the confiscation of mobile phones in prisons here; and if he will make a statement on the matter. [47508/08]

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 sought by the Deputy directly to him.

Prison Service.

207. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the amount of money that was spent on the installation of equipment to cut out the smuggling of mobile phones into prisons here; the number of Irish prisons in which this equipment was operational; and if he will make a statement on the matter. [47510/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I presume the Deputy is referring to the new security measures introduced to prevent the smuggling of contraband (including mobile phones) into prisons.

A programme of works, intended to improve security in all prisons is nearing completion. These measures are aimed at eliminating the supply of contraband, including mobile phones, drugs, weapons and other miscellaneous items to prisoners by means of improved searching and detection procedures. To date, the programme has been implemented in ten prisons.

The works involved include a variety of measures including physical adjustments to the entrance and reception areas of prisons as well as the installation of specialist detection equipment.

The total cost of the project in all prisons, to date, will amount to approximately €6.2 million including VAT.

As a separate project, specialist equipment to block mobile phone signals has been installed in the Midlands prisons on a trial basis.

Question No. 208 answered with Question No. 201.

Citizenship Applications.

209. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 156 of 11 December 2008, the reason the information received by the person (details supplied) in Dublin 8 under the Freedom of Information Act 1997 does not provide the reason for refusing their application for naturalisation; if he will re-issue these reasons in writing to the person; and if he will make a statement on the matter. [47539/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question 156 of 11 December, 2008. As stated in that response, the individual in question submitted a request under the FOI Act for records held by my Department in this matter and a decision on that request was communicated to him on 25 November, 2008. If, following an examination of the copy of his case file, the individual con-

siders that my decision has been based on incorrect or incomplete information, it is open to him to seek a review of that decision.

Departmental Staff.

210. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform if further to commitments given at Parliamentary Committees (details supplied), he will furnish details of staff vacancies in the immigration area; and if he will make a statement on the matter. [47553/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would refer the Deputy to my Reply to his previous Question in this regard on 8 July 2008. I remain satisfied that these areas are adequately resourced to meet the many challenges they face.

Visa Applications.

211. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the number of student visas issued annually; the number revoked; and if he will make a statement on the matter. [47557/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The last full year for which figures are available is 2007. In that year 4849 ‘Study’ visas were approved. There is no record of any ‘Study’ visas having been revoked during that period.

Court Procedures.

212. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the position regarding a case (details supplied); and if he will make a statement on the matter. [47595/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have no function as Minister in determining the status of a particular marriage. It is open to either party to seek a court declaration under section 29 of the Family Law Act 1995 as to the status of the marriage.

Residency Permits.

213. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in regard to family reunification in the case of a person (details supplied) in County Longford; and if he will make a statement on the matter. [47607/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that the person referred to by the Deputy made a Family Reunification application in April 2003 in respect of his wife and that a decision issued in respect of this application in May 2004.

I am further informed by the Immigration Division that there is no record of a Family Reunification application in respect of the brother of the person in question.

214. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of family reunification in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [47608/08]

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 a Family

[Deputy Dermot Ahern.]

Reunification/Permission to Remain application on behalf of her husband in April 2007. 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. This application will be considered by my Department and a decision will issue in due course.

215. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of persons (details supplied) in County Mayo; and if he will make a statement on the matter. [47609/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

216. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [47610/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Questions No. 859 of Thursday 10 July 2008, No. 172 of Thursday 26 June 2008, No. 531 of Thursday 17 April 2008, No. 202 of Thursday, 10 April 2008 and No. 225 of Thursday, 3 April 2008 and the written Replies to those Questions.

The person concerned arrived in the State on 12 September 2006 and applied for asylum. 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 14 February 2008, and by amended letter dated 4 April 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

217. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [47611/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

218. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [47612/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Immigration Division of my Department that an application by the person concerned for residence in the State on the basis of his marriage to an EU National was approved on 9 July 2007.

This permission was revoked on 1 December 2008 when it subsequently came to light that the person concerned had divorced from the EU National during the time the original application was being considered.

The person concerned was given the opportunity to make submissions as to why permission to remain should be granted. Correspondence received from the applicant's legal representatives in this respect is currently being considered.

219. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied); and if he will make a statement on the matter. [47613/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that the person concerned was granted permission to remain in the State in September 2000, under the arrangements then in place for the parents of Irish citizen children. The permission granted is currently valid until 12 June 2009.

Citizenship Applications.

220. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter or citizenship in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [47614/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Officials in the Citizenship Section of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's Question.

Residency Permits.

221. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

[Deputy Bernard J. Durkan.]

the current or expected position in the matter or residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [47615/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 1 September 2004. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 9 September 2005, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were submitted on behalf of the person concerned at that time.

The person concerned has also submitted an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006) and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

222. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter or residency in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [47616/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

Asylum Support Services.

223. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if permission will be given to relocate to alternative accommodation on humanitarian grounds in the case of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [47617/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of dispersal and direct provision. The majority of accom-

modation provided by the RIA is in the form of direct provision whereby residents avail of full board accommodation and ancillary services. Such accommodation centres are required to take into account any specific dietary requirements which a resident may have. A very limited supply of self-catering accommodation is available, generally for serious medical and special needs cases and certain other target groups.

The person referred to in the details supplied by the Deputy applied for asylum on 30 March 2007. This person's son also applied for asylum on the same date. Both persons are currently accommodated at Atlantic House accommodation centre at Tramore, Co. Waterford. This person made a request for a transfer to self-catering earlier in 2008. The request was refused at that time after consideration by the RIA. Due to grounds set out in support of a transfer to alternative accommodation, the RIA will refer the case to a medical referee for consideration and respond directly to the asylum seeker as soon as practicable.

Residency Permits.

224. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [47618/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned applied for asylum on 31 March 2006 on her own behalf and on behalf of her two children. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 16 June 2007, that the Minister proposed to make Deportation Orders in respect of her and her children. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why she and her children should be allowed to remain temporarily in the State. This communication also advised the person concerned of her 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.

Deportation Orders.

225. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will review on humanitarian grounds the deportation order in the case of a person (details supplied) in County Clare; and if he will make a statement on the matter. [47619/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 26 August 2005 and applied for asylum on 29 August 2005. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner, and, on appeal, by the Refugee Appeals Tribunal.

[Deputy Dermot Ahern.]

Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, the person concerned was informed, by letter dated 31 March 2006, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State i.e. why she should not be deported.

Her case was then examined under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996, as amended, on the Prohibition of Refoulement. Consideration was given to representations submitted on her behalf by her legal representative for permission to remain in the State. On 25 November 2008, I refused permission to remain temporarily in the State and instead signed a Deportation Order in respect of her. Notice of this order was served by registered post requiring the person concerned to present herself at the Garda National Immigration Bureau (GNIB) 13-14 Burgh Quay, Dublin 2 on Tuesday 6 January 2009 in order to make travel arrangements for her removal from the State.

I am satisfied that the applications made by the person concerned for asylum and for temporary leave to remain in the State, together with all refoulement issues, were fairly and comprehensively examined and, as such, the decision to deport her is justified. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the GNIB.

Residency Permits.

226. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of the appeal taken in respect of the residency decision in the case of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [47620/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

227. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [47621/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to comment in detail on individual asylum applications. As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

228. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [47622/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 136 of Thursday, 9 October 2008, and the written Reply to that Question. The person concerned applied for asylum on 2 June 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner. The person concerned was notified of his entitlement to appeal this determination to the Refugee Appeals Tribunal but chose to not do so.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 13 January 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 submitting written 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.

The person concerned later submitted an application to be re-admitted to the asylum process in accordance with the provisions of Section 17(7) of the Refugee Act, 1996 (as amended). Following consideration of this application, a decision was made to refuse the application.

On 10 October 2006, regulations known as the European Communities (Eligibility for Protection) Regulations, 2006 (S.I No 518 of 2006) came into force. The person concerned was notified of his entitlement to submit an application for Subsidiary Protection in the State in accordance with these Regulations. The person concerned submitted an application for Subsidiary Protection in the State and, following consideration of this application, it was determined that the person concerned was not eligible for Subsidiary Protection in the State. The person concerned was notified of this decision by letter dated 21 August 2008.

The case file of the person concerned, including all representations submitted, now falls to be dealt with in accordance with the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this consideration has been completed, the case file of the person concerned is passed to me for decision.

Citizenship Applications.

229. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of the application for citizenship in the case of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [47623/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application for a certificate of naturalisation for the person referred to in the Deputy's Question was received in the Citizenship Section of my Department in September 2006. Officials in that Section inform me that processing of the application has commenced and the file will be forwarded to me for a decision in the coming months.

Asylum Applications.

230. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if special consideration in the matter of residency will be given on health and humanitarian grounds in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [47624/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): It is not the practice to comment in detail on individual asylum applications.

As the Deputy will be aware, applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

A final decision on each application is made following receipt of the recommendation of the Refugee Applications Commissioner or the decision of the Refugee Appeals Tribunal, as appropriate.

Citizenship Applications.

231. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in regard to citizenship or family reunification in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [47625/08]

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 in June 2007. Officials inform me that a letter requesting further information was sent to the applicant's solicitor on the 10 December 2008. Further processing of the application will commence once the documentation requested has been received.

Officials in the Family Reunification Section of my Department inform me that there is no record of a Family Reunification application from the person referred to in the Deputy's Question.

Visa Applications.

232. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will consider family reunification in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [47626/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my Reply to Parliamentary Question No. 160 of 19 June 2008. It is open to all non-nationals who are resident outside the State, and who are visa required to apply to their nearest Irish Embassy or Consulate for the appropriate visa. Each visa application is considered on its individual merits the onus resting with the applicant to satisfy the Visa Officer as to why the visa should be granted.

Comprehensive information when making a visa application is available on the website of the Irish Naturalisation and Immigration Service www.inis.gov.ie

Deportation Orders.

233. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

further to Parliamentary Question No. 128 of 20 November 2008, if he will revoke the deportation order on the basis of failure of their legal representative to respond within the specified time in view of the fact that the circumstances have changed through no fault of a person (details supplied) in County Louth; and if he will make a statement on the matter. [47627/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I would refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 128 of Thursday, 20 November 2008, in this matter. As stated in that Reply, the latest representations submitted on behalf of the person concerned are being treated as an application for revocation of the existing deportation orders as provided for under Section 3(11) of the Immigration Act, 1999 (as amended). This application is under consideration at present. When a decision has been made on that application, that decision, and the consequences of that decision, will be conveyed in writing to the person concerned.

In relation to the alleged failure of the previous legal representative of the person concerned to respond to an invitation to submit fresh representations within an agreed timeframe, it would have to be assumed that all the facts or circumstances which the person concerned would wish to have considered vis a vis her application to remain in the State are now before my Department for consideration.

Asylum Applications.

234. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of residency in the case of a person (details supplied) in Dublin 9; and if he will make a statement on the matter. [47628/08] I refer the Deputy to Parliamentary Question No. 154 of Thursday 26th June 2008, and the written Reply to that Question.

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 24 June 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 18 May 2005, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations were submitted by the person concerned at that time.

On 26 July 2005, the Minister signed a Deportation Order in respect of the person concerned. Notice of this Order was served by registered post. This communication advised the person concerned of the legal requirement that she ‘present’ herself at the Offices of the Garda National Immigration Bureau (GNIB) on 18 August 2005 in order to make arrangements for her deportation from the State. The person concerned ‘presented’ on this occasion but failed to ‘present’ on a subsequent occasion and was therefore classified as a person evading deportation. This position continued to obtain until May 2008 when the legal representative of the person concerned enquired into the possible entitlement of the person concerned to make an application for Subsidiary Protection in the State. Arising from this enquiry, and in accordance with the Minister’s discretion under Regulation 4(2) of the European Communities (Eligibility for Protection) Regulations, 2006, the person concerned was allowed to submit an application for Subsidiary Protection in the State which she duly did. This application is under consider-

[Deputy Dermot Ahern.]

ation at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

The person concerned remains the subject of a valid Deportation Order. However, the Deputy may be assured that this Order will not be enforced pending the determination of the Subsidiary Protection application.

Citizenship Applications.

235. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in the citizenship application in the name of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [47629/08]

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 in December 2007. Officials in that Section are currently processing applications received in mid 2007. Applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible.

Residency Permits.

236. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the progress in the residency application in the name of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [47630/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I refer the Deputy to Parliamentary Question No. 204 of Thursday, 2 October 2008, and the written Reply to that Question.

The person concerned applied for asylum on 1 December 2004. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 31 January 2006, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State.

Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

Question No. 237 answered with Question No. 67

Prisoner Releases.

238. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prisoners given early release in each of the past 12 months to date; and if he will make a statement on the matter. [47632/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that the gathering of the information requested would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources.

Temporary/early release arrangements operate similarly to a system of parole, which is a feature of prison systems worldwide. They are an important vehicle for re-integrating an offender into the community in a planned way. The generally accepted view is that the risk to the community is reduced by planned re-integration of offenders compared with their return to the community on the completion of their full sentence. Each case is examined on its own merits and the safety of the public is paramount when decisions are made. In addition, all releases are subject to conditions, which in the vast majority of cases include a requirement to report on a regular basis to the offender's Garda Station. Of course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí.

Prison Accommodation.

239. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of prison spaces currently available; the number of prisoners in prison; the number on early release; and if he will make a statement on the matter. [47633/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that as of 16 December, 2008 there were 3,611 permanent beds available in the prison system. On the same day there were 3,656 prisoners in custody. In addition there were 453 persons on temporary release.

Most of our prisons are currently operating at close to or slightly in excess of their bed capacity. It is the case that there has been a consistent increase in the total prisoner population over recent years. This situation is particularly apparent over the past 12 months during which time the total number in custody has increased by approximately 280. The provision of an extra 1,300 prison places in recent years had largely addressed the issue of overcrowding which had become a chronic problem for the prison system. However, it is my view that the continuation of the current capital programme is essential if overcrowding is not to become a major problem again in the near future.

It has to be acknowledged that the Irish Prison Service must accept all prisoners committed by the Courts. Figures show, over the past 12 years, the numbers in custody have increased by 65% and the numbers on temporary release have decreased by 34%. Current developments will provide an extra 400 prison spaces by summer 2009 by means of: a new remand block in Castlerea Prison which will accommodate approximately 100 prisoners which is due to be completed in early 2009; a new block in Portlaoise Prison which will accommodate approximately 150 prisoners which is due to open in the coming months; a new block in Wheatfield Prison which will accommodate 150 prisoners which is due to be completed in the summer of 2009.

Most recently over 30 extra spaces have been made available at the open centre at Shelton Abbey and a further 40 spaces have been made available at the open centre at Loughan House. It should also be borne in mind that our prisons have contingency plans in place whereby they can accommodate numbers above their ideal working capacity.

These new developments will see the prison service through to the opening of the prison complex at Thornton Hall. Quite clearly the Government and the Irish Prison Service have anticipated the demand for prison spaces and have acted accordingly. The Irish Prison Service capital programme will also ensure the elimination of the unacceptable practice of slopping out and will effectively complete the modernisation of the prison estate. The Irish prison estate

[Deputy Dermot Ahern.]

will be comparable to best international practice in terms of accommodation and facilities and services for the rehabilitation and reintegration of prisoners back into society. This will put the Irish Prison Service in good stead for the 21st century.

Crime Levels.

240. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the number of persons allegedly involved in gun crime including murder who have received bail in the past 12 months; if such persons have re-offended while on bail; and if he will make a statement on the matter. [47634/08]

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 sought by the Deputy directly to him.

Question No. 241 answered with Question No. 71.

242. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the cost of a gangland hit at the present time; and if he will make a statement on the matter. [47636/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I wish to advise the Deputy that it would be inappropriate for me to comment on the cost of what the Deputy refers to as a “gangland hit”. As I am sure the Deputy will agree, the placing of a contract on anyone’s life is a reprehensible and cowardly act. As such it is incumbent on all members of society to fully assist Gardaí with their investigations into such activities and to provide information which may assist them in solving crimes such as that identified by the Deputy.

The placing of a contract on a person’s life is a wholly illegal activity and as such it is subject to the full investigative efforts of An Garda Síochána’s and the full rigours of the law. The Garda authorities attach the highest priority to combating and preventing all murders including those resulting from organised crime and the activities of criminal gangs.

Organised criminal gangs operating in this jurisdiction are targeted on an ongoing basis by specialist units of An Garda Síochána, under the remit of the Assistant Commissioner, National Support Service. These include the National Bureau of Criminal Investigation, the Garda National Drugs Unit, the Organised Crime Unit and the Criminal Assets Bureau.

An allocation of €21 million has been ring-fenced in the Garda Budget 2009 for Operation Anvil which commenced in May 2005 in the Dublin Metropolitan Region (DMR) and was extended countrywide in 2006. The primary focus of Operation Anvil is the disruption of serious and organised criminal activity. To date under Operation Anvil and other Garda operations/initiatives, Gardaí have seized over 1,200 firearms within the DMR. Operations outside the DMR have led to the recovery of 983 firearms.

The Organised Crime Unit is now established on a permanent basis and specifically targets those suspected of involvement in organised crime and drug trafficking, including the importation, sale, and supply of drugs. This unit works in association with other specialist units including the Criminal Assets Bureau, the National Bureau of Criminal Investigation, and the Garda Bureau of Fraud Investigation, and the Garda National Drugs Unit,

To date the Organised Crime Unit has participated in numerous intelligence-led operations which have resulted in the arrest and prosecution of several high-profile criminals. Operations have also resulted in the seizure of drugs with an estimated street value of almost €50m and the confiscation of approx. 230 firearms. An Garda Síochána remains fully committed to targeting violent crime and to using its resources to pursue those who engage in or facilitate persons involved in such activity.

243. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if an estimate has been undertaken to identify the number of weapons available for gangland killings; and if he will make a statement on the matter. [47637/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy will appreciate, given the covert nature of the criminal activity referred to in his Parliamentary Question it is not possible to provide an accurate estimate of the number of firearms available to those involved in criminal activity. An Garda Síochána will continue to tackle the issue of illegal guns, particularly through Operation Anvil under which about 2,200 guns have been recovered. The Deputy will also be aware that I have announced proposals in relation to the banning of licensing of hand guns.

Crime Prevention.

244. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take against persons carrying illegally held handguns having particular regard to his concern at the number of legally held and registered handguns; and if he will make a statement on the matter. [47638/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A wide range of provisions to combat gun crime were introduced in the Criminal Justice Act 2006. That Act introduced mandatory minimum sentences of between five and ten years for certain firearms offences, including possession of a firearm in suspicious circumstances, possession of a firearm with criminal intent, possession of a firearm with intent to endanger life, possession of a firearm while hijacking a vehicle, use of a firearm to resist arrest and a new offence of altering a firearm.

Since my appointment I have expressed concern at the number of handguns which have been licensed here in recent years. I am aware that the vast majority of licensed firearms holders pursue their interests legitimately. I am conscious too that many of them deeply resent any connection that is made to the issue of licensed handguns in the context of our crime problem. But as Justice Minister I cannot avoid the reality that the overall number of weapons in circulation and the type of those weapons can add to a gun culture. Indeed the issue of handguns was highlighted by Mr Justice Peter Charleton in a judgement during the summer when he said that a reasonable person is entitled to feel alarmed at the proliferation of handguns.

As the Deputy is no doubt aware, my proposals for reform in this area include a ban on issuing new licenses for handguns, although there will be limited exceptions in relation to Olympic sports. Those who have licenses already can, when they are due for renewal, apply to have them renewed under a new licensing procedure where the safety of the community will be paramount. Together with the Garda Commissioner I will keep under annual review the outcome of the licensing procedure and, if the outcome leaves a situation which still poses an unacceptable risk to the community, I will use new powers to ban particular types of firearm. My proposals will be given legislative form in the Criminal Justice (Miscellaneous Provisions) Bill, which I will bring before the House early in the new year.

[Deputy Dermot Ahern.]

It is important to stress that these proposals will not impinge on the vast majority of licensed firearms holders. While any inconvenience caused to those who will be affected by the proposals is, of course, regretted I am satisfied that my proposals are in the public interest.

Crime Levels.

245. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which persons on bail have subsequently offended while on bail; if many have re-offended more than once; and if he will make a statement on the matter. [47639/08]

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 sought by the Deputy directly to him.

Crime Prevention.

246. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the action he proposes to take to combat the rise in drug associated crime; and if he will make a statement on the matter. [47640/08]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): As the Deputy is aware, the legislation introduced by the Government to tackle serious drug trafficking in Section 27 of the Misuse of Drugs Act 1977 (as amended by the Criminal Justice Acts 1999, 2006 and 2007), provides for mandatory minimum sentences of not less than 10 years imprisonment for individuals convicted of a first offence under sections 15A and/or 15B of that Act. The provisions of the Criminal Justice (Drug Trafficking) Act 1996 were recently renewed by my Department and provide the Gardaí with strong powers of detention in relation to persons suspected of drug trafficking offences.

The Department of Community, Rural and Gaeltacht Affairs, under the stewardship of Minister of State Mr. John Curran, T.D., is the lead Government Department with responsibility for coordinating the implementation of the current National Drugs Strategy. That Department is currently in the process of developing a new strategy for the years 2009 to 2016. This work is being led by a steering group with representatives from the relevant Government Departments and Agencies and with representation from the community and voluntary sectors. Both my Department and An Garda Síochána are represented on this group. The Government is determined that the new Strategy will facilitate the tackling of the illicit drugs problem in a comprehensive and effective way.

I am advised that An Garda Síochána proactively targets the activities of criminal organisations involved in drug associated crime, including the importation, sale and supply of drugs. The Gardaí also conduct targeted operations against individuals and organisations operating within this jurisdiction with known links to international criminals, including Irish nationals based abroad. There continues to be very strong cooperation between the Gardaí and the Revenue Commissioners (Customs) under the terms of the Memorandum of Understanding to investigate persons suspected of being involved in international drug-trafficking.

The Criminal Assets Bureau works closely with the Garda National Drug Unit. A dedicated unit within the Garda National Drugs Unit has been established to liaise with the Criminal Assets Bureau to target in particular those criminals and criminal groupings believed to be

deriving profits and assets from drug-related criminal activity. The Bureau liaises and works with the Divisional Criminal Assets Profilers in each Garda Division throughout the country in implementing the statutory remit of the Bureau.

Other Units, operating under the direction of the Assistant Commissioner, National Support Services, also target those suspected of being involved in the importation, sale and supply of drugs. These include:

- the Garda National Drugs Unit which is responsible for targeting networks involved in the sale and distribution of illegal drugs;
- the Garda Bureau of Fraud Investigation which is responsible for the investigation of individuals and organisations involved in Money Laundering;
- the National Bureau of Criminal Investigation which is responsible for investigating the activities of organised criminal networks;
- the Organised Crime Unit which has a specific remit of targeting those suspected of involvement in organised crime, including drug trafficking, importation, sale and supply.

These units are supported by other units and agencies as necessary.

At a local level Divisional and District Drug Units have been established with the specific remit of targeting individuals engaged in the sale and distribution of drugs to local communities. These units are supported by local resources and supplemented by National Units as and when required.

International cooperation is also crucial in tackling drug crime. This work is greatly facilitated by the work of Garda liaison officers based in London, Paris, the Hague, Madrid, Europol and Interpol Headquarters and now also at the Maritime Analysis and Operations Centre (Narcotics) in Lisbon. An Garda Síochána exchanges strategic and operational intelligence with other law enforcement agencies, including Interpol and Europol, in accordance with legislative and operational protocols. Gardaí also assist international law enforcement agencies who are conducting investigations with suspected involvement by Irish nationals, through the Mutual Assistance Agreement in criminal matters.

The hugely successful Operation Seabight which was a recent coordinated effort by An Garda Síochána, the Customs Service, and the Naval Service working in conjunction with our European partners at the Maritime Analysis and Operations Centre (Narcotics) in Lisbon is further evidence of inroads being made against those involved in this form of criminality.

The Garda authorities advise that in addition to the considerable volumes of drugs continuing to be seized, significant impact has been made over the last eighteen months by arresting and prosecuting a number of major players involved in drug trafficking through the importation, sale and distribution of drugs. A significant number of crime gangs involved in this type of criminal activity have been disrupted and dismantled.

Senior management in An Garda Síochána are keeping the situation under review to ensure an effective law enforcement response is in place to tackle the drugs problem.

Citizenship Applications.

247. **Deputy Jimmy Deenihan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application by a person (details supplied) in County Kerry for naturalisation; and if he will make a statement on the matter. [47641/08]

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 in December 2007.

Officials in that Section inform me that the application is at an advanced stage of processing and the file will be forwarded to me for a decision in due course.

Irish Unity.

248. **Deputy Finian McGrath** asked the Minister for Foreign Affairs his position on Irish unity and independence. [47261/08]

Minister for Foreign Affairs (Deputy Micheál Martin): The Programme for Government makes clear that, following on the significant political progress of recent years, the Government is committed to further steps towards peace and unity in our country.

The Government's position in this regard is rooted in the Good Friday Agreement which recognises that it is for the people of the island of Ireland, by agreement, to determine their political future, and commits both the Irish and British Governments to give full effect to their decision. This was endorsed by an overwhelming majority of the people of this island, North and South, in the referenda held in May 1998.

Consistent with this approach the Government has worked determinedly to secure the fullest possible implementation of the Good Friday Agreement and to promote lasting reconciliation between the main traditions on this island. This has been underpinned by a comprehensive programme of cross-border cooperation, including effective collaboration within the framework of the North South Ministerial Council, as well as strengthened efforts to tackle sectarianism, recognizing that mutual tolerance and respect are the essential underpinning of a new relationship among all those who share the island of Ireland.

Prisoner Transfers.

249. **Deputy Martin Ferris** asked the Minister for Foreign Affairs if he has made representations for a person (details supplied) to be repatriated to a prison here. [47406/08]

Minister for Foreign Affairs (Deputy Micheál Martin): Applications for prisoner transfer under the European Convention on the Transfer of Sentenced Persons or the Transfer of Sentenced Persons Act, 1995, are a matter for the Minister for Justice, Equality and Law Reform.

My Department has responsibility for the provision of consular assistance to Irish citizens outside the State. In this regard, the Department maintains regular contact with the person in question through the Embassy in London, including through visits, the most recent of which was at the end of November.

Employment Rights.

250. **Deputy Arthur Morgan** asked the Minister for Foreign Affairs the legal guarantees he is seeking in respect of workers rights in the context of the Lisbon treaty. [47410/08]

Minister for Foreign Affairs (Deputy Micheál Martin): Ensuring protection for the rights of workers is a central concern of the Government. The development of European policy and practice, as reflected in EU law, has been hugely positive for Irish and European workers. Directives cover a range of issues and rights, including equal pay for men and women; parental leave; maternity leave; the organisation of working time; equal access to men and women to

employment and vocational training; equal treatment in social security; minimum health and safety requirements in the workplace; part-time workers; fixed-term work; and equal treatment in respect of racial or ethnic origin.

As the Deputy will be aware, last month the Government and social partners ratified a series of commitments aimed at legislating in the area of collective bargaining and trade union recognition by June 2009.

In addition, the provisions of the Lisbon Treaty and the Charter of Fundamental Rights represent a significant advance with regard to the rights of workers, not least in respect of the operation of collective bargaining. Other rights covered include workers' right to information and consultation within the business, free access to placement services, to protection in the event of unjustified dismissal, to fair and just working conditions, a prohibition on child labour and the protection of young people at work, rights of parental leave and to social security and assistance.

This was recognised by both the Executive of the Irish Congress of Trade Unions and the European Trade Union Confederation when they decided to lend their support to the Lisbon Treaty.

In its meeting of 11/12 December, the European Council carefully noted the concerns of the Irish people as presented by the Taoiseach, and as set out in Annex 1 to the Council Conclusions. It agreed that "all of the concerns set out in the said statement shall be addressed to the mutual satisfaction of Ireland and the other Member States".

A number of social issues, including social progress and the protection of workers' rights, were included in the Taoiseach's statement. The European Council agreed that, in addressing these concerns, it would confirm the high importance attached by the Union to these matters.

In the months ahead, the Government will be working with our EU partners and with the EU institutions in order to give to effect to the commitments contained in the European Council conclusions, including in relation to workers' rights.

Overseas Development Aid.

251. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs the percentage of both Ireland's total Official Development Assistance, and that spent only by his Department in both of the years 2006 and 2007 that is dedicated to supporting education in the developing world. [47474/08]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Education is a key component of Ireland's Overseas Development Aid programme. This is reflected in the White Paper on Irish Aid, which states that: "Education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty".

In 2006, total Overseas Development Assistance (ODA) amounted to approximately €814 million, of which €595.4 million was administered by my Department through Irish Aid. €51 million of this was spent on a wide range of education projects and programmes across the aid programme. This represents approximately 6% of total ODA and 9% of the Irish Aid budget.

In 2007, total ODA amounted to €870.8 million, of which €725.7 million was administered by Irish Aid. €70.4 million of this was spent on education, representing approximately 8% of total ODA and 10% of the Irish Aid budget.

Funding for education is delivered through a number of channels, including direct support to Non Governmental Organisations (NGOs), Ministries of Education and missionaries as well as multilateral agencies and global initiatives. Support to education encompasses assistance

[Deputy Peter Power.]

which is designed to put in place sustainable education systems, through support for teacher training, provision of textbooks and teaching materials, school construction and the development of curricula.

Our assistance also enables Ministries of Education to provide quality education with a focus on child centred learning for the increasing numbers of children attending schools. The main focus is on primary education, including support for girls' education and also strengthening the role of the education sector. Our assistance also enables Ministries of Education to provide quality education with a focus on child centred learning for the increasing numbers of children attending schools. The main focus is on primary education, including support for girls' education and also strengthening the role of the education sector in responding to HIV and AIDS. Support is also provided, where appropriate, to second and third level institutions.

Departmental Staff.

252. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the grades and number of staff currently in Irish Aid in Limerick; the number of those who moved from Irish Aid in Dublin; if they came from outside of Irish Aid, the areas they came from; the number of personnel and their grades who currently remain in Irish Aid in Dublin; when Limerick will have its full compliment; and if he will make a statement on the matter. [47597/08]

Minister for Foreign Affairs (Deputy Micheál Martin): Under the Government's decentralisation programme announced in 2003 the Development Co-operation Division of the Department of Foreign Affairs has decentralised to Limerick. The Division is the Headquarters of Irish Aid.

124 staff have moved into the new Headquarters building in Limerick. A breakdown of grades is provided in the table. Of those in Limerick, 78 were in Irish Aid in Dublin immediately before transferring to Limerick, 12 were in other Divisions of the Department of Foreign Affairs, 12 were recruited for direct assignment to Limerick and 22 joined Irish Aid in Limerick from provincial locations. At this stage a total of 21 staff remain in Irish Aid in Dublin. A number of additional staff assignments to Limerick will take place in the New Year.

Grade Breakdown

Staff currently in Limerick	124	Assistant Secretary	1
		Counsellor/Principal Officer	9
		Principal Development Specialist	1
		First Secretary	9
		Assistant Principal	14
		Accountant Grade 1	2
		Accountant Grade 2	2
		Senior Development Specialist	10
		Development Specialist	14
		Higher Executive Officer	12
		Third Secretary	5
		Executive Officer	16
		Staff Officer	2
		Clerical Officer	25
		Services Officer	2

Grade Breakdown

Staff currently in Dublin	21	Assistant Secretary	1
		Counsellor/Principal Officer	2
		First Secretary	3
		Assistant Principal	2
		Senior Development Specialist	2
		Development Specialist	2
		Higher Executive Officer	2
		Executive Officer	2
		Clerical Officer	5

Departmental Expenditure.

253. **Deputy Michael Ring** asked the Minister for Foreign Affairs the average cost per head of receptions hosted (details supplied); and if he will provide the information in tabular form. [47600/08]

254. **Deputy Michael Ring** asked the Minister for Foreign Affairs the nature of each event, the cost paid in respect of each event, the number of guests at each event and the companies to which money was paid (details supplied); and if he will provide the information in tabular form. [47601/08]

Minister for Foreign Affairs (Deputy Micheál Martin): I propose to take Questions Nos. 253 and 254 together.

The information requested by the Deputy is set out in the following table.

Receptions hosted by the Minister for Foreign Affairs and Ministers of State in the Department of Foreign Affairs, June 2007-Present

Date	Event	Host	Total Cost	No. of Guests	Cost per Person	Caterer
26/09/2007	Unveiling of bust of Mr. Frank Aiken, former Minister for Foreign Affairs	Mr. Dermot Ahern T.D., Minister for Foreign Affairs	€ 3,791.91	80	€ 47.40	Corporate Cuisine
24/10/2007	Reception for Cooperation And Working Together	Mr. Dermot Ahern T.D., Minister for Foreign Affairs	1,716.80	100	17.17	Amitan
31/10/2007	Reception for the Irish Exporters Association commemorating the 50 year trade relationship between Ireland and Japan	Mr. Dick Roche T.D., Minister of State for European Affairs	1,098.77	80	13.73	Amitan
30/11/2007	World Aids Day	Mr. Michael Kitt T.D. Minister of State for Overseas Development	1,620.82	85	19.07	Amitan
22/01/2008	Opening of Irish Aid Centre, O'Connell St., Dublin	Mr. Dermot Ahern T.D., Minister for Foreign Affairs & Mr. Michael Kitt T.D. Minister of State for Overseas Development	8,523	450	18.94	Amitan
23/01/2008	Launch of the Consular Services Charter	Mr. Dermot Ahern T.D., Minister for Foreign Affairs	1,994.90	100	19.95	Amitan
14/02/2008	Reception for Mr. Salih Mahmoud Osman, Winner of the European Parliament's Sakharov Prize 2007 for Freedom of Thought	Mr. Dick Roche T.D., Minister of State for European Affairs	911.63	50	18.23	Amitan
15/02/2008	Reception for the Participants of UCDC Seminar on Europe	Mr. Dick Roche T.D., Minister of State for European Affairs	1,053.09	60	17.55	Amitan
27/03/2008	Reception on the occasion of the Middle Power Initiative, Article VI Forum, Dublin	Mr. Dermot Ahern T.D., Minister for Foreign Affairs	1,824.07	100	18.24	Amitan
08/04/2008	Reception to mark the 40th Anniversary of Concern	Mr. Dermot Ahern T.D., Minister for Foreign Affairs	4,303.86	250	17.22	Amitan

Receptions hosted by the Minister for Foreign Affairs and Ministers of State in the Department of Foreign Affairs, June 2007-Present — *continued*

Date	Event	Host	Total Cost	No. of Guests	Cost per Person	Caterer
14/04/2008	Signing of Double Taxation Agreement between Ireland and Macedonia	Mr. Dick Roche T.D., Minister of State for European Affairs	€ 41.95	6	€ 6.99	Wine only from Departmental Stock
23/05/2008	Africa Day	Mr. Peter Power T.D., Minister of State for Overseas Development	3,485.26	200	17.43	Amitan
17/06/2008	Launch with Burma Action Ireland of the Burma Human Rights Report “Bullets in the Alms Bowl”	Mr. Micheál Martin T.D., Minister for Foreign Affairs	2,289.13	100	22.89	Brambles
18/06/2008	Reception for the Diplomatic Corps	Mr. Micheál Martin T.D., Minister for Foreign Affairs	2,007.14	80	25.09	Brambles
23/06/2008	Launch of Consular Services initiative	Mr. Micheál Martin T.D., Minister for Foreign Affairs	1,558.33	80	19.48	The Imperial Hotel, Cork
06/10/2008	Global Partners Forum on Children Affected by HIV & AIDS	Mr. Peter Power T.D., Minister of State for Overseas Development	4,043.78	200	20.21	Brambles
22/10/2008	Launch of the publication “Coming Home”	Mr. Micheál Martin T.D., Minister for Foreign Affairs	3,251.39	150	21.68	Brambles
05/11/2008	Launch of International Fund for Ireland publication	Mr. Micheál Martin T.D., Minister for Foreign Affairs	3,648.55	200	18.24	Amitan
18/11/2008	Joint reception with Dublin Chamber of Commerce for business leaders and the diplomatic corps	Mr. Micheál Martin T.D., Minister for Foreign Affairs	3,949.80	150	26.33	Egans
25/11/2008	Reception to mark the publication of Volume VI of “Documents in Irish Foreign Policy”	Mr. Micheál Martin T.D., Minister for Foreign Affairs	4,017.24	250	16.06	Amitan

Swimming Pool Projects.

255. **Deputy Emmet Stagg** asked the Minister for Arts, Sport and Tourism when he will announce a new round of grants under the local authority swimming pool programme. [47365/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): Because of the current budgetary constraints, it is not intended to launch a new round of the Local Authority Swimming Pool Programme at this time. The matter will be reviewed again in 2009.

Departmental Property.

256. **Deputy Joe McHugh** asked the Minister for Arts, Sport and Tourism the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form. [47569/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The OPW are responsible for the acquisition of and costs relating to the temporary and permanent accommodation occupied by the Department in 2007. Therefore the cost of these rents or leases do not fall within the Department's Vote.

Sports Funding.

257. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism his views on whether the decision to cut funding to the Irish Sports Council and to sport in general despite the fact that obesity levels here are quickly rising was a short term money saving exercise which will have a significant impact on the nation's health; and if he will make a statement on the matter. [47580/08]

Minister for Arts, Sport and Tourism (Deputy Martin Cullen): The Deputy will be aware that in addressing the public financial challenges all areas of expenditure have been examined and the budget of the ISC has been impacted following this process. Nevertheless the huge social and economic benefits of sport are acknowledged by this Government and are reflected in the unprecedented level of Government funding for sport over the last number of years. Since 2000 more than €307m has been allocated to the Irish Sports Council (ISC). The allocation in 2009 is over €53m, an increase of more than 300% on the 2000 funding level of €13m. While there is a reduction on the 2008 allocation, I am confident that the 2009 allocation will be sufficient to support the work of the ISC in maintaining existing programmes and building on recent significant progress in all areas.

I understand that my colleague, the Minister for State with responsibility for Health Promotion, Ms Mary Wallace TD has made it one of her key priorities to address the issue of overweight and obesity.

National Drugs Strategy.

258. **Deputy Brian Hayes** asked the Minister for Community, Rural and Gaeltacht Affairs the cuts planned for local drugs task forces; and if he will make a statement on the matter. [47509/08]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran): This year, the budget for community-based initiatives in the Local and Regional

Drugs Task Force areas, including funding for new cocaine and rehabilitation measures introduced during the year, will come to nearly €34.8m. Funding for 2009 is approximately €34.6m, which is a minor reduction of 0.5% on the 2008 allocation from my Department.

Departmental Property.

259. **Deputy Joe McHugh** asked the Minister for Community, Rural and Gaeltacht Affairs the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form. [47571/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The bulk of my Department's staff is based at the following locations. In addition, my Department has a small number of inspectors based at other government offices across the country.

County	Address
Dublin	43-49 Mespil Road, Dublin 4
Galway	Na Forbacha
Sligo	Teeling Street, Tubbercurry
Kerry	Government Buildings, Spa Road, Tralee
Donegal	Pairc Ghnó, Bun Beag
Mayo	Achill Sound, Achill

As the Deputy will be aware, the Office of Public Works (OPW) has responsibility for State property matters, including the renting and leasing of premises on behalf of Departments. The specific details sought by the Deputy in relation to the premises, which the OPW is renting on behalf of my Department, are therefore a matter for that Office.

Pension Provisions.

260. **Deputy Joan Burton** asked the Minister for Social and Family Affairs if she is taking steps to ensure that private sector defined benefit pension schemes can meet their funding requirements; if she proposes to make changes to the regulations governing such funds; and if she will make a statement on the matter. [47342/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Pensions Act provides for a minimum Funding Standard which defined benefit pension schemes must meet on an ongoing basis. Generally speaking, the Standard requires that schemes maintain sufficient assets to enable them to discharge accrued liabilities in the event of a scheme winding up. Where schemes do not satisfy the Funding Standard the sponsors/trustees must submit a funding proposal to the Pensions Board to restore full funding within three years. The Pensions Board can allow a scheme up to ten years to meet the standard in certain circumstances.

In 2007, 81% of defined benefit schemes reporting to the Pensions Board passed the Funding Standard. Most of those schemes failing the test had a funding proposal in place. It is expected that the number of schemes failing the funding standard will increase significantly in the coming year. However, the extent of the problem will not be fully apparent until schemes carry out end of year actuarial assessments and report the results to the Pensions Board as required under the Pensions Act.

In recognition of the current market difficulties and the difficult decisions that pension schemes will face, the Government has put in place short-term measures to ease the pressure

[Deputy Mary Hanafin.]

on schemes. It has been agreed with the Pensions Board that an additional six months will be allowed for trustees to prepare funding proposals.

This will mean that schemes will have 18 months to review the situation with sponsoring employers and to formulate proposals for recovery.

The Government is working with the Pensions Board, representative organisations and the social partners to find ways to ease the pressure on schemes by striking a balance between the long-term nature of pension savings and the need to ensure short-term security of accrued benefits. As outlined, it has already taken some short-term measures in this area. The long-term response to the situation is being considered in the context of the Green Paper on Pensions and any changes proposed will be announced in the context of the overall framework for pensions which the Government will announce in the near future.

Social Welfare Benefits.

261. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the number of applications for supplementary welfare allowance in 2006, 2007 and to date in 2008. [47424/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme is administered by the community welfare division of the Health Service Executive on behalf of the Department. Statistics are not held on the number of people who applied for payments under the supplementary welfare allowance scheme. The scheme is delivered locally by community welfare officers who interview claimants when they first present to enquire about possible entitlements under the supplementary welfare allowance scheme. Claim details are recorded electronically only in cases where it is established that a claim is payable under the scheme. The following tabular statement shows the number of recipients of supplementary welfare allowance and the total number of exceptional needs payments from 2006 to date:

	Basic SWA	Rent Supplement	Mortgage Interest Supplements	Other Supplements**
2006	25,330	59,861	3,424	18,495
2007	27,379	59,726	4,111	17,744
2008*	34,397	72,840	7,839	17,035

*At 12 December 2008.

**Includes Diet, Travel, etc.

Total Number of Exceptional Needs Payments, 2006 to Date

Year	Payments
2006	224,738
2007	234,933
2008***	250,078

***To 12 December 2008.

Family Support Services.

262. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs if a family resource centre was promised for the Ballinfoyle area of County Galway; if this remains the intention; and if it will be in the 2009 Estimates. [47475/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Department is committed to supporting families and values the role that the Family Resource Centres play in communities all over the country. Funding from the Family Support Agency helps with staffing and equipping these centres. By the end of 2008, the number of Family Resource Centres will have expanded from an original 10 to 107 nationwide. The funding for the Programme increased from €317,000 in 1994 to nearly €19 million in 2008. In the context of the National Development Plan, it was intended to expand the number of Family Resource Centres by up to 6 centres this year and to provide some existing ones with additional staff. The organisation referred to by the Deputy is one of the projects that have applied for inclusion in the Family Resource Centre Programme and that meet the criteria.

However, as part of the Government's collective approach to controlling short-term expenditure in the interests of Ireland's future prosperity, with the exception of two new FRCs, one in Killeshandra, Co. Cavan and one in Duiska, Galway City, no other Family Resource Centres will open in 2008 or 2009. It will also not be possible to increase the staffing complement of the existing centres. Government support for family services will however remain strong. Last year, additional staff were funded for 40 Family Resource Centres. Also in June I approved counselling grants of almost €11 million to 600 voluntary and community groups supporting families nationwide.

Social Welfare Benefits.

263. **Deputy Joe Costello** asked the Minister for Social and Family Affairs if her attention has been drawn to the case of a person (details supplied); and if she will make a statement on the matter. [47257/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): Eligibility for a fuel allowance is subject to a means test and other conditions. A person may have a combined household income of up to €100.00 per week over and above the maximum rate of State Pension (Contributory) or savings/investments of up to €58,000 and still qualify for fuel allowance. The person concerned is in receipt of a State Pension (Contributory) at the maximum rate of €241.00 per week including €10.00 per week Over 80 Allowance and Living Alone Allowance of €7.70. He also has income of over €100.00 per week from a private pension. As this amount is in excess of the income limit allowable for eligibility to a fuel allowance, his application was disallowed and he was notified accordingly. It is not possible to waive the requirements for qualification to Fuel Allowance on an individual basis.

264. **Deputy Brendan Howlin** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that persons (details supplied) in County Wexford have been refused supplementary welfare allowance pending a decision on jobseeker's benefit; if she will ensure that they receive funding to enable them to sustain themselves and their two dependant children; and if she will make a statement on the matter. [47271/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme is administered on behalf of the Department by the community welfare division of the Health Service Executive. The Executive has advised that one of the people concerned has made an application for a basic weekly payment of supplementary welfare allowance pending a decision on a claim for Jobseeker's allowance. The Executive has further advised that a decision will be made on her application for supplementary welfare allowance as soon as the Executive receive evidence of her spouse's income from self employment. The person concerned has also made an application for rent supplement. However, payment of a

[Deputy Mary Hanafin.]

rent supplement is excluded in legislation where a person or their spouse/partner is in full-time employment.

Departmental Agencies.

265. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the budgeted expenditure for the Money, Advice and Budgeting Service for each of the past five years; the number of staff and advisors employed by MABS; the average and the longest waiting period for people availing of the service; and if she will make a statement on the matter. [47335/08]

267. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the number, in whole-time equivalent terms, of MABS personnel in each of the past three years. [47425/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): I propose to take Questions Nos. 265 and 267 together.

The Money Advice and Budgeting Service (MABS) is the main Government funded service which provides assistance to people who are over-indebted and need help and advice in coping with debt problems. There are 53 independent companies with voluntary boards of management operating the local services throughout the country. There are currently 246 money advice staff equating to 218.3 whole time equivalents employed to provide the MABS services. In 2008 almost €18 million has been provided to fund the service. All MABS Companies operate an appointment system for meeting clients. Information is not available on the MABSIS on the waiting times for appointments at different offices. However, in all cases, clients with urgent difficulties are dealt with promptly. Less urgent cases are referred to the MABS National Telephone Helpline, 1890 382438 available from 9 a.m. to 8 p.m. Monday to Friday and to the MABS website www.mabs.ie available 24 hours for immediate assistance with budgeting and money management issues.

Tables 1 and 2 detail the amount of funding allocated to MABS in each year since 2004 and the whole time equivalent staffing levels for the last three years.

Table 1: MABS Funding 2004 to 2008

Year	Funding
	€
2004	11,401,000
2005	13,620,000
2006	16,416,000
2007	17,670,000
2008	17,950,000

Table 2: MABS Staff 'WTEs' 2006 to 2008 (i.e. Whole Time Equivalents)

Year	Total
2006	202.2
2007	217.3
2008	218.3

Social Welfare Benefits.

266. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the number of people in receipt of mortgage payment assistance; the number expected to avail of such assistance in 2009; the average and longest time that passes between application for such assistance and the first payment; the conditions for the receipt of such assistance; if people must be unemployed in order to receive such assistance; and if she will make a statement on the matter. [47336/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme provides for a supplement to be paid in respect of mortgage interest to any person in the State whose means are insufficient to meet their needs. The scheme is administered by the community welfare service of the Health Service Executive on behalf of the Department. The purpose of mortgage interest supplement is to provide short term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only. In general a person may be entitled to a mortgage interest supplement provided that:

- s/he is habitually resident in the State;
- the loan agreement was entered into at a time when, in the opinion of the Health Service Executive, the person was in a position to meet the repayments;
- the residence in respect of which the loan is payable, is not offered for sale;
- the mortgage interest payable does not exceed such amount as the Health Service Executive considers reasonable to meet his or her residential needs.

In exceptional circumstances, a supplement may be awarded where the mortgage interest exceeds such amount as the Executive considers reasonable:

- but such a supplement is payable for a maximum of 12 months only;
- s/he satisfies a means test;
- s/he or their spouse/partner is not engaged in full-time employment.

Mortgage interest supplements are normally calculated to ensure that a person, after the payment of mortgage interest, has an income equal to the rate of supplementary welfare allowance, appropriate to family circumstances, less a minimum contribution, currently €13, which recipients are required to pay from their own resources. The minimum contribution will be increased to €18 a week from January 2009. Many recipients pay more than the minimum contribution because they are also required, subject to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic supplementary welfare allowance rate towards their accommodation costs.

The existing mortgage interest supplement assessment provides for a gradual withdrawal of payment as hours of employment or earnings increase. In recent years improvements have been made to the means test to encourage eligible people to engage in employment without losing their entire mortgage interest supplement. Those availing of part-time employment (less than 30 hours a week) and/or approved training opportunities can receive mortgage interest supplement subject to their satisfying the standard means assessment rules.

[Deputy Mary Hanafin.]

Since June 2007, where a person has additional income in excess of the standard weekly rate of supplementary welfare allowance, the first €75 of such additional income together with 25% of any additional income above €75 is disregarded for means assessment purposes. This ensures that those returning to work or participating in training schemes are better off as a result of taking up such an opportunity. There are currently over 7,800 people in receipt of mortgage interest supplement. The cost of the scheme in 2008 is estimated at €26million. The provisional estimate for 2009 is €29.6m based on current levels of service. Expenditure on mortgage interest supplement is closely monitored on a monthly basis in the context of the Government's framework for reporting on public expenditure and estimates of future expenditure will be revised as appropriate taking into account trends in recipient numbers and average monthly mortgage interest payments.

Electronic statistics are not available on the length of time it takes to process an application for mortgage interest supplement. The scheme is delivered locally by community welfare officers who interview claimants when they first present to enquire about their possible entitlement for mortgage interest supplement. Claim details are recorded electronically only in cases where it is established that mortgage interest supplement is payable.

Question No. 267 answered with Question No. 265.

268. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs the reason the income disregard of €200 per week under the non-contributory State pension does not apply to self-employment; the plans there are to review the policy; and if she will make a statement on the matter. [47492/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The earnings disregard of €200 per week applies to income from employment. It does not apply to income from any other source such as self-employment, farming or rents from leasing property. Income from sources other than employment is covered by the general means disregard of €30 per week. It should be noted that in contrast to persons in employment, expenses necessarily incurred in carrying out any form of self-employment have always been disregarded when calculating means from self-employment. Such earnings are assessed net of expenses incurred by the person in the course of their work e.g. on petrol/diesel, purchase of equipment, raw materials, etc. The effectiveness of means testing arrangements are kept under review and, where appropriate, changes are considered in a Budgetary context.

269. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the way a person (details supplied) in County Mayo was assessed for jobseeker's allowance. [47499/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): A decision has not yet been given on the recent jobseeker's allowance claim made by the person concerned. A Social Welfare Inspector has completed his investigation into his means and has submitted his report to a Deciding Officer. A decision will be given shortly and he will be notified of the outcome. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

270. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo has not been approved the full rate of jobseeker's allowance. [47502/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned is in receipt of jobseeker's allowance from 29 October 2008 at the weekly rate of €11.80, based on a means assessment of €186.00 per week derived from self-employment in the fishing industry. It is open to him to appeal this decision and a form for this purpose was issued to him on 11 December 2008. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

271. **Deputy Brian Hayes** asked the Minister for Social and Family Affairs the amount spent on rent supplement payments by her Department in 2008; the measures being taken by her Department to ensure money is not spent on substandard properties; and if she will make a statement on the matter. [47505/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the Department by the community welfare service of the Health Service Executive (HSE). The cost of the rent supplement scheme for 2008 is expected to be €436m. There are currently 72,840 people in receipt of rent supplement. The purpose of rent supplement is to provide short-term income support to eligible tenants living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

Responsibility for setting and enforcing housing standards rests with the local authorities. The community welfare service of the HSE is not qualified to undertake this work. However, accommodation occupied by rent supplement tenants should at least meet minimum housing standards. Under legislative provisions introduced by the Department in 2006 and 2007, the HSE can decide that a rent supplement may not be payable where it has been notified by a housing authority regarding non-compliance with housing standards. Where a notification of non compliance with standards, is received from a housing authority in respect of an existing tenant, guidelines recommend that a community welfare officer discuss the situation with the tenant and take whatever action it decides is necessary in the best interests of the tenant. The objective is to ensure that substandard accommodation does not come within rent supplementation.

The HSE must be satisfied that accommodation funded under the rent supplement scheme, is reasonably suited to the residential and other needs of the claimant. Where the HSE becomes aware of accommodation or blocks of accommodation which appears to it to be sub-standard, it notifies the local authority and it may advise prospective tenants at that premises that rent supplement will not be paid in respect of those tenancies. Details of long-term rent supplement tenancies are provided to local authorities via the Department of the Environment, Heritage and Local Government on a quarterly basis and this information sharing assists in enforcing housing standards. In addition, details of new rent supplemented tenancies are given to the PRTB in order to ensure that these tenancies are registered by landlords. Revenue generated from registration of each new tenancy supports the inspection of sub-standard accommodation.

The Government has recently approved a package of measures to update minimum standards regulations for rental accommodation. The new regulations will take effect from 1 February 2009 and apply in their entirety to all new, first time lettings. There will be a four year phasing in period for properties already on the market in relation to certain capital intensive compliance works. A number of elements of the package require legislative amendments and these will be delivered via the Housing (Miscellaneous Provisions) Bill 2008 which is currently before the Oireachtas. Enforcement of the new standards will be undertaken by local authorities. The Department is committed to supporting the Department of the Environment Heritage and

[Deputy Mary Hanafin.]

Local Government and local authorities in meeting their responsibilities in relation to the enforcement of housing standards

Pension Provisions.

272. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs when she will make an announcement on future pensions policy. [47512/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The Government is continuing to finalise its response to the Pensions Green Paper and the views expressed through the consultation process, which closed at the end of May. This will take the form of a framework for future pension policy on all aspects of our pensions system including social welfare pensions and those provided through the occupational and private pensions sector. The objective is a pensions system which provides an adequate income in retirement for everyone, which is at the same time affordable in the immediate and long-term future. The Government expects to publish its framework for future policy in the near future.

Social Welfare Benefits.

273. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when the one-parent family allowance will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [47605/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The person concerned applied for One Parent Family Payment in August 2008 and having received all the necessary information and documentation a decision has been made on his claim. The claim has been awarded and payment in respect of a two week period will be available at his appointed Post Office on 18 December 2008. Any arrears due will be paid as soon as possible when all calculations relating to payment of jobseeker's benefit and supplementary welfare allowance (which were paid within the period August 2008 to December 2008) have been made.

Live Register.

274. **Deputy Jim O'Keeffe** asked the Minister for Social and Family Affairs the number of people on the live register in areas (details supplied) in County Cork; and the increase in these figures over the past 12 months. [47642/08]

Minister for Social and Family Affairs (Deputy Mary Hanafin): The statistics requested by the Deputy are set out in the following table. All of the areas for which details have been requested are served by Branch Offices of the Department. These Branch Offices are operated under a contract for service by private individuals. Decisions on Branch Offices claims are made by Deciding Officers in the parent Local Office.

Parent Local Office	Branch Office	Live Register 30 Nov 2007	Live Register 29 Nov 2008	Difference	% Difference
Carrigaline	Kinsale	621	954	+333	+53.6
	Bandon	615	1,009	+394	+64.1
	Clonakilty	473	773	+300	+63.4
Bantry	Bantry	344	582	+238	+69.2
	Skibbereen	363	591	+228	+62.8

Naval Service Vessels.

275. **Deputy Jimmy Deenihan** asked the Minister for Defence if a decision as to whether to proceed with a salvage operation on the *Asgard II* will be made this week as promised in his reply to a parliamentary question on 26 November 2008; and if he will make a statement on the matter. [47485/08]

Minister for Defence (Deputy Willie O’Dea): It has been decided to carry out a further underwater survey of *Asgard II* in order to establish the current condition of the vessel. Due to weather and other factors it is unlikely that this survey will take place before the end of the year. When the results of the survey are available, a final decision will be taken as to whether to proceed with a salvage operation.

Defence Forces Property.

276. **Deputy Jimmy Deenihan** asked the Minister for Defence if the necessary finance will be provided in 2009 to provide 20 officers living in converted steel containers with permanent accommodation in building C at Cathal Brugha Barracks; and if he will make a statement on the matter. [47552/08]

Minister for Defence (Deputy Willie O’Dea): My Department is engaged in an on-going capital building programme designed to modernize and enhance the training, operational and accommodation facilities available to the Defence Forces both Permanent and Reserve. The programme focuses mainly on infrastructural projects comprising of the construction of new buildings and the refurbishment of existing buildings. The requirement for living-in accommodation in the Dublin Area is being considered as part of the overall Defence Force requirements and the provision of any accommodation required will be addressed in the 3-5 year programme. In addition a detailed review of single living in accommodation is due to be completed early in the New Year. Projects are prioritised in terms of addressing Defence Force operational requirements taking into account the annual capital allocation for the ongoing building programme and the requirement for further accommodation in Cathal Brugha Barracks will be examined in the context of operational requirements and the result of the accommodation study.

Departmental Property.

277. **Deputy Joe McHugh** asked the Minister for Defence the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form. [47572/08]

Minister for Defence (Deputy Willie O’Dea): The information requested in relation to location and size of premises, rented or leased, is outlined in the following tabular statement. Rents paid for these premises is based on a number of factors, including, size, location and quality of the facilities. Information on the specific rents paid in respect of each premises is commercially sensitive. However, the total of annual rents for all such premises amounts to €119,115.

[Deputy Willie O’Dea.]

Property Rented Full-Time for the Reserve Defence Forces

County	Address	Size
Clare	Kilrush Creek Marina (Slua Muiri)	Building & Yard, size not available
Cork	Weir St., Bandon Bridge St., Bantry	1,585 sq ft. No information available
Donegal	Unit 4, Court Place, Cardonagh (1st Floor Unit)	40.7 ft × 24.9 ft
Galway	Tuam Hutsite	Hutsite only
Kilkenny	CYMS Hall, Dunamaggan, Thomastown	25ft × 15ft
Leitrim	8 Park Lane, Carrick-on-Shannon Upper Main Street, Mohill	839 sq ft 3 Rooms
Mayo	Foxford, Ballina	2 Storey Terraced House.
Monaghan	Cross St., Carrickmacross	2 Storey Building
Offaly	Kilcruttin, Tullamore, Ground Floor Unit	1,863 sq ft.
Sligo	Unit 12B, Cleveragh Business Centre	No information available
Wexford	Wing of Delare House, New Ross	No information available

Property Rented Part-Time for the Reserve Defence Forces

County	Address	Size
Carlow	Hutsite, Carlow Workhouse Main Street, Borris Community Sports Hall, Hacketstown Community Centre, Tullow	Hutsite only Parish Hall 80ft × 50ft 30ft × 21ft
Clare	Parish Hall, Doonaha GAA Club Rooms, Kilkishen Community Centre, Miltown Malbay	No information available No information available 40ft × 20ft
Cork	Community Centre, Ballinspittle Town Hall, Bandon — 2 rooms. Parochial Hall, Wolfetone Square, Bantry Beara Sports Hall, Castletownbere Parochial Hall, Chapel Street, Charleville Industrial Hall, Clonakilty GAA Community Centre, Coachford St. Patrick’s Hall, Dunmanway Scoil Mhuire Hall, Kanturk Community Centre, Kilworth Kinsale Municipal Hall Parish Hall, Roscarbery GAA Club, Millstreet	No information available 34ft × 31ft & 21ft × 15½ ft. 50ft × 20ft 130ft × 75ft 20ft × 15ft 60ft × 80ft Main Hall 82ft × 35ft 98ft × 53ft No information available 50ft × 36ft Old school Building No information available

County	Address	Size
Donegal	GAA Club, Mallow	School Gym — 70ft × 40ft
	St. Finians Hall, Falcarragh Community Hall, Massinass	37ft × 18ft 57ft × 21ft
Dublin	Oatlands College, Mount Merrion	No information available
Galway	Hall Einne, Carraroe	80ft × 30ft
	Community Centre, Glenamaddy	50ft × 80ft
	Coláiste Na Toirbhirte, Headford	30mtrs × 25mtrs
	Community Hall, Portumna Community Centre, Oughterard	50ft × 16ft 23ft × 20ft
Kerry	Hut Site, Caherciveen — Former Garda Station site.	Hutsite only
Leitrim	Parochial Hall, Drumlea, Corrawallen	No information available
	Ballroom, Drumshambo	No information available
	Community Hall, Glenfarne	49ft × 19½ft
Limerick	Community Centre, Abbeyfeale	40ft × 20ft
	Community Hall, Boher	31ft × 15ft
	Muintir Na Tire Hall, Hospital	90ft × 60ft
	Training Hall, Kilmallock	No information available
	Newcastlewest, (Hut Site)	Hutsite only
	Community Hall, Pallas Green	12ft × 15ft
	Community Hall, Pallaskenry Community Centre, Rathkeale	20ft × 65ft No information available
Mayo	Scouts Den, Ballina	40ft × 25ft
	Claremorris Town Hall	39ft × 90ft
	Roundford Community Hall, Hollymount	72ft × 35ft
	Swinford Community Hall	90ft × 60ft
Meath	Gilsen Boys School, Oldcastle	45ft × 60ft
	Scoil Mhuire, Trim	50ft × 30ft
Offaly	St. Mary's Hall, Ferbane	60ft × 30ft
Sligo	St. Brigid's Hall, Tubbercurry	28ft × 20ft
Tipperary	St. Patrick's Parochial Hall, Ballymacarberry	70ft x30ft
	Tipperary Town (Hut Site)	Hutsite only
Waterford	Community Centre, Capoquin, Villierstown	Floor area — 2,000 sq metres.
Wexford	St. Aidan's Hall, Bunclody	No information available
	Courtnacuddy Community Hall, Enniscorthy	45ft × 30ft
	Cushinstown Parish Hall	No information available
	Capt Weafer Hall, Enniscorthy — Springvalley	90ft × 18ft
	Scout Hall, Gorey	No information available
Wicklow	Arklow Community College	1 Classroom & PE Hall
	Tinahealy Parochial Hall	38ft × 21ft

Decentralisation Programme.

278. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the status of the decentralisation programme (details supplied); and if he will make a statement on the matter. [47429/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Government announcement on 14 October 2008 confirmed that the decentralisation of my Department's Headquarters to Wexford (270 posts) will proceed as planned. However the transfer of posts to the three other locations in the South East — Waterford (225 posts), New Ross (125 posts) and Kilkenny (62 posts) — is being deferred pending the outcome of a review in 2011 in light of budgetary developments. My Department's Headquarter offices in Wexford are under construction and expected to be completed and ready for occupation in Q1 2009. My Department will then transfer 270 posts into these offices in 2009. The transfer of the National Building Agency and the Local Government Computer Services Board, to Wexford and Drogheda respectively, are also deferred pending the review.

Water and Sewerage Schemes.

279. **Deputy Charles Flanagan** asked the Minister for the Environment, Heritage and Local Government when it is proposed to sanction the upgrade of water and sewerage facilities at Durrow, County Laois, in view of inadequate facilities serving the town; and if he will make a statement on the matter. [47255/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Durrow is one of the towns in the Laois Grouped Towns Sewerage Scheme, which is included in my Department's Water Services Investment Programme 2007-2009 at an estimated cost of €39 million. Contract documents for the treatment plants element of the scheme are with my Department and will be dealt with as quickly as possible. Contract documents for the networks element of the scheme have not yet been submitted to my Department. Durrow Water Supply Improvement Scheme is also included in my Department's Water Services Investment Programme 2007-2009 as a scheme to advance through planning. Laois County Council's proposals for the development of this scheme are awaited in my Department.

Fire Stations.

280. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals to provide funding for fire stations in County Waterford in 2009; and if he will make a statement on the matter. [47267/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): 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 and the provision of premises is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department's role is one of supporting and assisting local authorities in delivering fire services through the provision of funding under the fire service capital programme and through setting of general policy. Further investment in the fire service in County Waterford under future capital programmes will have regard to the fire authority's priorities, the spread of existing facilities and the competing demands from other fire authorities for available funding. The council recently indicated that their current priorities for fire stations are Kilmacthomas, Lismore, Portlaw and Tallow.

Ministerial Correspondence.

281. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will respond to correspondence (details supplied); and if he will make a statement on the matter. [47280/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A reply to the correspondence referred to in the Question, dealing with the nomination of Clonmacnoise for inscription as a World Heritage Site, has recently issued from my Office. The preparation of a draft Management Plan for Clonmacnoise is nearing completion, and will then be made publicly available. Members of the Oireachtas, local public representatives, interest groups and the general public will accordingly have an opportunity to make submissions on the draft Plan. In addition, it is envisaged that a number of seminars will be organised to facilitate the public consultation process. My Department will ensure that sufficient time is made available for consultation prior to any formal nomination for inscription being made to UNESCO.

Turbary Rights.

282. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government if he will reverse the decision to ban turf cutting on bogs from 1 January 2009, in which there has been only a small reduction in the overall area of the bog or when there has been an increase in protected area; and if he will make a statement on the matter. [47281/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Turf cutting may continue as normal on the vast majority of bogs in 2009. A small number of bogs are protected because they are nature conservation sites of European importance under the EU Habitats Directive. As such, these have been designated as Special Areas of Conservation (SACs). For 32 raised bog SACs, which were nominated for designation in 1999, turf cutting is due to come to an end at the close of the current season, following the expiry of a 10-year period of grace. This period was allowed to give turf cutters the opportunity to find alternative sources of fuel. Ireland has a substantial proportion of western Europe's remaining area of active raised bog. However, it is being lost at a significant rate due mainly to the cutting of turf and associated drainage. The protection of Ireland's most important remaining areas of raised bog is a requirement under EU law and is necessary for the preservation of one of Ireland's prime examples of natural heritage. Most of Ireland's bogs are not designated for protection, and cutting may continue as usual on these. Cutting may also continue on blanket bog SACs, under the existing restrictions which limit it to non-commercial harvesting and excludes the use of certain machinery.

Fire Stations.

283. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government the position regarding the fire stations in Bundoran and Ballyshannon, County Donegal and the moves to amalgamate the fire services of both towns to one combined unit at Finner; and if he will make a statement on the matter. [47296/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): 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 and the provision of premises is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department's role is one of supporting and assisting local

[Deputy Michael P. Kitt.]

authorities in delivering fire services through the provision of funding under the fire service capital programme and through setting of general policy. Further investment in the fire service in Donegal will be considered under future capital programmes and will have regard to the fire authority's priorities, the spread of existing facilities, and the competing demands from other fire authorities for available funding.

Proposed Legislation.

284. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if he is planning regulations or legislation regarding the extension of the waste charges waiver (details supplied) or to the operations of public and private residential waste management contracts throughout the rest of Ireland. [47324/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Waste management services have traditionally been provided at a local level, with individual arrangements being locally determined and tailored to local circumstances. The present legal framework, as determined by the Oireachtas, reflects this. In accordance with section 52 of the Protection of the Environment Act 2003, the determination of waste management charges, and any associated waiver scheme, is a matter for the relevant local authority, where it acts as the service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator. Significant regulatory issues have emerged as waste management services have rapidly evolved in recent years. These issues, which have been the subject of a formal public consultation, include the need to ensure that necessary public service criteria in relation to the provision of services in particular areas or in respect of specific households are properly addressed. The existing regulatory framework requires modernisation. The identification of the changes necessary will be greatly assisted by the recent OECD report on the review of the public service, which includes a specific case study on waste management. My Department has also recently received the report by the Ombudsman Waste Waiver Schemes Administered by Local Authorities and will be giving the report, and in particular the recommendations contained within it, full consideration.

It is also the case that the revised approach to the collection of household waste being taken by the Dublin local authorities will further inform what measures may be necessary to underpin sustainable waste collection services, whether delivered by the private or public sectors. In these contexts the appropriate policy responses will be developed and elaborated to address the concerns raised.

Building Regulations.

285. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if he will establish a task force led by himself, the Fingal City Manager and the Dublin City Manager to investigate all aspects of the pyrite infill situation in the construction industry and the failure of building regulations during the Celtic Tiger years; and if he will make a statement on the matter. [47325/08]

286. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Heritage and Local Government if he will order a full traceability audit of all materials taken from a quarry (details supplied) in Dublin 15 which was reportedly the source of 2 million tonnes of defective infill material used in housing construction since 2000-01. [47326/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 285 and 286 together.

The position on this matter was most recently set out in reply to the Dáil Adjournment item on 5 June 2008 and in reply to Question Nos. 347, 348 and 349 of 9 July 2008. The National Standards Authority of Ireland (NSAI) has published a new amended Standard Recommendation on the use of aggregates as infill for civil engineering and road construction work. The new Standard Recommendation came into effect on 7 December 2007 and it is intended to address the quality standards of new homes and buildings insofar as problems relating to pyrite are concerned. My Department has now incorporated this NSAI Standard Recommendation into the relevant Technical Guidance Document (TGD-C) associated with the Building Regulations. A copy of the relevant amendment to TGD-C is available on my Department's Website at www.environ.ie. My Department has also notified Local Authorities, the Construction Industry Federation, the Irish Home Builders' Association and other key stakeholders of the provisions of the amended TGD-C. In addition, I am aware that HomeBond has included the amended NSAI Standard Recommendation in their published 6th edition of the House Building Manual.

I am satisfied that the measures outlined represent an appropriate response to the issues and I have no proposals to establish a Task Force or to order a traceability audit of materials in relation to this matter. I remain of the view that the resolution of problems arising between building owners and builders are matters between the parties concerned, namely, the building owner, the relevant developer, and the builder's insurers. Where the construction of a building is the subject of a contract between the client and the builder, enforcement is a civil matter.

Local Authority Staff.

287. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government if he will seek the lifting of the embargo on recruitment for local authorities in the greater Dublin area. [47363/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): While I am keeping the overall employment position in the local Government sector under regular review having regard to the need to deliver quality front line services, including in areas which have experienced high population growth, my ongoing consultations with the Department of Finance in this regard will take account of the Government position in relation to the reduction of the public sector payroll bill by end 2009.

Proposed Legislation.

288. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the deadline for when he will introduce legislation in regard to spending limits for local elections; the amount of the limit and the applicable period; and if he will make a statement on the matter. [47370/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I intend to bring forward proposals in the near future for legislative change to allow for the introduction of spending limits at local elections. It is my intention to have the limits in place for the local elections to be held in 2009. The Programme for Government contains a commitment to examine spending limits at local elections as part of the Green Paper on Local Government. Submissions made in the course of preparing the Green Paper, published in April 2008, were generally supportive of some kind of expenditure limit. In October 2008, I consulted the Joint Committee on the Environment, Heritage and Local Government on the issue of spending limits. A policy research document prepared on behalf of the Committee and presented at that meeting offered useful practical guidance. There are a number of complexities that need to be considered, and I discussed these with members of the Committee. I am conscious of the

[Deputy John Gormley.]

proximity of the local elections due to be held next year, and work is therefore being expedited in my Department on the preparation of the proposed legislative changes.

289. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government when he will complete the consultation process in regard to election posters; when he expects to introduce new regulations; and if he will make a statement on the matter. [47371/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to Question No. 497 of 30 September 2008. The position is unchanged.

290. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if it his intention to lower the voting age to 16 in the forthcoming local elections; and if he will make a statement on the matter. [47372/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In accordance with electoral law, a person must be eighteen years of age or over in order to vote at local elections. This is consistent with the position in most countries, including the EU Member States. While electoral law is subject to ongoing review, there is no proposal at present to reduce the voting age in Ireland.

Litter Pollution.

291. **Deputy Fergus O'Dowd** asked the Minister for the Environment, Heritage and Local Government if further measures will be taken to clear chewing gum deposits from pavements and unsightly spray paint on property; and if he will make a statement on the matter. [47373/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Litter Acts, the primary management and enforcement response to littering, including the removal of chewing gum and graffiti, must come from local authorities. The role of my Department is to provide the legislative framework to combat litter pollution, and to motivate and energise anti-litter responses as necessary. It is a matter for each local authority to take the most appropriate enforcement and clean-up actions in relation to litter, taking account of local circumstances and priorities.

In relation to graffiti, I am fully aware of the blight on communities which graffiti causes. To this end, following the evaluation of a pilot anti-graffiti programme carried out by my Department, the Department of Justice, Equality and Law Reform and the Department of Community, Rural and Gaeltacht Affairs, a new programme, The National Community Graffiti Reduction Programme, was launched on the 9 April 2008, administered by Pobal on behalf of the Departments involved. Under this programme up to €4 million was made available in 2008 to enable communities to develop coherent long term strategies to tackle the graffiti problem.

Recycling Policy.

292. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government when shops will cease or be instructed to stop selling regular light bulbs and recycling options will be available for same products; and if he will make a statement on the matter. [47427/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I intend to make a formal announcement about the phased withdrawal of incandescent light bulbs from the Irish market in early 2009, as soon as I receive the necessary EU clearance for

the introduction of the proposed national energy-efficiency and performance standard for light bulbs. No specific requirements are necessary for the disposal of tungsten filament incandescent bulbs. When the proposed national standard is introduced, I expect use of the targeted bulbs to decrease over a number of years as they are replaced in the normal course.

Water and Sewerage Schemes.

293. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government if funding will be provided to allow Lixnaw and Tarbert sewerage schemes in County Kerry to proceed in 2009; and if he will make a statement on the matter. [47442/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Lixnaw is included for funding in my Department's Water Services Investment Programme 2007-2009 as part of a grouped sewerage scheme to service a number of towns and villages in Co Kerry. Further information is awaited from Kerry County Council to enable my Department to examine the Preliminary Report for Lixnaw. I understand that Kerry County Council is undertaking a strategic study with a view to optimising the delivery of wastewater infrastructure in up to 90 towns and villages in the county, including Tarbert. My Department will consider the Preliminary Report for the Tarbert Sewerage Scheme in the light of the study recommendations.

Election Management System.

294. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the registered owners of each property (details supplied); and if he will make a statement on the matter. [47448/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The following table sets out the information requested in respect of local storage arrangements, based on returns received in my Department from Returning Officers:

Storage of Electronic Voting Equipment

City/County	Location of Storage Premises	Owners of the Premises
Cavan-Monaghan	Monaghan Town	Martin Duffy
Clare	Ennis	Voting Machines stored in courthouse. Premises for ancillary equipment owned by Tony Mulqueen
Donegal	Letterkenny	Niall McIvors, Secure Storage
Galway	Galway City	Voting Machines stored in courthouse
Kerry	Tralee	John Dillane
Laois-Offaly	Portlaoise	KG Warehousing Ltd.
Longford	Longford Town	Returning Officer requested that this information not be released publicly for security reasons
Roscommon	Roscommon Town	Gerry Kelly
Louth	Dundalk	Dundalk Town Council
Meath	Navan	Paul McDonnell
Sligo	Sligo Town	Voting Machines stored in courthouse
Leitrim	Carrick-on-Shannon	Voting Machines stored in courthouse. Premises for ancillary equipment owned by Drumshanbo Enterprise Centre
Wexford	Drinagh	McGuinness Enterprises Ltd.

[Deputy John Gormley.]

In 2007, over 60% of the electronic voting machines (some 4,762 in total) were moved to a central storage facility located at Gormanston Army Camp, which is a State-owned property.

Social and Affordable Housing.

295. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government if he will authorise approval in respect of the housing element of the proposed development of a centre (details supplied) in Dublin 24; his views on the importance of the project; and if he will make a statement on the matter. [47465/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): My Department is currently considering a tender recommendation for a social housing development at Knockmore, Tallaght, which also includes proposals for a child and family centre. My Department will be writing to South Dublin County Council on the matter shortly.

Local Authority Funding.

296. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government if the €200 levy on holiday homes proposed in budget 2009 will be left to each local authority for dispersal in their area; and if he will make a statement on the matter. [47487/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I intend to bring forward legislation to implement the €200 charge on non-principal private residences as soon as possible, and this will set out the detailed measures necessary to give effect to it.

Technical Assessments.

297. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government his view on the number of architects qualifying under the technical assessment pilot scheme. [47493/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I assume the question refers to the pilot project by the Royal Institute of Architects of Ireland (RIAI) which was carried out in advance of the commencement of statutory technical assessment of certain persons for registration under the Building Control Act 2007.

Section 21 of the Act provides for the establishment of a Technical Assessment Board (TAB) which will have a majority of lay members and an independent Chairperson. The Board will consider applications for registration from persons who have been performing duties commensurate with those of an architect for a period of ten years or more in the State. It will be open to those who were unsuccessful under the RIAI pilot project to re-apply for assessment to the statutory TAB, when established. I intend to make my appointments to the TAB before the end of the year. Section 22 sets out the procedure for TAB in carrying out this assessment.

Fisheries Protection.

298. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government the results of routine bacteriological sampling of the oyster beds in the lower Cork Harbour since such sampling began; the impact these results will have on his obligation under Article 4 of the EU Shellfish Waters Directive (79/923/EEC) to designate all shellfish

waters here and, in particular, all shellfish waters covered by the Oyster Fishery (Cork Harbour) Order 1963 and taking into account Case C-148/05 Commission v Ireland of 14 June 2007, and Case C-225/96 Commission v Italy that he has no power of discretion to designate only a fraction of the area covered by this oyster fishery order in Cork Harbour, as currently proposed by his Department; and if he will make a statement on the matter. [47550/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I understand that the routine bacteriological sampling of the oyster beds in the lower Cork Harbour is carried out by the Sea-Fisheries Protection Authority and as such is a matter for my colleague the Minister for Agriculture, Fisheries and Food. This sampling is done under the European Communities (Hygiene of Fishery Product and Fish Feed) Regulations 2006 rather than any regulations under the Shellfish Waters Directive.

Responsibility for the Shellfish Waters Directive, which sets out the quality requirements of shellfish waters under various parameters, transferred to my Department in early November 2008.

A consultation process on a proposal to designate additional areas in accordance with the Shellfish Waters Directive concluded in October 2008. I propose to make the additional designations as soon as possible and further designations may be considered at a later date.

Fishing Fleet Development.

299. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government his views on statements in the recently published report on the environmental assessment of the east tip area of Haulbowline Island by a company (details supplied) published on 8 December 2008 that the harvesting of mussels is prohibited in Cork Harbour; the way this statement can be reconciled with findings published by the Marine Institute of Ireland which indicate that the toxicity in mussels has only required that the fisheries be closed on two short occasions since 2003; and if he will make a statement on the matter. [47551/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department has been advised that there is currently no specific ban on the cultivation of mussels in Cork harbour due to PSP (paralytic shellfish poisoning). There have been temporary closure orders issued in the past but these closure orders were mainly for public information purposes as Cork Harbour is not designated for mussel cultivation and it is not permissible to commercially harvest mussels.

Cork harbour is a complex marine environment. In the event that an application was received to have the area classified in respect of mussels, consideration would have to be given by the Sea Fisheries Protection Authority to a number of factors including the bacteriological and biotoxin status of the area. The known intermittent occurrence of PSP in the area is one of a number of such factors that would be part of any such consideration.

Departmental Properties.

300. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form. [47575/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): All rented or leased buildings and premises occupied by my Department are acquired through the

[Deputy John Gormley.]

OPW. Accordingly, information in respect of those buildings and premises will be included in the reply by my colleague the Minister for Finance in respect of the OPW.

Planning Issues.

301. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the extent to which the impact of the economic downturn and hence lower immigration levels and housing demand are being factored into the draft planning guidelines under consideration; and if he will make a statement on the matter. [47586/08]

302. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the timescale envisaged for completing his consideration of the draft planning guidelines for local authorities; and when he expects the new guidelines to come into force. [47587/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 301 and 302 together.

As outlined in the reply to Question Nos. 914 and 915 of 10 July, in accordance with Section 10 of the Planning and Development Act 2000, local authorities are required to prepare development plans, setting out an overall strategy for the proper planning and sustainable development of the area over a six-year period. Housing and settlement strategies, which form part of a development plan, are required to be prepared on the basis of defined need and to facilitate and manage appropriate levels of growth in a sustainable manner. Such need would be established having regard to, inter alia, evolving economic and demographic circumstances. Under Section 13 of the Act, a planning authority may at any time, for stated reasons, decide to make a variation of a development plan. Revised regional population targets on foot of the Census 2006 data analysis have already been reflected in regional and local plans. To assist planning authorities in the development plan process, my Department published Guidelines for Planning Authorities on Development Plans in 2007. These are available from my Department's website at www.environ.ie.

The 2004 Regional Planning Guidelines, which are statutorily valid for a period of six years but which set targets and policies for a 12-year period, are due to be reviewed by 2010. The updated guidelines will have regard to the National Spatial Strategy, the National Development Plan 2007-2013 and other national policy developments and will also take account of regional social and demographic issues, economic and employment trends, and infrastructural developments and needs.

In February 2008, I published for public consultation draft Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas accompanied by a best practice Urban Design Manual. A total of 69 submissions were received on foot of the consultation process and these have been considered by my Department in preparing the finalised guidelines on a statutory basis under section 28 of the Planning and Development Act. It is my intention to publish the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual before the end of the year.

303. **Deputy Billy Timmins** asked the Minister for the Environment, Heritage and Local Government his views on a case (details supplied); and if he will make a statement on the matter. [47596/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I am conscious of the difficulties outlined in the correspondence referred to in the question.

I will keep the matter under review in the context of the drafting of a Planning and Development (Amendment) Bill which will be brought forward for publication in the first half of next year.

304. **Deputy Frank Fahey** asked the Minister for the Environment, Heritage and Local Government his plans to appeal to the EU Commission a decision by An Bord Pleanála regarding a parcel of land (details supplied) in County Galway or whether he accepts the decision of An Bord Pleanála as being full and final; and if he will make a statement on the matter. [47647/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I have no function in relation to route design for national roads projects or the confirmation or otherwise of compulsory purchase orders in respect of land required for such projects. In addition, as Minister for the Environment, Heritage and Local Government, I am generally precluded under section 30 of the Planning and Development Act 2000 from exercising any power or control in relation to any individual matter with which a planning authority or An Bord Pleanála is or may be concerned.

It is a matter for An Bord Pleanála to ensure that its decisions are in full compliance with domestic and EU law. It is also open to any third party to seek a judicial review of a decision in accordance with section 50 of the Planning and Development Act 2000.

Departmental Properties.

305. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form. [47570/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): In the time available, it has not been possible to identify and assemble the information requested.

My Department is compiling the material and I will revert to the Deputy as soon as possible.

Coastal Protection.

306. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food the position in relation to the proposal to build a sea wall (details supplied) in Dublin 13; and if he will make a statement on the matter. [47443/08]

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 funding should be directed to that office.

Rural Environment Protection Scheme.

307. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme four payment. [47254/08]

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 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.

Grant Payments.

308. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be approved and awarded a payment in view of the fact that supporting documentation has been submitted. [47262/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2008 Disadvantaged Area Scheme was received from the person named on 9 April 2008. This application was processed and full payment due under the Disadvantaged Area Scheme issued to the person named on 9 December 2008.

Food Safety Standards.

309. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if he will confirm media reports that Dutch authorities first identified contamination of Irish pork on 2 December 2008; when this result was communicated to the authorities here; and if he will make a statement on the matter. [47275/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The first contact by the Dutch authorities with my Department and the Food Safety Authority of Ireland was on 5 December. This contact followed the issuing of a press release by my Department on 4 December.

EU Regulations.

310. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the difference between a registered feed business operator and an approved feed business operator; his plans to review same; and if he will make a statement on the matter. [47277/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Under Regulation (EC) No. 183/2005 all Feed Business Operators are required to be registered or approved with my Department depending on their activities.

Feed Business Operators must be approved in order to manufacture or place on the market: feed additives; premixtures or mineral mixtures containing certain sensitive additives (e.g. coccidiostats, vitamins A or D, or copper or selenium) or compound feeds containing antibiotics or coccidiostats.

This is EU based legislation and I have no plans to review same.

Pigmeat Sector.

311. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the level of compensation which will be made available to secondary processors as a result of the withdrawal of pork and bacon; if this will be on the basis of the type as well as weight of product; if it will include costs of collecting, storing the product and preparing the product for disposal; if consideration will be given to the cost of bank loans and so on; and if he will make a statement on the matter. [47278/08]

323. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the position regarding the €180 million compensation package for the pig meat sector which was recently concluded with pig processors; if he will confirm that this fund will be available to all processors regardless of size; if it is intended that this fund will be used for purposes other than compensation to processors for product recall; and if he will make a statement on the matter. [47441/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 311 and 323 together.

The facility made available by the Government for the purpose of the Product Recall Scheme will be available to primary and secondary processors that comply with the eligibility conditions of the scheme. The purpose of the scheme is to provide assistance in respect of eligible product subject to recall from the market and eligible product in storage. The amount to be made available to primary and secondary processors will depend on the amount of product under the scheme that is eligible and verified by my Department. Terms and conditions, including product eligibility and payment arrangements will be set out in the scheme details. The amount of €180 million represents a facility rather than a target amount.

312. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when all withdrawn pork and bacon product will be removed from food processors for disposal; if processors have been provided with details of the way the product is to be treated and prepared for collection; the mechanism by which the product will be valued and recorded for compensation; and if he will make a statement on the matter. [47279/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The process of removing eligible recalled pigmeat under the Pigmeat Recall Scheme has already begun and in excess of 1,000 tonnes has already been rendered. My Department has had detailed discussions with

[Deputy Brendan Smith.]

the processors and procedures have been established for the presentation, transportation and rendering of this material. The mechanism by which the product is to be valued for the purposes of compensation is still under discussion.

Departmental Schemes.

313. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when he will announce allocations under the capital investment scheme for the marketing and processing of agricultural products; the number of applications submitted; the value of such applications; the funding available in 2008; and if he will make a statement on the matter. [47282/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A total of 104 eligible applications involving possible investment of €91 million were submitted under my Department's Capital Investment Scheme for the marketing and processing of agricultural products.

All eligible applications 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. It is expected that this process will be completed shortly and applicants will be informed of the outcome. The Scheme will have no budgetary impact in 2008.

Farm Waste Management.

314. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food when all outstanding grant moneys will be awarded to a person (details supplied) in County Sligo, under the farm waste management scheme; if in view of financial uncertainty and hardship, he will ensure that this money will be awarded before Christmas 2008; and if he will make a statement on the matter. [47375/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named is an applicant under the Farm Waste Management Scheme. Payment will be made by my Department to the person concerned shortly.

Grant Payments.

315. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme four payment. [47396/08]

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 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.

316. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has not received their single farm payment and area based payment for 2007 and 2008; and if he will make a statement on the matter. [47400/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2007 Disadvantaged Areas Scheme was received from the person named on 14 May 2007. This application was processed and full payment due under the Scheme issued to the person named on 25 July 2008; this payable order was cashed on 4 November 2008.

An application under the 2008 Disadvantaged Areas Scheme was received from the person named on 14 May 2008. This application was processed and full payment due under the Scheme issued direct to the bank account of the person named on 24 October 2008.

Applications were received under the 2007 Single Payment Scheme requesting the transfer of entitlements to the person named from two other farmers. The two farmers in question were awaiting the completion of transfers to them by way of inheritance before they could transfer on the entitlements to the person named by way of lease. These transfers to the two farmers by way of inheritance have only recently been completed.

As the transfers to the person named involve long-term leases of land and entitlements, the parties involved have been requested to supply copies of these leases. Grazing Agreements previously received and signed only by the person named are insufficient for this purpose. Upon receipt of this documentation, the transfers will be processed without delay.

317. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason the area based payment for 2008 has not been granted to a person (details supplied) in County Galway; and if he will make a statement on the matter. [47401/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named submitted an application for the Disadvantaged Areas Scheme on 11 April 2008.

During the processing of this application some issues arose in relation to afforested parcels, which are being dealt with by the Forestry Service of my Department. Pending the outcome of this process, the remaining land parcels declared in the application were processed and the payment due under the Scheme will issue shortly.

Forestry Sector.

318. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food his

[Deputy Paul Connaughton.]

views on whether there is unfair competition created by Coillte when they sell their own Christmas trees in competition with local business interests such as garden centres and other stores; and if he will make a statement on the matter. [47402/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Coillte Teoranta was established as a private commercial company under the Forestry Act, 1988. Day-to-day operational matters, such as participation in the Christmas tree market, are the responsibility of the company.

Rural Environment Protection Scheme.

319. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be approved and granted REP scheme four. [47422/08]

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 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.

Food Labelling

320. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that imported pork, bacon and beef products have been sold off as stamped Irish approved products; and if he will make a statement on the matter. [47431/08]

322. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food if he will guarantee or confirm that all meat products being sold from shop refrigerators on which the Irish approved stamp is shown are fully Irish; the checks in place to ensure same; and if he will make a statement on the matter. [47433/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 320 and 322 together.

Following the recall of pork products initiated on 6 December 2008, the rapid and decisive action taken by my Department and other agencies involved allowed me to confirm 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.

As part of a determined information campaign, such products carry a special label, developed by An Bord Bia, the purpose of which is to confirm that these Irish products are perfectly safe to consume and have had no association with the potentially contaminated feed. There is a strict approval procedure on the issue for the authorisation for usage of these labels. In addition, Bord Bia have carried out spot audits into processing plants and retail outlets as a further check on the correct implementation of these new measures.

General food labelling legislation, as set out in Directive 2000/13/EC on the labelling, presentation and advertising of foodstuffs does not require a declaration of origin of food. However declaration requirements exist in legislation for some food products including beef, and some imported poultry in specific circumstances such as when raw and imported from a non-EU country. There is a clear requirement that consumers should not be misled by food labelling. Manufacturers may voluntarily declare a country of origin, and consumers should not be misled by that declaration.

Grant Payments.

321. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food when payment will be made to a person (details supplied) in respect of the farm waste management grant; and if he will make a statement on the matter. [47432/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned was paid grant-aid under the Farm Waste Management Scheme by my Department on 16 December 2008.

Question No. 322 answered with Question No. 320.

Question No. 323 answered with Question No. 311.

Pigmeat Sector.

324. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food if the package agreed with pig processors includes any form of compensation for workers who were temporarily laid off and who are not entitled to social welfare for the first three days of lay off; and if he will make a statement on the matter. [47476/08]

325. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that workers in the pig processing plants have not been compensated for the loss of work during the negotiations; his views on same; and if he will make a statement on the matter. [47477/08]

336. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the timeline for payment of €180 million in compensation to pig producers; if workers at processing plants will be compensated; and if he will make a statement on the matter. [47529/08]

337. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if, in the course of negotiations to return Irish pork products to the market and compensate the pig producing sector, provision was made to compensate those workers in the industry who are at a financial loss as a result of the recent crisis; and if he will make a statement on the matter. [47530/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 324, 325, 336 and 337 together.

The facility agreed with pig processors as part of securing the return to full scale processing was aimed at putting Irish pork and bacon products back into the domestic and international markets as quickly as possible and to secure the jobs of workers in the processing sector and the livelihoods of pig producers. The facility will provide assistance to processors for eligible product recalled from the market and for eligible product in stock. Though the funding does not refer to workers directly, as a result of the agreement between my Department and the processing sector, employment in processing facilities was secured, as was the earliest possible date for a return to work. Payments to processors will commence immediately and will continue on a phased basis, while the verification procedures for eligible product is being undertaken.

Food Labelling.

326. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the procedures in place to prevent non Irish beef products being labelled as produce of Ireland; and if he will make a statement on the matter. [47484/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Minister for Health and Children has overall responsibility for the general food labelling legislation. Responsibility for enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) through its service contracts with my Department, the Sea Fisheries Protection Agency, the Health Services Executive, the Local Authorities and the National Consumer Agency. Checks are conducted by the FSAI to ensure that the requirements for origin labelling of beef is complied with.

The competent authority with responsibility for enforcement of labelling legislation in retail establishments is the Health Service Executive through its Environmental Health Officers under contract to the FSAI.

Labelling checks are also carried out by officials of my Department as part of the routine official checks in meat establishments under the Department's supervision. Checks are conducted on a random, risk based frequency and cover labelling, traceability, origin, identification of animals, and the labelling of carcasses, meat, mince meat and meat products. Beef imported from within the European Union is checked to ensure that it complies with the labelling and hygiene requirements.

Beef imported from a third country is checked at a Border Inspection Post on its arrival into the EU to confirm that its veterinary certification is correct, that it is correctly labelled and identified and the meat is checked to ensure that it is fit for human consumption.

327. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the procedures in place to prevent non Irish pork and bacon products being labelled as produce of Ireland; and if he will make a statement on the matter. [47486/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Minister for Health and Children has overall responsibility for the general food labelling legislation. Responsibility for enforcement of labelling legislation rests with the Food Safety Authority of Ireland (FSAI) through its service contracts with my Department, the Sea Fisheries Protection Agency, the Health Services Executive, the Local Authorities and the National Consumer Agency.

General food labelling legislation, as set out in Directive 2000/13/EC on the labelling, presentation and advertising of foodstuffs does not require a declaration of origin of food. However declaration requirements exist in legislation for some food products including beef, and some imported poultry in specific circumstances such as when raw and imported from a non-EU country. There is a clear requirement that consumers should not be misled by food labelling. Manufacturers may voluntarily declare a country of origin, and consumers should not be misled by that declaration.

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Labelling checks are also carried out by officials of my Department as part of the routine official checks in meat establishments under the Department's supervision. Checks are conducted on a random, risk based frequency and cover labelling, traceability, origin, identification of animals, and the labelling of carcasses, meat, mince meat and meat products. Pork and bacon imported from within the European Union is checked to ensure that it complies with the labelling and hygiene requirements.

Pork and bacon imported from a third country is checked at a Border Inspection Post on its arrival into the EU to confirm that its veterinary certification is correct, that it is correctly labelled and identified and the meat is checked to ensure that it is fit for human consumption.

All such product imported into Ireland must comply with the same labelling requirements as Irish pork and bacon when sold in supermarkets in Ireland. There is no legal requirement to indicate the country of origin for pork and bacon.

In addition to the foregoing, following the recall of pork products initiated on 6 December 2008, the rapid and decisive action taken by my Department and other agencies involved allowed me to confirm 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 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.

As part of a determined information campaign, all such products will carry a special label, developed by An Bord Bia, I indicated that they are perfectly safe to consume and confirms them as having had no association with the potentially contaminated feed.

Grant Payments.

328. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme four payment.
[47500/08]

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

[Deputy Brendan Smith.]

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 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.

Irish Draught Animals.

329. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if he will intervene in the dispute (details supplied) in order that the integrity of the Irish Draught Horse Studbook can be maintained; and if he will make a statement on the matter. [47501/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The dispute between the Irish Draught Horse Society and Horse Sport Ireland relates to the registration status of a number of Irish Draught mares inspected by the Irish Draught Horse Society in Autumn 2008. This dispute is a matter for Horse Sport Ireland and the Irish Draught Horse Society.

Horse Sport Ireland is the organisation approved by my Department to maintain the Irish Draught Horse studbook and therefore it is for Horse Sport Ireland to decide on inspections of Irish Draught animals, as they deem appropriate. Officials from my Department have already met with both the Irish Draught Horse Society and Horse Sport Ireland and have advised them of this fact.

Departmental Programmes.

330. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the number of tests carried out for polychlorinated biphenyls; the nature of those tests; the location of those tests; and if he will make a statement on the matter. [47519/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Ireland operates a residue/contamination monitoring programme that is annually approved by the EU Com-

mission. As part of this monitoring programme, indicator polychlorinated biphenyls (PCBs) are looked for in samples taken from animals at an EU agreed sampling level.

Testing for indicator polychlorinated biphenyls (PCBs) takes place throughout the year at the pesticides division of DAFF laboratories at Backweston, Celbridge, Co. Kildare. Annually approximately 350 samples (from milk, pork, beef etc) are tested for PCBs. So far this year 114 beef samples (42 from the first of September) and 50 pork samples (12 since Sept first) have been tested in the annual screening programme. Only one sample — that from a pig slaughtered on November 19th was positive, giving rise to the present situation.

Testing is on-going and since the positive sample was identified, 160 samples have been tested for PCBs at the Pesticides Division of DAFF laboratories.

Pigmeat Sector.

331. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the details of the compensation package agreed with pig producers following negotiations to return pork products for sale and supply; and if he will make a statement on the matter. [47524/08]

334. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the way the figure of €180 million in compensation following the withdrawal of pork products from the market will be distributed; and if he will make a statement on the matter. [47527/08]

335. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the details of the compensation package agreed with pig producers following negotiations to return pork products for sale and supply; and if he will make a statement on the matter. [47528/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 331, 334 and 335 together.

Detailed terms and conditions of the Product Recall Scheme will be finalised as soon as possible. The purpose of the scheme is to provide financial assistance in respect of the recall of eligible pork products from commercial markets and eligible products in storage. The scheme is aimed at primary and secondary pork processors and all eligible applications for assistance will be discharged from the facility following appropriate verification by the Department. The agreement between the Department and the processing sector has resulted in the speedy return to processing by the sector and the consequential return of Irish pork products onto commercial markets

332. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the persons who were the chief negotiators representing pig producers during the negotiations to return pork products to the market; and if he will make a statement on the matter. [47525/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Irish Association of Pigmeat Processors was represented at the negotiations by a number of its members at Chief Executive and other senior executive levels and they represented both primary and secondary processors. IBEC was also represented.

Pigmeat Sector.

333. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the way the figure of €180 million was arrived at in the calculation of compensation to pig producers on foot of the recent crisis; and if he will make a statement on the matter. [47526/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): In very detailed and complex negotiations, conducted over a period of three days, processors presented information on the volume and value of product in storage and product already consigned to markets, at home and internationally that was manufactured from animals slaughtered in Ireland in the period 1st September 2008 to 6th December 2008. Certain assumptions were made on the extent to which product in free market circulation would be subject to recall and prove eligible under the Product Recall Scheme. The amount of €180 million announced on Thursday last is a facility to enable processors to claim assistance in respect of eligible product rather than a target amount.

Questions Nos. 334 and 335 answered with Question No. 331.

Questions Nos. 336 and 337 answered with Question No. 324.

338. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the marketing initiatives being prepared to restore consumer confidence in Irish pork and beef produce both at home and abroad on foot of the recent crisis in the sector; and if he will make a statement on the matter. [47531/08]

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 international customers as to the safety of Irish pork. In the case of our Asian markets our diplomatic representations are in regular contact with the relevant regulatory authorities.

I am reassured by the positive consumer response to the information label and nationwide media campaign introduced by Bord Bia for Irish pork products on the domestic market. The Bord Bia strategy, in overseas markets, is to maintain consumer confidence in Ireland's health controls through informed comprehensive briefing and responding to specific questions with the assistance of my Department. The position in individual markets is being kept under continuous review and I visited France with Bord Bia last week to provide the necessary assurances. I am, of course, ready to visit other markets if this appears appropriate.

Animal Feedstuffs.

339. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food if on foot of the recent crisis in the pig producing sector rigorous testing of feedstuffs supplied to both the beef and pork sector will be carried out going forward; the proposed schedule for such testing; and if he will make a statement on the matter. [47532/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): 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 also be briefing my EU colleagues at this weeks council in Brussels.

Farm Retirement Scheme.

340. **Deputy Fergus O'Dowd** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for farm retirement pension from a person (details supplied) in County Louth. [47561/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): My Department has no record of an application under the Early Retirement Scheme by the person named.

Departmental Property.

341. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form. [47568/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): All leases for this Department are arranged by the Office of Public Works. The material requested by the Deputy will be included in the reply from the Minister for Finance (ref. Parliamentary Question No. 102).

Animal Welfare.

342. **Deputy Tony Gregory** asked the Minister for Agriculture, Fisheries and Food the steps he is taking to ensure that the welfare of the potentially dioxin contaminated pigs held at present on restricted farms is fully protected; when these pigs will be slaughtered; if this slaughter will take place at a slaughterhouse or on the farms; and if he will make a statement on the matter. [47589/08]

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 necessary framework to deal with issues relating to the slaughter of pigs that have been exposed to, or are suspected of having been exposed to contaminated animal feed. All pigs that are required to be slaughtered will be slaughtered humanely. To date and apart from a small number that were slaughtered for sampling and testing purposes, no pigs have been slaughtered. My officials are keeping the situation under review including the on farm situation and are examining the most appropriate options that are available for slaughter of affected pigs having due regard to their welfare.

State Laboratories.

343. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food when the State laboratories at Back Weston, Celbridge, County Kildare were first opened; when it is expected that the facilities there will become fully operational; the reason the full scale of laboratory facilities has not been implemented to date, while samples have to be sent abroad; the cost of these facilities and the relocation from Abbotstown; the remaining cost of the full commissioning and provision of the originally intended range of facilities at this location; and if he will make a statement on the matter. [47602/08]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The State Laboratory (Dept of Finance) moved to new Laboratory facilities in Backweston in May 2005 and the Laboratory has been fully operational since then. Additional laboratory capability to enhance the capacity of the Laboratory to respond to customer needs is continually being developed. The State Laboratory has now developed an analytical capability to carry out dioxin analysis in Animal Feedingstuffs for the Department of Agriculture, Food and Fisheries and the analysis will commence in January 2009.

The Department of Agriculture, Fisheries and Food (DAFF) Laboratories at Backweston were officially opened on 20th April 2007. The Pesticides Division of DAFF laboratories tests for PCBs but not Dioxins. Due to the need for special laboratory facilities, safety concerns etc it was decided that when the laboratories were moving to their new site at Backweston, the

[Deputy Brendan Smith.]

State Laboratory (Dept of Finance) would be developed to test for Dioxins. This would include testing samples from the environment, food, feed etc. The cost of the DAFF laboratory facilities, instrumentation etc at Backweston were mostly borne by the OPW and were in the region of €135 million.

Higher Education Grants.

344. **Deputy Brian O'Shea** asked the Minister for Education and Science the amount of research and development funding provided to each of the universities and each of the institutes of technology in each of the past five years; and if he will make a statement on the matter. [47268/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The information requested by the Deputy is being compiled and I will arrange to forward the information concerned to the Deputy as soon as possible.

Special Educational Needs.

345. **Deputy Brian Hayes** asked the Minister for Education and Science if parents using their home tuition grant from 1 January 2009 can use that grant for schools run by a service (details supplied); and if he will make a statement on the matter. [47273/08]

Minister for Education and Science (Deputy Batt O'Keeffe): 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. I expect that a decision on the matter will be taken in the near future.

346. **Deputy Brian Hayes** asked the Minister for Education and Science the number of home tuition grants administered by his Department in which he is unable to offer an appropriate place to a child who has been diagnosed as being special needs; if the number of grants available have reduced in recent years as more autism specific units have been opened; and if he will make a statement on the matter. [47274/08]

Minister for Education and Science (Deputy Batt O'Keeffe): I have asked for this information to be compiled and sent to the Deputy as soon as it is available.

Schools Building Projects.

347. **Deputy Denis Naughten** asked the Minister for Education and Science when the summer works scheme will be reopened for new applications; if those submitted in 2007 will be prioritised; and if he will make a statement on the matter. [47285/08]

Minister for Education and Science (Deputy Batt O'Keeffe): 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.

I intend to have a Summer Works Scheme in 2009. The details of the operation of the scheme and the level of funding to be made available under the scheme in 2009 are currently being considered. 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.

School Transport.

348. **Deputy Denis Naughten** asked the Minister for Education and Science further to parliamentary Question No. 473 of 2 December 2008, if he will confirm that eligibility is determined by the nearest school able to cater for the pupil not through an exemption to the distance criteria where a pupil has a diagnosed physical disability; if he will explain the way this differs from the case in question; and if he will make a statement on the matter. [47289/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): I have already informed the Deputy that the distance criteria does not apply to pupils with a diagnosed disability and/or special educational need. These pupils are eligible for transport to the nearest recognised: mainstream school, special class/ special school or a unit, that is or can be resourced, to meet the child's special educational needs under Department of Education and Science criteria.

If the Deputy considers that the pupil in question has such a disability, then the parent should be advised to consult with the local Special Education Needs Organiser regarding the allocation of resources to the appropriate school. The question of school transport can then be considered having regard to the terms of the scheme.

349. **Deputy Denis Naughten** asked the Minister for Education and Science if a child who wishes to be taught through the medium of English but who resides within the Gaeltacht is entitled to school transport to the nearest available English medium school; and if he will make a statement on the matter. [47290/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): Under the terms of my Department's Primary School Transport Scheme, pupils who reside 3.2 kilometres or more from, and are attending, their nearest suitable national school as determined by my Department, are eligible for free school transport. Under the terms of my Department's Post Primary School Transport Scheme, a pupil is eligible for transport if s/he resides 4.8 kilometres or more from her/his local post primary education centre, that is, the centre serving the catchment area in which s/he lives.

The scheme is not designed to facilitate parents who choose to send their children to a post-primary centre outside of the catchment area in which they reside. However, children who are fully eligible for transport to the post-primary centre in the catchment area in which they reside may apply for transport on a concessionary basis to a post-primary centre outside of their own catchment area, otherwise known as catchment boundary transport. These children can only be facilitated if spare seats are available on the bus after all other eligible children travelling to their 'own' post-primary centre have been catered for. Such children have to make their own way to the nearest pick up point within that catchment area.

The scheme also provides that pupils who wish to obtain post-primary education entirely through Irish are eligible for transport to the nearest centre in which there is a secondary, vocational, comprehensive or community school providing such education, if they live 4.8 kilometres or more from the centre. There is no provision, in the scheme, to provide a special school transport service for pupils living in a Gaeltacht catchment area, who have enrolled in a school outside of their own catchment area which is teaching through the medium of English. Exceptions are made in certain cases, for example, for children who have an exemption from Irish. The Deputy may also be aware that there are matters of relevance to the availability of teaching through the medium of English for children in the Gaeltacht before the courts at present which are to be the subject of a mediation.

Schools Refurbishment.

350. **Deputy Martin Ferris** asked the Minister for Education and Science when funding under the emergency works grant will be made available to finance a new heating system at a school (details supplied) in Dublin 5. [47295/08]

351. **Deputy Thomas P. Broughan** asked the Minister for Education and Science when he will sanction the emergency works grant submitted by a school (details supplied) in Dublin 5 for heating and other repairs. [47322/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 350 and 351 together.

My Department recently received an application for emergency funding from the school in question. This application will be assessed and the school authorities will be advised of the outcome.

Schools Building Projects.

352. **Deputy Emmet Stagg** asked the Minister for Education and Science the closing date for receipt of tenders for the construction of the new national school for Kill, County Kildare; and if he will confirm that capital funding is available in 2009 for construction to commence. [47343/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to advise that the tender process for Kill National School is well underway. I already announced on 29 September 2008 that the proposed new school at Kill, was one of 25 schools listed to proceed to tender and construction.

353. **Deputy Emmet Stagg** asked the Minister for Education and Science if he will sanction the appointment of a design team for the required extension to a school (details supplied) in County Kildare. [47350/08]

Minister for Education and Science (Deputy Batt O’Keeffe): An application for additional classroom accommodation, general purpose room, ancillary accommodation and refurbishment of the existing building has been received from the authorities of the school in question. The progression of all large scale projects, including this project, will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme.

Site Acquisitions.

354. **Deputy Emmet Stagg** asked the Minister for Education and Science if he will purchase a site for a permanent school building for a school (details supplied) in County Kildare; and if so, when. [47352/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I wish to advise the Deputy that there has been no change from the Department’s earlier instruction to Kildare VEC this year to hold any contract of acquisition until further notice. In light of many competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the acquisition of the school site at this time.

Schools Building Projects.

355. **Deputy Emmet Stagg** asked the Minister for Education and Science when a design

team will be appointed for the required extension to a school (details supplied) in County Kildare. [47354/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied to my Department for large scale capital funding for an extension. The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department’s capital budget currently, it is not possible to give an indicative timeframe for the progression the project at this time.

356. **Deputy Emmet Stagg** asked the Minister for Education and Science if he will sanction capital funding for the required extension to a school (details supplied) in County Kildare. [47357/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Officials from my Department are currently examining the Stage 3 submission (developed sketch scheme) and will be in contact with the school authorities shortly. The progression of all large scale building projects, including this project, will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme.

357. **Deputy Emmet Stagg** asked the Minister for Education and Science if he will sanction capital funding to enable construction of a school (details supplied) in County Kildare to commence. [47358/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The proposed building project for the school to which the Deputy refers is at an early 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 Accommodation.

358. **Deputy Emmet Stagg** asked the Minister for Education and Science the position in relation to the provision of permanent accommodation for a school (details supplied) in County Kildare. [47359/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I am pleased to advise the Deputy that the proposed project to provide a new school is in architectural planning and was recently authorised to proceed through Stage 2b (preparation of detailed design and tender documents). This documentation is currently awaited. When this is received it will be examined by my Department’s Technical Section and the school authorities will be advised of developments. The progression of this and all large scale capital building projects in the Department will be considered in the context of the multi-annual School Building and Modernisation Programme. I am not in a position to say, at this stage, when construction is likely to commence on the project.

School Enrolments.

359. **Deputy Emmet Stagg** asked the Minister for Education and Science the number of pupils by school in each national school in County Kildare for the 2007-2008 school year in

[Deputy Emmet Stagg.]

class sizes of less than 20, 20 to 24 pupils, 25 to 29 pupils, 30 to 34 pupils, 35 to 39 pupils and 40 plus pupils. [47360/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The data are being compiled and will be forwarded to the Deputy.

Schools Building Projects.

360. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47376/08]

362. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47378/08]

364. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47380/08]

374. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47390/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos 360, 362, 364 and 374 together.

My Department has applications on hand from a number of schools of the same name in Donegal. I have asked the Planning and Building Unit in my Department to contact the Deputy in order to clarify which schools are the subject of his question and they will be happy to supply the information sought to the Deputy.

361. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47377/08]

373. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47389/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 361 and 373 together.

The Modernisation and Policy Unit of my Department has no record of a current application from the schools referred to by the Deputy. Should an application be received it will be assessed and the school authorities notified of the outcome without delay.

Question No. 362 answered with Question No. 360.

363. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47379/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department has an application for major capital works from the school referred to by the Deputy. Progress on the project 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 this project at this time.

The school also made an application under the 2008 Summer Works Scheme with Mechanical works as their first priority. As the Deputy will be aware, there was no Summer Works Scheme in 2008. 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.

Question No. 364 answered with Question No. 360.

365. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47381/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy applied for funding for temporary accommodation in February of this year and was given approval for the accommodation in April. An application from the school for drawdown of the first tranche of the funding was received in my Department on 15th of December and will be processed in accordance with the normal procedures.

366. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47382/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Modernisation and Policy Unit of my Department has no record of a current application from the school referred to by the Deputy. Should an application be received it will be assessed and the school authorities notified of the outcome without delay.

367. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47383/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy was given approval in July 2008 for a grant of €100,000 to secure additional accommodation.

368. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47384/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The final account for a large-scale extension project at the school referred to by the Deputy was approved in October 2004.

[Deputy Batt O’Keeffe.]

The school applied for additional classroom accommodation in January 2006. Progress on the project 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 this project at this time.

The school also applied under the Permanent Accommodation Scheme 2007 for two extra classrooms. The school were approved for 2 mainstream classrooms in May 2008 and allocated a grant of €240,000 to purchase or build the accommodation.

School Accommodation.

369. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47385/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy applied for funding for temporary accommodation in October of this year on the basis of the appointment of an additional teacher. The application was not successful on this occasion and the school was advised to continue to utilise the existing room currently housing the additional teacher.

370. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47386/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy was recently sanctioned funding for the provision of additional accommodation. A subsequent application for additional costs associated with the project has also been approved. The project has gone to construction.

371. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47387/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school referred to by the Deputy applied for funding under the 2007 Small School Scheme but was unsuccessful. The Planning and Building Unit of my Department has no record of a current application from the school.

Should an application be received it will be assessed and the school authorities notified of the outcome without delay.

372. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47388/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The school to which the Deputy refers has applied to my Department for large scale capital funding for an extension project. The project is currently awaiting the appointment of a Design Team.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and

modernisation programme. However, in view of the level of demand on the Department's capital budget currently, it is not possible to give an indicative timeframe for the progression the project at this time.

Question No. 373 answered with Question No. 361.

Question No. 374 answered with Question No. 360.

375. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47391/08]

Minister for Education and Science (Deputy Batt O'Keeffe): There are a number of schools in Donegal which share the name supplied by the Deputy. However, a Gaelscoil of that name currently has a major Extension and Refurbishment project to cater for a 16 Classroom school which is at an advanced stage of architectural planning.

Progress on the project 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 this project at this time.

Schools Recognition.

376. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47392/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The school to which the Deputy refers was granted provisional recognition by my Department on 01 September 2006. It is a co-educational school and is under the patronage of Educate Together.

An application for Permanent Recognition is currently under consideration by my Department. When a decision has been reached on this application, this will be communicated to the school authority.

School Accommodation.

377. **Deputy Martin Ferris** asked the Minister for Education and Science the status of a request by a school (details supplied) in County Donegal which has applied for essential capital works; if it has been accepted; and if so, when work will commence. [47393/08]

Minister for Education and Science (Deputy Batt O'Keeffe): Correspondence has been received from the school in question regarding the provision of additional accommodation. The progression of a project will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

Schools Refurbishment.

378. **Deputy Phil Hogan** asked the Minister for Education and Science the amount of funds that have been allocated to emergency works for 2009; if his Department plan to accept applications for the replacement of windows under such a scheme; if so, the amount of funding provided for same for 2009; and if he will make a statement on the matter. [47407/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The allocation of €581m for 2009 represents a significant investment in the school building and modernisation programme. This level of funding for the building programme, at a time of pressure on the Government finances, is a sign of the very real commitment of this Government to investing in the school infrastructure and will permit the continuation of progress in the overall improvement of school accommodation.

My Department’s School Building and Modernisation Programme is divided into a number of component elements or sub programmes. These include Large Scale Building Projects (new school buildings and major extensions/refurbishments); Summer Works Scheme; Emergency Works; Site Acquisitions; Remediation Programmes (asbestos removal, radon mitigation); Furniture and Equipment; provision of Temporary Accommodation and the Small Schools and Permanent Accommodation Schemes. The level of funding available to each sub programme has not yet been finalised.

Emergency works grants are made available to schools most in need of resources as a result of unforeseen emergencies of a capital nature that may arise during the school year. This can include replacement of windows, where appropriate.

Schools Recognition.

379. **Deputy Seán Ó Fearghaíl** asked the Minister for Education and Science if he has received an application from a group (details supplied) for the approval to develop a primary school in Athy, County Kildare; if he will approve this application; and if he will make a statement on the matter. [47415/08]

Minister for Education and Science (Deputy Batt O’Keeffe): A Notification of Intention to apply for Recognition of a new primary school in Athy, County Kildare has been received from the group to which the Deputy refers.

I have recently announced a review of the procedures for the establishment of new primary schools under the Commission on School Accommodation. It is expected that the review of procedures for recognising primary schools will be completed and revised arrangements will be in place within a two year time frame.

In the interim it is not proposed to recognise any new primary schools, except in areas where the increases in pupils numbers cannot be catered for in existing schools and which require the provision of new schools. This means that new schools will not be established for reasons unrelated to demographic growth in areas where there is already sufficient school accommodation or where increases can be catered for by extending existing school accommodation.

The Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for 2009 and onwards and Athy will be considered in this process.

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.

Psychological Service.

380. **Deputy Paul Kehoe** asked the Minister for Education and Science the number of psychologists working in the National Educational Psychological Service; the number of children waiting assessment; the maximum amount of time in each case; the counties where the service is available; and if he will make a statement on the matter. [47447/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I can inform the Deputy that all primary and post primary schools have access to psychological assessments either directly through my Department’s National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) which is administered by NEPS.

There are currently 156 psychologists employed in my Department’s NEPS service, including some 27 psychologists who have been appointed since the end of June last. Furthermore 2 individuals have agreed start dates in early January 2009.

The NEPS service is available in all 26 counties and my Department will be preparing a statement on the current coverage by county at the end of January 2009.

Additionally I was pleased to announce recently, in the context of Budget 2009, an increase in the funding available to NEPS with which it is envisaged that up to 50 further psychologists can be appointed. Recruitment of these psychologists will begin early in the new-year from the existing panel of qualified personnel, until its depletion, and discussions will commence between my Department and the Public Appointments Service in relation to the establishment of a new competition and panel in this regard.

NEPS does not keep waiting lists for assessments of children but in common with other psychological services encourages a staged assessment process whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school’s best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually.

The introduction of the General Allocation model for primary schools in 2005/06 means that children with high incidence special needs now longer have to wait for an individual assessment before they can get access to extra support.

Children who manifest very special or urgent needs in school and who have not been previously assessed by a psychologist and are brought to the attention of a NEPS psychologist by the Principal teacher will usually be assessed by the psychologist within that school term. Normally, principals of schools prioritise those children in need of psychological assessment in consultation with the assigned psychologist.

In the case of schools that do not currently have dedicated NEPS psychologists assigned to them, as I already mentioned, such schools have access to psychological assessments through the SCPA. Under this Scheme, schools can commission assessments from a member of the panel of private practitioners approved by NEPS, and NEPS will pay the fees directly to the psychologist concerned.

Should school authorities have specific difficulties with regard any of the foregoing I would suggest that they should contact the local NEPS Regional Director, contact details for whom are also available on my Department’s website.

Special Educational Needs.

381. **Deputy David Stanton** asked the Minister for Education and Science the budget allocation and expenditure of the special education support service since its establishment in 2003; the number of staff employed in the service; and if he will make a statement on the matter.

[47454/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Teacher Education Section of my Department provides for a comprehensive system of continuing professional development (CPD) for teachers in the area of special educational needs. Central to this is the Special Education Support Service (SESS).

Funding in the amount of €330,000 was provided to the SESS for start up costs in 2003/2004. Details of the actual expenditure by the SESS since 2005 (the first year of full service) to date is as follows:

Year	Expenditure
	€
2005	1,200,000
2006	2,000,000
2007	3,000,000
2008	2,595,614

There is a total staff complement of 29 working with the SESS. It should be noted that there was additional funding available to the SESS in 2008 however, due to a lower than anticipated uptake on some of the programmes of CPD and difficulties encountered in recruiting appropriately qualified staff to a newly established SEN Behaviour team, the actual expenditure in 2008 was lower than expected.

My Department is proactive in the development of programmes of CPD that cater for the needs of teachers of pupils with special educational needs. To this end my Department remains committed to providing funding to the SESS to ensure that teachers benefit from CPD that enables them to effect a combined-skills approach to meeting the learning and teaching needs of pupils with special educational needs.

The Deputy may also be interested to note that in 2008 for the first time, my Department funded provision of a Professional Development Programme Post-Graduate Certificate/ Diploma in Special Educational Needs (Autistic Spectrum Disorders) by St. Angela’s College, Sligo in collaboration with the SESS.

Furthermore, in addition to the funding available to the SESS in 2008 a further €1.35 Million was spent in 2008 to cater for the provision of post-graduate programmes in the area of Special Educational Needs across 7 academic institutions.

Disadvantaged Status.

382. **Deputy David Stanton** asked the Minister for Education and Science the advice he has for parents with low incomes whose children are not attending DEIS schools and who would normally have benefited under the free books scheme on the way they will purchase school text books for their children in the future; and if he will make a statement on the matter. [47455/08]

392. **Deputy Ciarán Lynch** asked the Minister for Education and Science if he will re-examine the funding of the free books scheme in view of the other competing operational school costs; and if he will make a statement on the matter. [47491/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 382 and 392 together.

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 which

in the case of schools outside of the DEIS scheme will involve savings of approximately €7.5 million on current levels.

Approximately €7 million was made available in 2008 to DEIS schools for the aid for school books scheme and this fund of €7 million will be made available for distribution to schools in the DEIS programme in 2009.

I appreciate that this measure will pose difficulties for other schools outside DEIS. However, many schools operate book rental schemes built up over the years and this combined with increased capitation funding will help to mitigate the impact on schools and parents.

The Education Budget for 2009 has provided for improvements to the overall level of funding for 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.

School Staffing.

383. **Deputy Joanna Tuffy** asked the Minister for Education and Science the need for a school (details supplied) to retain its home school liaison in 2009; and if he will make a statement on the matter. [47458/08]

384. **Deputy Joanna Tuffy** asked the Minister for Education and Science the need for a school (details supplied) to retain its disadvantaged concessionary post in 2009; and if he will make a statement on the matter. [47459/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 383 and 384 together.

The school to which the Deputy refers is among the schools that were judged by an independent identification process in 2005 not to have a sufficient level of disadvantage among their pupils to warrant their inclusion in DEIS (Delivering Equality of Opportunities in Schools), the Action Plan for educational inclusion. The next identification process is scheduled to be held at the end of the current DEIS programme which runs from 2005-2010. There will not be an opportunity before this to be included in the current DEIS programme of supports.

This school together with 26 other urban primary and 73 post primary schools retained resources, both human and financial, including Home School Community Liaison and concessionary disadvantaged posts 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 DEIS Initiative.

While it is appreciated that the discontinuation of these resources will impact on these schools, given the current challenging economic climate, I 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 focus targeted 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 which are set out in his report on Primary Disadvantage of 2006, which recommended that my Department should focus its educational disadvantage measures on those schools serving the most disadvantaged communities.

385. **Deputy Charlie O'Connor** asked the Minister for Education and Science if he will make contact with the board of management of a school (details supplied) in Dublin 24 and take action in respect of their serious concerns regarding teacher numbers for 2009; if he will ask his officials to work with the school in the matter; and if he will make a statement on the matter. [47460/08]

395. **Deputy Róisín Shortall** asked the Minister for Education and Science if his attention has been drawn to the concern among parents and staff regarding the impact of the proposed education cuts on a school (details supplied) in Dublin 11. [47515/08]

Minister for Education and Science (Deputy Batt O'Keeffe): I propose to take Questions Nos. 385 and 395 together.

I have consistently said that the 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect Education while protected to a much greater extent than most other areas of public expenditure could not be totally spared. 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.

The various impacts at school level were included in the Budget day announcements. Even with the budget measures in place there will still be a significantly increased borrowing requirement in 2009.

My Department will be advising individual schools in the normal way in relation to their staffing and grant allocations. The preparatory work for this has commenced with the processing of enrolment data that has been received from schools. The staffing allocation processes including notification to schools will commence early in the New Year. The allocation process includes appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. In addition to the mainstream classroom teachers my Department also allocates teaching resources to schools for special needs and language support. The final allocation to a school is also a function of the operation of the redeployment panels which provide for the retention of a teacher in an existing school if a new post is not available within the agreed terms of the scheme.

I have no difficulty in setting out for this House or for the public generally the overall changes on aggregate teacher numbers or on grant levels in schools for the 2009/10 school year. I will do this when the allocation processes have been completed. Furthermore the staffing schedule will be published and it is a transparent and clear way of ensuring that schools are treated consistently and fairly and know where they stand.

At this time the priority for my Department within the resources available to it is to carry out those processes in a timely manner.

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 Building Projects.

386. **Deputy Charlie O'Connor** asked the Minister for Education and Science if he will confirm details of the announcement made by him on 12 December 2008 in respect of primary schools; and if he will make a statement on the matter. [47461/08]

Minister for Education and Science (Deputy Batt O’Keeffe): As a result of the 2009 Budget provisions for Education, arising from current economic challenges and following subsequent proposals from the management bodies of primary schools, new arrangements are being put into place for substitution cover for uncertified sick leave for teachers in primary schools.

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. A circular outlining the full details is being drafted within my Department at present.

Substitution cover will continue to be provided for all other categories of absences currently available such as certified sick leave and maternity leave.

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.

School Staffing.

387. **Deputy Charlie O’Connor** asked the Minister for Education and Science if he will confirm that a school (details supplied) in Dublin 24 will retain all their language support teachers; his views on the particular challenges faced by these schools; and if he will make a statement on the matter. [47462/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The budget measures will mean that the level of language support will be reduced from a maximum of six extra teachers per school to a maximum of two teachers per school, as was the case before 2007.

However, the ongoing requirement for current levels of language support teachers in schools should also start to reduce in line with lower levels of immigration and in line with improvements in the levels of proficiency of those pupils for whom this resource has been available.

Nonetheless, schools that require language support will still be entitled to get it. We still envisage having over 1,400 language support teachers in our schools in September 2009 and up to about 500 other teachers in part-time posts. By any standards this is a very significant resource and the challenge will be to ensure that it is used to maximum effect.

As I announced on budget day we will also provide for some alleviation for the position of those schools where there is a significant concentration of newcomer pupils as a proportion of the overall enrolment. This will be done on a case by case basis.

The allocation process for language support teachers is an annual one and existing provision is not rolled over automatically. Schools will be applying afresh in the spring and early summer of 2009 for the 2009/10 school year, based on their assessment of the prospective needs of existing pupils and any new pupils they are enrolling.

Computerisation Programme.

388. **Deputy Charlie O’Connor** asked the Minister for Education and Science if he will immediately reverse the decision of his Department to refuse to reconsider the decision to omit a school (details supplied) in Dublin 24 from the list of 100 schools invited to apply for grant aid in respect of computer equipment; if his attention has been drawn to the view within the

[Deputy Charlie O'Connor.]

community that the schools in being penalised for being successful; if he will have the matter sorted out; and if he will make a statement on the matter. [47463/08]

Minister for Education and Science (Deputy Batt O'Keeffe): Funding of €1 million has been approved from the Dormant Accounts Educational Disadvantage Programme for a scheme to assist 100 disadvantaged schools to progress towards achieving Digital School Status. The Digital Schools Award is an initiative which recognises excellence in a school's approach to integrating information and communications technology in its learning and teaching. Having regard to the funding of €1 million being available, the 100 schools identified with the highest concentration of disadvantage have been targeted to benefit from this particular scheme. Applications were invited from the 100 Primary Urban Band 1 DEIS schools serving the most disadvantaged communities.

Three schools having already been awarded Digital School Status, were excluded from the scope of the scheme which is intended to assist schools to progress towards achievement of such status. As the school in question is one of the schools that has already achieved Digital School status, it has been excluded from this particular scheme. I commend the efforts of the whole school community in their valuable work in integrating ICT into their teaching and learning which has been recognised in their achievement of Digital School Status.

I recognise the need for further investment in schools' ICT infrastructure and I am committed to investing in this area within available resources.

Disadvantaged Status.

389. **Deputy Charlie O'Connor** asked the Minister for Education and Science the schools which will lose their disadvantage status under the giving children an even break programme; and if he will make a statement on the matter. [47464/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): The Giving Children an Even Break (GCEB) Programme operated from 2001 to 2005 and supported schools to implement reduced class sizes of 20:1 in junior classes and 27:1 in senior classes in addition to providing additional financial resources. The scheme was integrated into DEIS (Delivering Equality of Opportunities in Schools), the new Action Plan for educational inclusion when it was launched in 2005. DEIS brings together, and builds upon, a number of existing interventions in schools with a concentrated level of disadvantage. There are 876 schools in DEIS. These comprise 673 primary schools (199 Band 1, 141 Band 2 and 333 Rural) and 203 second-level schools.

Under DEIS all 199 Urban Band 1 schools benefit from reduced class sizes of 20:1 in junior classes and 24:1 in senior classes. In addition some 53 DEIS Urban Band 2 schools and 15 non DEIS schools enjoy the lower pupil teacher ratio from the pre-existing GCEB scheme. These reduced pupil teacher ratios are explicitly protected under DEIS and will continue for the duration of the DEIS programme.

In line with my focus on retaining resources in the most disadvantaged areas, it is important to note that following Budget 2009 those DEIS and non DEIS schools which benefit from a reduced pupil teacher ratio will not be affected by the general increase in the pupil teacher ratio.

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 in framing the 2009 Budget. These decisions were taken in order 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 in a number of areas, including at school level. However, these are the inevitable result of the challenging economic environment and the need to manage Exchequer resources prudently. As a consequence it has become necessary to withdraw additional financial resources from all non DEIS schools with effect from 31 August 2009.

While it is appreciated that the discontinuation of these resources will impact on these schools, given the current challenging economic climate, I 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 which are 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.

Targeting resources at the most disadvantaged schools that are working to counteract educational disadvantage will continue to be a priority for the Government.

Third Level Fees.

390. **Deputy Brian Hayes** asked the Minister for Education and Science if he will provide information (details supplied) in respect of registered medical students and payments made from the Vote for the Office of the Minister for Education and Science, his Department and by agencies under his aegis, excluding payments made under the programme for research in third level institutions; and if he will make a statement on the matter. [47488/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The information sought by the Deputy is being compiled and will be forwarded to him as soon as possible.

School Staffing.

391. **Deputy Ciarán Lynch** asked the Minister for Education and Science when the circular letter regarding supervision and substitution for second level schools which was due to be issued on 8 December 2008 will be issued; and if he will make a statement on the matter. [47490/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Circular Letter 110/2008 which outlines the revised arrangements for substitute cover in post primary schools has issued to the managerial authorities of the schools and teacher unions. The Circular Letter has also issued to the Vocational Education Committees. Arrangements are being made to have the Circular Letter placed on my Department’s website as soon as possible.

Question No. 392 answered with Question 382.

Grant Payments.

393. **Deputy Martin Ferris** asked the Minister for Education and Science the amount of financial support, grants and so on that is given to each of the schools (details supplied) per year. [47494/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Deputy refers to a number of fee-charging schools of which there are 56 in the State; 21 are Protestant, two inter-denominational, one Jewish and the remainder Catholic.

[Deputy Batt O’Keeffe.]

With the exception of the Protestant and Jewish fee-charging schools, fee-charging schools do not receive capitation grants or related supports.

Protestant fee-charging schools receive, and will continue to receive, the Protestant Block grant, which amounts to €6.25 million in the current school year. This payment covers capitation, tuition and boarding grants.

A similar arrangement exists for the Jewish school and amounted to €43,684 in the 2007/08 school year. This arrangement will continue also.

The arrangements for minority schools reflect the importance the Government attaches to ensuring that students can attend schools that reflect their denominational ethos.

Prior to Budget 2009, minority religion schools were eligible other non-pay grants. It is estimated that savings of €2.8 million will accrue to my Department from their withdrawal in 2009.

Teachers in all fee-charging schools are paid by the State; and this arrangement pre-dated the introduction of free education arrangements. The cost for the 2007/08 school year was €100.12 million.

Departmental Records.

394. **Deputy Róisín Shortall** asked the Minister for Education and Science the reason for the delay in providing a person (details supplied) in Dublin 11 with details of their work record since October 2008 in order that they can pursue a social welfare claim. [47514/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Three forms for the person referred to by the Deputy were completed by officials in my Department and returned to the Department of Social and Family Affairs on the 14th October 2008.

On 2 December 2008, two further forms for the person were received in my Department. The forms will be completed and returned to the Department of Social and Family Affairs in the next few days.

Question No. 395 answered with Question No. 385.

Disadvantaged Status.

396. **Deputy Róisín Shortall** asked the Minister for Education and Science the budget 2009 education cuts that apply to DEIS band one schools and DEIS band two schools. [47518/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and an integrated School Support Programme (SSP). DEIS brings together and builds upon a number of existing interventions in schools with concentrated levels of disadvantage.

The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department’s regional offices and the Inspectorate. There are 876 schools in DEIS. These comprise 673 primary schools (199 Urban Band 1, 141 Urban Band 2 and 333 Rural) and 203 second-level schools.

In line with my focus on retaining resources in the most disadvantaged areas, it is important to note that following Budget 2009, DEIS supports in DEIS schools are not being affected.

Those DEIS schools which benefit from reduced class sizes will not be affected by the general increase in the pupil teacher ratio. All DEIS Urban Band 1 schools enjoy a lower Pupil Teacher Ratio (PTR). In addition some 53 DEIS Urban Band 2 schools enjoy a lower PTR from pre-existing schemes. These reduced pupil teacher ratios are explicitly protected under DEIS and are not affected by the Budget.

Furthermore for the duration of the DEIS initiative, which is scheduled to run until 2010, all DEIS urban schools will maintain access to Home School Community Liaison services and the School Completion Programme while all DEIS Urban and Rural schools will maintain access to additional capitation and grant aid for school books.

For schools other than those that benefit from lower PTR under DEIS, the mechanism used to allocate classroom teachers to primary schools is the staffing schedule and, with effect from September 2009, the enrolment bands will be based on an average of 28 pupils per class rather than the current 27 pupils per class. My Department will be advising individual schools in the normal way in relation to their staffing allocations.

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 a significant concentration of newcomer pupils as a proportion of the overall pupil enrolment. This will be done on a case by case basis.

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.

The 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect Education while protected to a much greater extent than most other areas of public expenditure could not be totally spared.

Prudent management of the Government finances is particularly important at this time of global economic uncertainty when tax revenue has fallen so significantly and when world economic conditions are so serious. Even with the Budget measures in place there will still be a significantly increased borrowing requirement in 2009.

While I appreciate that the abolition of certain grants will make it a challenging year ahead in terms of the day to day funding of schools, I have prioritised funding for primary schools. The Education Budget for 2009 has provided for improvements to capitation and ancillary grants for primary schools which will increase from €167 million in 2008 to almost €190 million in 2009. The budget improvements involve an increase of more than €21 to bring the rate to €200 per pupil and the ancillary services grant for primary schools will also be improved by €3.50 to €155 per pupil. My Department will be advising individual schools in the normal way in relation to their grant allocations.

We are committed to investing in education but we have to invest at a level that is consistent with what we can afford and what is sustainable at the moment given economic circumstances. Targeting resources at the most disadvantaged schools that are working to counteract educational disadvantage will continue to be a priority for the Government.

Site Acquisitions.

397. **Deputy Tony Gregory** asked the Minister for Education and Science if progress has been made on the proposal to swap sites in East Wall, Dublin 3 between his Department's site

[Deputy Tony Gregory.]

on East Wall Road where a school (details supplied) is located and the privately owned site at Ravensdale Road in the centre of East Wall which would have much more potential for the development of a school for the docklands area; and if in view of the markets changes, this proposal will be examined urgently. [47534/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The issue referred to by the Deputy was raised by the Docklands Authority at a meeting between my officials and the Authority recently. My officials will be in contact with the school authorities to ascertain their view on the matter.

Departmental Programmes.

398. **Deputy Catherine Byrne** asked the Minister for Education and Science the costs involved in operating the SPHE programme per year; and if he will make a statement on the matter. [47545/08]

400. **Deputy Catherine Byrne** asked the Minister for Education and Science the costs involved in operating the On My Own Two Feet programme per year; and if he will make a statement on the matter. [47547/08]

Minister for Education and Science (Deputy Batt O’Keeffe): I propose to take Questions Nos. 398 and 400 together.

SPHE was introduced into all schools, at Junior Cycle level, on a phased basis from September 2000 and has been a part of the Junior Cycle Curriculum since 2003. It builds on the various Life Skills, Health Education and Pastoral Care programmes already on offer in many Post Primary schools.

The aims of the SPHE are to enable the students to develop skills for self-fulfilment and living in communities, to promote self-esteem and self-confidence, to enable the students to develop a framework for responsible decision-making, to provide opportunities for reflection and discussion and to promote physical, mental and emotional health and well-being.

‘On My Own Two Feet’ is a class-room materials resource for substance-use education in the context of the SPHE programme. It is an integral part of the SPHE curriculum, drawing on three approaches: development of values and attitudes, decision-making and social competence. As such it is a comprehensive life-skills programme. The programme is being delivered in 750 secondary schools throughout the country with the aim of reaching all students in Junior Cycle. ‘On My Own Two Feet’ was subsumed into Social Personal and Health Education Programme (SPHE) September 2000.

The overall operational costs for SPHE which includes ‘On My Own Two Feet’ for 2006 was €446,000. For 2007 it was €461,000 and for 2008 it has been €400,000 to date. The SPHE receives funding from my Department, as well as the Department of Health and the HSE. The figures quoted do not include substitution or secondments costs for the teachers who organise and attend the in-service provided by SPHE.

399. **Deputy Catherine Byrne** asked the Minister for Education and Science the costs involved in operating the Walk Tall programme per year; and if he will make a statement on the matter. [47546/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The Substance Misuse Prevention Programme (Walk Tall) Support Service is available to all primary and special schools in all Local Drugs Task Force Areas and has also been offered to DEIS schools.

The role of this Support Service is to support teachers in these schools to implement the Walk Tall Programme in the context of the SPHE curriculum. Support is also offered to these schools to develop, implement and review their Substance Use Policies in line with Action 43 (NDS 2001-2008 (National Drugs Strategy)). The cost involved in operating this programme in the current year is €416,616.

Question No. 400 answered with Question No. 398.

Language Schools.

401. **Deputy Denis Naughten** asked the Minister for Education and Science his plans to regulate the language education sector; the number of students in this sector; and if he will make a statement on the matter. [47556/08]

Minister for Education and Science (Deputy Batt O’Keeffe): At present, the English language sector is regulated on a voluntary basis by the Advisory Council for English Language Schools (ACELS), a company limited by guarantee which operates under the aegis of my Department. It provides a voluntary quality assurance and inspection scheme for private sector English language schools. ACELS also approves teacher training qualifications for the EFL private sector, and has developed English language proficiency test instruments. Schools which comply with the ACELS quality assurance and inspection scheme are approved by my Department for the purpose of providing English language programmes in the private sector. The conditions for recognition of schools are available on the body’s website at www.acels.ie.

In April 2005 my Department established an Internationalisation Register which sets out programmes approved for the purpose of access to work by students who are citizens from outside the EU, EEA and Switzerland. Under the immigration regime, such students will only be given access to work if they are attending full time programmes on the Register. The criteria for inclusion require that the programme be full-time, at least 15 hours per week for a minimum of 25 weeks, and lead to a nationally recognised award, or its international equivalent. Language programmes which meet the duration criteria and are approved under the ACELS quality assurance and inspection scheme are also eligible for inclusion on the Register, provided they offer assessment for students at the end of the programme using recognised language proficiency test instruments. The criteria for inclusion are included in an Information Note, along with the Internationalisation Register, on the Department’s website at www.education.ie. The register is updated on a monthly basis.

I have already indicated 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 overall regulatory framework for the provision of international education programmes. The role and functions of ACELS will be examined as part of the amalgamation process.

The most recent data regarding the number of international students in this sector comes from a Fáilte Ireland-commissioned report, carried out by Indecon consultants in 2007, entitled “International Competitor Analysis and Benchmarking of Ireland’s English language learning sector”. This report suggests that the language sector attracts up to 130,000 students per year and that the sector is worth €500 million annually to the Irish economy. The overwhelming majority of students in this sector come from European countries. The Indecon report suggested that 74% of English language students were from Europe.

Pupil-Teacher Ratio.

402. **Deputy Denis Naughten** asked the Minister for Education and Science the pupil-teacher ratio for supervision at second level; if he will issue guidelines to schools to assist boards of management; and if he will make a statement on the matter. [47559/08]

Minister for Education and Science (Deputy Batt O’Keeffe): The supervision and substitution scheme is available to all primary and second level schools funded by my Department.

Permanent, temporary and part-time teachers employed in the school may volunteer at the commencement of the school year for supervision and substitution duties over the course of the year.

Wholetime volunteer teachers are required to contract to deliver a minimum of 37 hours supervision and substitution over the course of the school year. Part-time and job-sharing teachers who volunteer are required to deliver supervision and substitution on a pro-rata basis. This will cover both the supervision and substitution requirements of the school as determined by the school authorities following a consultation process.

A pupil teacher ratio is not applicable for the supervision and substitution scheme.

A copy of Circular Letter PPT 01/03 which outlines the details of the scheme has been included for your information.

To: Management Authorities of second-level schools.

- (i) Supervision of pupils during the morning and lunchtime breaks and before and after school
- (ii) Extension of approved substitution to cover uncertified sick leave and Teachers’ absences from class because of other approved school activities (e.g. games, competitions and other extra-curricular activities).

1. Introduction

1.1 This Circular Letter replaces and supersedes Circular M 39/02. The Minister for Education and Science wishes to inform authorities of post-primary schools of the arrangements for the pensionability of supervision and substitution payments and restate and clarify the revised arrangements for supervision and substitution in second level schools. The purpose of this circular letter is:

- a) To advise schools regarding the new arrangements for paid supervision and substitution that will apply arising from agreement between the parties at the Teachers’ Conciliation Council.
- b) To set out the conditions that will apply to the pensionability of supervision and substitution payments.
- c) To outline to schools the funding/payment arrangements that will apply.
- d) To confirm the extension of paid substitution.

1.2 Context of the Agreement on paid Supervision and Substitution.

Teachers are routinely involved in supervision of pupils in their care as part of their contractual duty of care in a variety of situations. Supervision of pupils in classes

under their control is an integral part of teachers' professional duties and the contracts of employment. This proposal relates to supervision of students during periods that are not assigned to any teacher and which had previously been provided by teachers on a voluntary basis.

The paid substitution element of this agreement is intended to cover situations where a suitable substitute is not immediately available. This has, up to the present, generally involved other members of the teaching staff substituting/supervising for their absent colleagues on a voluntary basis. It is this substitution that is intended to be provided under the new paid supervision and substitution arrangements.

While the scheme envisages that supervision and substitution will be provided by teachers, the circular letter also makes provision for the situation, which may pertain in those schools where teachers are not available to carry out this work.

The scheme, which applies to all post-primary schools, is outlined below. Detailed operational guidelines specific to the three different sectors (Community and Comprehensive, VEC and Voluntary secondary schools) may be circulated by the relevant management authorities following consultation with the relevant teacher unions. The Department may also issue further elaboration/clarification as required.

2. Basis of Scheme for Supervision and Substitution

- 2.1 Schools will be allocated hours for supervision and substitution on the basis of 37 hours per wholetime teacher equivalent (WTE) per school year. The WTE figure used for the allocation of supervision and substitution hours will be based on the teacher allocation as on the 1st September each year to the school.
- 2.2 Hours will be allocated to VECs on the basis of the teacher allocation as on 1st September each year to the scheme.
- 2.3 Payment will be made in July of each year on the basis of certified delivery as provided in the scheme. The payment will be calculated by reference to the hourly rate, appropriately weighted to give proportionate effect to any increases in the rate in the school year ending on the 30th June preceding payment. It is intended that payment will be made through the normal payroll system on the basis of certification by the Principal or Board of Management/VEC in relation to the commitment entered into by each individual teacher and the actual hours delivered. Further discussions will be held with the parties on agreeing arrangements for an advance payment in December.

3. Contractual Arrangements for Teaching Staff

- 3.1 Permanent, temporary and part-time teachers employed in the school may volunteer at the commencement of the school year for supervision and substitution duties over the course of the year. A copy of the contract for permanent wholetime teachers is attached as Appendix 1. Other contracts will issue in due course.
- 3.2 Wholetime volunteers will be required to contract to deliver a minimum of 37 hours supervision and substitution over the course of the school year. Part-time and job-sharing teachers who volunteer will be required to deliver supervision and substi-

[Deputy Batt O’Keeffe.]

tution on a pro-rata basis. This will cover both the supervision and substitution requirements of the school as determined by the school authorities following a consultation process. In the event that the full allocation of hours available to the school is not exhausted by the volunteers on the basis of the minimum commitments, the additional hours may be distributed among the volunteers, or any number thereof, on a pro-rata basis or as agreed locally, subject to a maximum allocation of 49 hours per annum, in the case of wholetime teachers, not being exceeded. In addition to the maximum allocation of 49 hours per annum, a part-time teacher may commit to the difference between the annual contracted part-time teaching hours with the school/VEC and 735 hours.

3.3 The supervision and substitution contract will provide that volunteers, who are whole-time teachers, will not normally be required to provide more than 1 hour 30 minutes per week on the contracted duties in a given week. However, the contract will provide that a teacher may agree to undertake contracted duties for more than 1 hour 30 minutes in a particular week on the request of the Principal. Additional time worked in such circumstances will be reckoned towards the total annual commitment.

3.4 The system of extra and separate payment for both supervision and substitution is for service in addition to normal class contact hours. Payment for supervision duties may not be made for periods within assigned timetabled class periods. In applying the system of additional and separate payments for both supervision and substitution the practice of timetabling teachers for these duties within normal teaching hours should cease. Similarly direct delivery of supervision and substitution duties should no longer form part of the duties of an Assistant Principal or Special Duties post.

3.5 On the basis of the contractual arrangements outlined above, teachers will qualify for additional annual payments, on the basis of an hourly rate of €37 w.e.f. 1 September 2002. Payment will be made on the basis of actual delivery. However, in the event that management does not demand delivery of the 37 contracted hours during the course of the school year, payment for the 37 hours contracted commitment will be made. Final payment on this basis will be made in July each year.

3.6 In the event of the allocation of hours to a school not being exhausted by the contractual arrangements the remaining hours may be used by the school to:

- (i) pay teachers in addition to their contractual arrangements in respect of any additional casual supervision and substitution they provide, or
- (ii) pay any other teacher, if no contracted teacher is available, to perform these duties on a casual basis.

4. Operational Arrangements for Supervision/Substitution

4.1 The Principal should consult with the volunteers in deciding on the timetable for supervision duties. Supervision duties should be timetabled over the course of the school year.

4.2 Residual hours available after the timetabling of supervision will be available for substitution. The specific arrangements for a substitution timetable should be made

following consultation between management and teachers. The total time assigned to substitution and supervision may not exceed $1\frac{1}{2}$ hours in any given week (save where otherwise agreed with the teacher). A commitment from teachers to be available for two timetabled class periods per week will form part of these arrangements.

Where, in any given week, a teacher is not called upon for substitution, the unmet commitment remains but is subject to a maximum delivery in any future week of $1\frac{1}{2}$ hours within the two designated class periods (save where otherwise agreed with the teacher).

5. Pensionability of Supervision and Substitution Payments

- 5.1 Teachers who are in pensionable service and who give a commitment in writing to undertake supervision and substitution duties under a 37 hour contract on an ongoing basis to retirement will have the agreed payment made pensionable subject to the payment of contributions and the rules of the Superannuation Scheme. The pensionability of supervision and substitution payments for part-time teachers will be addressed in the context of the discussions on the Protection of Employees (Part-Time Work) Act 2001.
- 5.2 Serving teachers, in order to qualify for pensionability, shall make the necessary commitment on or before the 1st September 2004.
- 5.3 New teachers, in order to qualify for pensionability, shall make the necessary commitment within 12 months of first appointment. Details of teachers who have entered such a commitment should be notified to the Department of Education and Science in order that payment of the pension contribution can commence.
- 5.4 A teacher, who has entered such a commitment, but later ceases to meet the commitment, will forfeit pensionability and will not be allowed to re-enter such a commitment. The teacher will not, in such circumstances, be entitled to a refund of superannuation contributions paid in respect of supervision and substitution payments. Such teachers must advise their boards of management of their decision on or before the 30th June prior to the commencement of the relevant school year. However, this will not be a barrier to the provision of paid supervision and substitution on a casual basis.
- 5.5 Where teachers make an ongoing commitment, the commencement date for pensionability shall be the 1st September 2001 in the case of serving teachers who have delivered the appropriate service in each year since that date or the date of appointment in the case of new teachers. On entering the commitment teachers will be required to make the appropriate pension contribution with effect from these dates.
- 5.6 The pensionability of the supervision and substitution payment is restricted to the minimum commitment of 37 hours over the course of the year.
- 5.7 A teacher who is not entering a commitment to undertake supervision and substitution duties under a 37 hour contract on an ongoing basis to retirement may continue to provide supervision and substitution duties on a casual non-pensionable basis. Such teachers should advise their board of management of their availability on or before the 30th June preceding the next school year.

[Deputy Batt O’Keeffe.]

6. Supervision

- 6.1 School management has a responsibility to discharge its duty of care to pupils and to provide adequate supervision of pupils during the full period of time that schools are in operation.
- 6.2 Teachers are routinely involved in a variety of situations in the supervision of pupils in their care as part of their contractual duty of care. Supervision of pupils in classes under their control is an integral part of a teacher’s professional duties and contract of employment. The issue being addressed in this scheme relates to supervision of students on the school premises outside of specified classroom teaching duties that has, up to the present, generally been provided by teachers on a voluntary basis. Under this scheme, the Department will make resources available to schools to provide supervision on a paid basis.
- 6.3 The supervisor in discharging his/her duty should take such care as to ensure the health and safety of the pupils as is reasonable in the circumstances.

7. Substitution

- 7.1 Substitution is the replacement of an absent teacher by another qualified teacher and substitution arrangements should aim to maximise appropriate teaching during substitution periods.
- 7.2 At present, the Department provides for paid substitution for specified approved teacher absences. In the case of absences for which paid substitution is available, schools normally employ a suitable qualified substitute as soon as possible to teach the subjects and classes of the absent teacher.
- 7.3 Under the terms of this agreement, the Department will now provide schools/VECs with resources to extend paid substitution for absences of teachers on uncertified sick leave, and other approved absences on school business, with a view to minimising the disruption of teaching programmes and improving the service to pupils. This substitution should be arranged in the normal way by the employment of a substitute teacher.
- 7.4 In addition, in order to facilitate school management in dealing with short-term unplanned or unexpected absences, teachers already employed by the school may commit to and be paid for casual substitution under the supervision and substitution arrangements set out in Paragraph 3 of this Circular. This does not alter the existing arrangements for part-time teachers to undertake duties as a substitute in the normal way.

8. Arrangements for Payment.

The following arrangements for payment have been agreed.

- 8.1 A claim form should be completed by each teacher who wishes to apply for payment. A copy of the claim form is attached as Appendix 11.

- 8.2 Valid claims should be certified by the Principal and retained in the school. The Principal of each school should notify the Department/VEC of the list of teachers eligible for payment on a composite claim form. The composite claim form will be forwarded to schools in due course.
- 8.3 The Department/VEC will arrange for payment of the teachers concerned through the teacher payroll system on receipt of the composite claim form.
- 8.4 Further discussions will be held with the parties on agreeing arrangements for an advance payment in December.

9. Supplementary Arrangements

- 9.1 The process of seeking teacher volunteers (from amongst the permanent, temporary and part-time teachers employed by the school) may not produce enough school-based volunteers to cover the school's supervision and substitution needs. In such circumstances, school management may source and recruit personnel to provide supervision services before school, at break-times and after school, and (where substitute teachers are not available) supervision of classes where teachers are absent on uncertified sick leave or on other approved absences on school business.
- 9.2 Such personnel employed by the school as supervisors may be paid either on a casual basis or on a contract basis from funds provided by the Department based on the balance or proportion of the balance of the non-committed supervision and substitution hours. Supervisors who contract for the delivery of supervision services will be remunerated at a weekly rate of €370 per week for which they will be expected to provide a minimum of ten hours and up to a maximum of twenty hours actual supervision per week. Supervision on a casual hourly basis or in excess of 20 hours for contracted staff in any week will be paid at a pro-rata rate.
- 9.3 These supplementary arrangements will continue to be kept under review in consultation with school management authorities.

10. Accounting Requirements

In the normal way each school/VEC will be required to keep records of the utilisation of the hours allocated under the supervision and substitution arrangements. Each school/VEC will also be required to provide a balancing statement showing the hours allocated, the hours certified for payment and expenditure on the employment of non teaching staff where applicable.

11. Review

The operation of the arrangements of this scheme will be monitored at national level throughout the year, and reviewed at the end of the school year, by a group representative of the parties to this agreement and may be revised as appropriate.

12. General

Queries regarding individual payments to teachers should be addressed to Post Primary Teachers Section in Athlone (Tel: 090-6474621).

Queries in relation to pensions should be addressed to Pensions Section (Tel: 090-6474621).

[Deputy Batt O’Keeffe.]

Queries in relation to school funding should be addressed to Post Primary Administration (Tel: 0506-24336).

13. Dissemination of Circular

Please provide a copy of this circular to the appropriate representatives of parents and teachers for transmission in the normal way.

John Dennehy
Secretary General
10th January 2003

Appendix 1

Contract for Supervision and Substitution Duties
(permanent wholetime teachers)

A. I _____ hereby give a commitment to undertake supervision and substitution duties for 37 hours per school year on an ongoing basis to retirement in accordance with the terms of the Circular Letter PPT01/03. I understand that, should I cease to meet this commitment, pensionability will be forfeited and I will not be allowed to re-enter such a commitment.

or

B. I _____ hereby give a commitment to undertake supervision and substitution duties for 37 hours for the school year 2002/2003 in accordance with the terms of Circular Letter PPT 01/03. I understand that this is on a non-pensionable basis.

Signed _____ Date _____
(Teacher)

Signed _____ Date _____
(Principal/Board of Management)

Optional

C. In addition to the commitment to undertake substitution and supervision duties of 37 hours I undertake to provide additional casual supervision and substitution hours when available as and when the need arises.

Signed _____ Date _____
(Teacher)

Signed _____ Date _____
(Principal/Board of Management)

Appendix II

Claim for payment for voluntary Supervision/Substitution in the school year 2002/2003

To: _____ Principal

From: _____ Applicant

(Block Capitals)

In accordance with the terms of Circular Letter PPT 01/03 I hereby claim payment for voluntary Supervision/Substitution outside timetabled class contact hours on the basis that I have delivered on my contracted commitment of 37 hours over the course of the 2002/2003 school year.

In addition I hereby claim payment for an additional _____ non-pensionable hours which I delivered over and above my contracted commitment of 37 hours in the school year.

Signed: _____ Applicant

Date: _____

I certify that the above claim has been verified by reference to school records and is in accordance with the terms of Circular Letter PPT01/03.

Certified: _____ **Principal**

Date: _____

Disadvantaged Status.

403. **Deputy Denis Naughten** asked the Minister for Education and Science if he will fulfil commitments to post-primary schools not in DEIS but previously under the DAS scheme; and if he will make a statement on the matter. [47560/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated School Support Programme (SSP). DEIS brings together and builds upon a number of existing interventions in schools with concentrated levels of disadvantage.

The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate.

73 post primary schools, 27 urban primary schools and 123 rural primary schools that were not identified for inclusion in DEIS, retained resources, both teaching posts and financial, 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.

[Deputy Seán Haughey.]

The next identification process is scheduled to be held at the end of the current DEIS programme which runs from 2005-2010. There will not be an opportunity before this to be included in the current DEIS programme of supports.

While it is appreciated that the discontinuation of these resources will impact on these schools, given the current volatile and challenging economic climate, difficult decisions had to be made in order to contain public sector spending. One of these decisions was 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 focus targeted 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 which are set out in his report on Primary Disadvantage of 2006, which recommended that my Department should focus its educational disadvantage measures on those schools serving the most disadvantaged communities.

Departmental Property.

404. **Deputy Joe McHugh** asked the Minister for Education and Science the address and size in square feet of every building or premises in this State that is being rented or leased by his Department; the cost to the State of each of these rents or leases in 2007; if he will provide this information on a county basis; and if he will produce the information in tabular form.

[47573/08]

Minister for Education and Science (Deputy Batt O’Keeffe): My Department’s office accommodation is provided by the Office of Public Works (OPW) for which the Department does not pay rent or lease. The attached lists give the location of these offices.

I understand that the Deputy has been provided with information regarding all properties leased by the OPW. This information includes property leased by the OPW for my Department.

List of Department of Education and Science Offices

Cornamaddy, Ballymahon Road, Athlone

Marlborough Street Complex, Dublin

Clonminch, Portlaoise Road, Tullamore

Offices of the Inspectorate in the following locations:

Department of Education and Science, Bandon, Co. Cork

Department of Education and Science, Bray, Co. Wicklow

Department of Education and Science, Carlow

Department of Education and Science, Castlebar

Department of Education and Science, Castleblayney

Department of Education and Science, Clonmel

Department of Education and Science, South Mall, Cork

Southern Regional Office Mahon, Cork

Dublin City and Fingal Regional Office, Findlater House, D. 1

Dublin City and Fingal Regional Office, Blanchardstown, D.15

Dublin South County Regional Office, Tallaght, D .24

Department of Education and Science, Ennis, Co. Clare

Department of Education and Science, Fermoy, Co. Cork

Department of Education and Science, Merchants Quay, Galway

Department of Education and Science, Kilkenny

Department of Education and Science, Letterkenny, Co. Donegal

Department of Education and Science, Moville, Co. Donegal

Midlands Regional Office, Mullingar, Co. Westmeath

Kildare and Wicklow Regional Office, Naas, Co. Kildare

North Eastern Regional Office, Navan, Co. Meath

Department of Education and Science, Portlaoise, Co. Laois

North Western Regional Office, Sligo

South Eastern Regional Office, Waterford

Department of Education and Science, Tralee, Co. Kerry

Department of Education and Science, Wexford

NEPS Offices in the following locations:

NEPS Head Office, Frederick Court, D. 1

Eastern Regional Office, (East Coast Area), Blackrock, Co. Dublin

Eastern Regional Office (Northern Area), Frederick Court, D.1

Eastern Regional Office (South West Area), Clondalkin, Dublin 22

Eastern Region (Sth West Area), Local Office Naas, Co.Kildare

Midlands Regional Office Mullingar, Co. Westmeath

Mid-Western Regional Office, Limerick

Mid-Western Region, Local Office Ennis

North-Eastern Regional Office, Navan

[Deputy Batt O’Keeffe.]

North-Eastern Region, Local Offices, Drogheda/Cavan

North-Western Regional Office, Sligo

North-Western Region, Local Office, Letterkenny

South-Eastern Regional Office, Waterford

South-Eastern Region, Local Offices, Clonmel/Wexford/Carlow

Southern Regional Office Mahon, Cork

Southern Region, Local Office, Tralee, Co. Kerry

Western Regional Office, Eyre Square, Galway

Western Region, Local Offices, Roscommon/Castlebar

Regional Offices in the following locations:

Dublin City and Fingal Regional Office, Findlater House

Dublin South County Regional Office, Tallaght

Kildare/Wicklow Regional Office, Naas

Midland Regional Office, Mullingar

Mid-Western Regional Office, Limerick

North Eastern Regional Office, Navan

North Western Regional Office, Sligo

South Eastern Regional Office, Waterford

Southern Regional Office, Cork

Western Regional Office, Galway

Whole School Evaluations.

405. **Deputy Tom Hayes** asked the Minister for Education and Science the amount spent every year for the past five years on whole school evaluations; the number of staff and inspectors employed completing whole school evaluations; and if he will make a statement on the matter. [47592/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Whole-school evaluation (WSE) is a model of external evaluation for primary and post-primary schools that was introduced during the school year 2003/2004. 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 includ-

ing its management, leadership, teaching and learning. It seeks to affirm good practice and constructively identify areas for improvement.

In the 2004-2008 period, whole-school evaluations were conducted in 241 post-primary schools as follows:

Year	
2004	12 WSE
2005	53 WSE
2006	57 WSE
2007	59 WSE
2008	60 WSE

In the 2004-2008 period, whole-school evaluations were conducted in 933 primary schools as follows:

Year	
2004	53 WSE
2005	163 WSE
2006	228 WSE
2007	244 WSE
2008	245 WSE

In addition, 336 *Tuairisc scoile* reports were issued to primary schools in 2004, and a further 90 *Tuairisc scoile* were completed in 2005. Whole-school evaluation replaced the *Tuairisc scoile* model of evaluation during the 2003/2004 school year.

Whole-school evaluations form just part of the Inspectorate's business plan in any given year. In 2007, for example, the Inspectorate carried out 303 whole school evaluations, 758 subject inspections, 23 programme evaluations, 23 evaluations of centres for education, the evaluation of 57 Irish-language summer colleges and the probation of 2,362 primary teachers (3 visits on average per teacher) and 9 thematic evaluations. The total number of inspections/evaluations carried out in 2007 was 3,535.

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. In addition to conducting whole-school evaluations, 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 contribute to policy formulation and development in areas such as teacher education, special education, and curriculum and assessment. 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.

On the 1st September 2008 there were 59 primary inspectors and 51 post-primary inspectors assigned to school evaluation activities including the conduct of whole-school evaluations. However, it should be noted that the number of inspectors involved in the evaluation of schools

[Deputy Batt O’Keeffe.]

and teachers may vary throughout any given year due to assignments to other duties, secondments, maternity leave, etc.

Departmental Funding.

406. **Deputy Billy Timmins** asked the Minister for Education and Science when funding will be allocated for a school (details supplied) in County Wicklow. [47598/08]

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.

School Curriculum.

407. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the way he proposes to address the issue of reduced woodwork places at a school in County Kildare resulting in loss of woodwork classes in the case of a person (details supplied) in County Kildare a first year student who began woodwork class in September 2008 and who has lost their place due to the reduction in teaching staff arising from the budgetary cuts; and if he will make a statement on the matter. [47606/08]

Minister for Education and Science (Deputy Batt O’Keeffe): Teacher allocations to all second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In accordance with these rules each school management authority is required to organise its subject options within the limit of its approved teacher allocation. It is a matter for the school to employ teachers up to the limit of its approved allocation and at its discretion to deploy those teachers to the subject areas that the school chooses to provide.

The 2009 Budget required difficult choices to be made across all areas of public expenditure. Decisions were made in order to control expenditure and to ensure sustainability in the long term. In this respect 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 in a number of areas, including at school level. However, these are the inevitable result of the challenging economic environment and the need to manage Exchequer resources prudently.

Specific information in relation to the detailed staffing allocations that individual schools will have for the commencement of the academic year 2009/10 cannot be determined until the allocation processes have fully concluded. There is nothing exceptional in this. 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. Up to now there has not been an effective system wide redeployment scheme at post-primary but discussions on the arrangements for redeployment that will apply in the case of teachers that become surplus in situations other than school closure will re-commence shortly

and the parties have agreed that these discussions will be finalised by end March 2009. Discrete allocations are made to post-primary schools for example to cater for pupils with Special Educational Needs and those with Language difficulties and these allocations can alter the ultimate position of the school in relation to any over quota position.

The measures regarding the pupil teacher ratio, announced in the recent budget, are due to take effect in the 2009/10 school year.

School Staffing.

408. **Deputy Brian O'Shea** asked the Minister for Education and Science his proposals to meet the concerns of the parents of the west Waterford area who have children attending a school (details supplied); and if he will make a statement on the matter. [47643/08]

Minister for Education and Science (Deputy Batt O'Keeffe): The 2009 Budget required difficult choices to be made across all areas of public expenditure. These decisions were made to control public expenditure and to ensure sustainability in the long run. In this respect, the education sector, while protected to a much greater extent than most other areas of public expenditure, could not be totally spared. The various impacts at school level were included in the Budget day announcements. Even with the Budget measures in place there will still be a significantly increased borrowing requirement in 2009.

My Department will be advising individual schools in the normal way in relation to their staffing 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; it is a transparent and clear way of ensuring that schools are treated consistently and fairly and know where they stand.

With regard to supervision and substitution, the situation is as follows: 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 fewer, cover will be provided where any classroom teacher is absent.

Each post-primary school will be provided with a defined number of hours of substitution cover outside of the supervision and substitution scheme to provide cover for teacher absences arising from uncertified sick leave and official school business. This will be calculated on the basis of the number of pupils in a school with a minimum number of available hours for all schools with less than 100 pupils. Thus for the remainder of the school year 0.16 hours substitution cover will be allocated for each pupil in a school as per the school's recognised pupil

[Deputy Batt O’Keeffe.]

enrolment on the 30th September 2007. Examples are an allocation of 32 hours for a 200 pupil school and 64 hours for a 400 pupil school.