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# DÁIL ÉIREANN

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*Dé Máirt, 3 Feabhra 2009.*  
*Tuesday, 3 February 2009.*

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

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*Paidir.*  
*Prayer.*

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## **Business of Dáil.**

### **Allocation of Time: Motion.**

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

That notwithstanding anything in Standing Orders, oral questions to Members of the Government shall conclude at 4 p.m. today; the proceedings on No. *a17*, on a Supplementary Order paper — statements on expenditure control and economic strategy — shall commence at 4 p.m. and shall, if not previously concluded, be brought to a conclusion at 4.40 p.m. today, and the following arrangements shall apply: the statements, which shall be confined to the Taoiseach and the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, which shall be called upon in that order, shall not exceed ten minutes in each case; No. 3, Leaders' Questions shall be taken on the conclusion of No. *a17*; and No. 4, the Order of Business, shall be taken on the conclusion of Leaders' Questions.

**An Ceann Comhairle:** Is that agreed?

**Deputy Enda Kenny:** No. What has happened here is indicative of the indecisiveness of the Government. In view of this I move amendment No. 1:

To delete all words after "Standing Orders" and substitute the following: "That questions to the Taoiseach be set aside; that questions for the Department of Social and Family Affairs be brought forward immediately; that statements on the economy by the Taoiseach and the leaders of the Opposition parties shall commence at 4 p.m. and shall resume at the conclusion of Private Member's business and conclude at 10 p.m." It is absolutely ridiculous that we are expected to change business in this way and deal with the most pressing financial crisis the country has ever faced within four statements of ten minutes each. This has been the central issue, focus and point of concentration of the Government and Taoiseach for the past seven months.

**An Ceann Comhairle:** Prior to calling on Deputy Burton I must state that this is a procedural motion dealing with the business of the Dáil. Accordingly, it is of narrow scope and it cannot lead to a wide-ranging debate now.

**Deputy Joan Burton:** On behalf of the Labour Party I want to object in particular to the arrangements which provide a mere ten minutes for the Taoiseach to explain to the country what people have been waiting to hear about not only for the past three weeks but for the past four months, since everything went wrong with the bank guarantee scheme. People are waiting to listen. If the Taoiseach thinks he can explain his proposals on reductions of up to €2 billion in public expenditure this year in ten minutes, address the proposal to put up to €8 billion into the recapitalisation of the banks and other issues such as how he proposes to deal with people becoming unemployed and to address the matter of people fearful of losing their houses because they are at risk of getting into mortgage arrears later this year——

**An Ceann Comhairle:** We cannot discuss the merits and demerits of this now.

**Deputy Joan Burton:** If the Taoiseach can deal with all of these issues in ten minutes, he is a better man than most of us gave him credit for until now. Ten minutes is grossly inadequate. We are happy to make any change of arrangements in the schedule to allow the Taoiseach make a full statement. We do not want a drip feed of information. Today, the Taoiseach will give us ten minutes of whatever and tomorrow the Minister will give us another 20 minutes of more “drip, drip, drip”.

**An Ceann Comhairle:** We must move on.

**Deputy Pádraic McCormack:** We will all be moving shortly.

**Deputy Joan Burton:** People who are waiting to understand what the Government proposes to do are not being dealt with fairly.

**Deputy Caoimhghín Ó Caoláin:** I agree with and second Deputy Kenny’s proposition that the ordering of today’s business should be changed to accommodate a more complete opportunity for elected Members on all sides to participate and not only leaders or finance spokespersons.

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

**Deputy Caoimhghín Ó Caoláin:** This is what is absent from the proposition. Whether the Taoiseach can accommodate in ten minutes what he has to say is academic to this. He is limiting the opportunity to reflect on what he has to state to three contributions of ten minutes each from the three Opposition parties in the House. With respect, the people expect more from this House and this is not being delivered in terms of the opportunity to question and the responses which should be given. The way this is being styled does not meet that need. I appeal to the Taoiseach to revisit it, accept the proposition proposed by Deputy Kenny and respond responsibly to the proposal.

**The Taoiseach:** The purpose for which I brought forward this motion was to state to the House in the first instance the decisions made by the Cabinet this afternoon and not only to do this by way of formal announcement, which procedurally is within my right to do, but also to provide an opportunity to the leaders of the Opposition parties to make a contribution and provide an initial reaction to the announcement I will make at 4 p.m.

It is also my intention to have a full debate on these matters in the House until 7 p.m. tomorrow by way of motion, which can include a questions and answers session. This would provide everybody with an opportunity to take on board what has been stated, reflect on it and address it in the House tomorrow. The proposal made by the Chief Whip is for me to come to the House in the first instance, provide the thrust of the decisions made, provide an

opportunity for leaders to respond initially and to have a full debate in the House tomorrow by way of motion. I would have thought this the best way to deal with the issue.

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

The Dáil divided: Tá, 75; Níl, 66.

#### Tá

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

Kelleher, Billy.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
Lowry, Michael.  
McEllistram, Thomas.  
McGrath, Mattie.  
McGrath, Michael.  
Mansergh, Martin.  
Moloney, John.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O'Brien, Darragh.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Flynn, Noel.  
O'Hanlon, Rory.  
O'Rourke, Mary.  
O'Sullivan, Christy.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Ryan, Eamon.  
Sargent, Trevor.  
Scanlon, Eamon.  
Smith, Brendan.  
White, Mary Alexandra.  
Woods, Michael.

#### Níl

Bannon, James.  
Barrett, Seán.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.  
Burton, Joan.  
Byrne, Catherine.  
Carey, Joe.  
Clune, Deirdre.  
Connaughton, Paul.  
Coonan, Noel J.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Creed, Michael.  
Creighton, Lucinda.  
D'Arcy, Michael.  
Deenihan, Jimmy.

Doyle, Andrew.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Feighan, Frank.  
Ferris, Martin.  
Flanagan, Charles.  
Flanagan, Terence.  
Gilmore, Eamon.  
Hayes, Brian.  
Hayes, Tom.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Kenny, Enda.  
McCormack, Pádraic.  
McEntee, Shane.

Níl—*continued*

McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.

Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.  
 Wall, Jack.

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

Question declared carried.

Amendment declared lost.

Motion put and agreed to.

### Ceisteanna — Questions.

#### Regulatory Reform.

1. **Deputy Denis Naughten** asked the Taoiseach his plans for the implementation of the recommendations in the report of the review of the operation of regulatory impact analysis; and if he will make a statement on the matter. [33752/08]

2. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the recommendation of the OECD report on regulatory reform; and if he will make a statement on the matter. [46586/08]

**The Taoiseach:** I propose to take Questions Nos. 1 and 2 together.

The OECD report, Regulatory Reform in Ireland, was published in 2001. In response to the OECD's report, the Government published the White Paper, Regulating Better, in 2004 which provides the framework for the better regulation agenda. Some of the key areas outlined in the OECD report and the White Paper relate to specific sectoral issues and relevant Ministers are responsible for reporting directly to the House on progressing those recommendations. The better regulation unit in my Department is tasked with the overall promotion of the better regulation agenda across Government.

In the context of this ongoing work, I would like to briefly outline progress in the three particular areas of regulatory impact analysis, modernisation of the Statute Book and improving the economic regulatory environment. Since June 2005, regulatory impact analysis, RIA, must be applied to all proposals for primary legislation, significant statutory instruments, draft EU directives and significant EU regulations. RIA is a tool which is used for the structured exploration of different options to address particular policy issues and for the consideration of the impacts associated with these options.

The report of the independent review of the operation of regulatory impact analysis was published in July 2008 and is available on the better regulation website. The report indicates that, overall, good progress has been made on the implementation of regulatory impact analysis across Departments, with some 74 produced in the period between June 2005 and February 2008. The Government has agreed to implement the recommendations contained in the report which concern the RIA model itself, its use by Departments and its management across Government.

The better regulation unit of my Department is working closely with the interdepartmental RIA network, which it chairs, to implement some of the report's recommendations including the preparation of revised guidelines, training materials and publication of legislation and regulatory impact analyses on Departmental websites. Of course, while the RIA network provides a useful focal point for Departments to learn from each other in terms of RIA best practice, a number of the report's recommendations are ultimately for Departments themselves to implement.

Good progress has also been made in the area of modernisation of the Statute Book. The statute law revision project, which is steered by my Department in partnership with the Office of the Attorney General, has already resulted in the repeal of thousands of redundant and obsolete Acts. The current phase focuses on pre-1922 primary legislation. The heads of a new statute law revision Bill were approved by Government on 29 April 2008. It is intended that the Bill, dealing with local and personal Acts up to and including 1850, and private Acts up to and including 1750, will be published by March of this year. Following the Bill's publication and enactment, further elements of the project will be postponed pending the availability of the necessary funding.

The Law Reform Commission is also undertaking a programme of statute law restatement which will make legislation more accessible by providing, in the case of selected Acts, a single text that incorporates all amendments made to date. The commission published a report on statute law restatement last July in which it proposes to complete restatements of up to 40 Acts.

An independent review was initiated last year as part of the efforts to fulfil the commitment in the programme for Government to review the economic regulatory environment. Work on the review has been overseen by an interdepartmental group, chaired by my Department. The independent benchmarking review is being conducted by the Economist Intelligence Unit in a partnership with Compecon Limited. It comprehends the key economic sectors of energy, communications, transport, financial services, and health and safety. Each of the sectors is being examined against a number of individually selected comparator countries in line with the terms of reference of the review. It is expected that the review will be completed shortly.

**Deputy Denis Naughten:** The objective behind regulatory impact analysis is to ease the unnecessary burden of red tape on society and especially on small business and entrepreneurship which are being strangled at the moment. Has the report not highlighted that progress to date in addressing bureaucracy has been painfully slow? One simple recommendation from the report was that each Department should have a dedicated RIA page on its website. From a review of Department websites only one has that in place, the Department of Social and Family Affairs. The Department of the Taoiseach website contains a separate link to access that. When will that be delivered by the Department of the Taoiseach and the other Departments?

One of the concerns is with secondary legislation and EU legislation. The Taoiseach will be aware that at the time of the original referendum campaign on the Lisbon treaty one of the single biggest issues that came up was the impact that EU legislation is having on the ground affecting agriculture, small business and the day-to-day lives of people. Will the Taoiseach

[Deputy Denis Naughten.]

ensure that RIAs will now be completed on all EU legislation with a bureaucratic impact? Will he ensure that they will all be published and easily accessible on the various websites?

**The Taoiseach:** I agree that the purpose is at the time of policy formulation and policy making before decisions are taken to be able to assess the likely impact any proposal would have in terms of its efficacy and how it impacts on business and regulation generally. The report or review indicates that, broadly speaking, this is working well. The use of websites is a matter for each Department. The Deputy may be unhappy as to where it appears on the website of my Department but it is on the website. From our point of view, the overriding co-ordination role of my Department means we must try to ensure there is better uniformity of presentation. I take the point made by the Deputy on that matter and I will take the matter up with Departments. This regulatory impact analysis which we have undertaken in 76 cases is working well.

On the question of secondary legislation, the first issue is the vetting of such legislation by our parliamentary committees, particularly the Joint Committee on European Affairs, should in the first instance point up any difficulties that may occur in terms of parliamentary oversight and line Departments have their own responsibilities in that respect also. Where there is primary or secondary legislation of sufficient importance or impact, a regulatory impact analysis should be considered if it is merited.

**Deputy Enda Kenny:** I am sure the Taoiseach is aware of the business environment that has existed for some time. Does the Taoiseach accept we are not as competitive as we should be in the context of business being able to do business, and that the proliferation of red tape is an impediment to doing business efficiently? Has the Government carried out any baseline assessment of the extent of the hindrance caused to small business by red tape, given that this has been dealt with in Britain and other countries where there has been a reduction of 25% in so-called red tape?

Does the Taoiseach accept we are not as competitive as we should be and that red tape is an impediment and can he provide an assessment of the cost of red tape?

**The Taoiseach:** There are issues of competitiveness in the Irish economy which are being addressed and which will need to be addressed in the context of the developments in recent days and certainly in the case of the months and years ahead. This has arisen for a whole range of reasons, many of which are not to do with regulatory issues but rather as a result of the depreciation of sterling, other exchange rate issues and also other matters.

On the question of setting up business in this country, international reports have confirmed that Ireland is one of the best locations for setting up business with regard to the mechanics of setting up business and the company law arrangements, the incorporation of companies and the establishment of trading companies. These are all solid indicators. On foot of representations from business representative bodies, successive budgets have provided means for simplifying the interaction with the Revenue Commissioners and ensuring that for the first few years start-up businesses are not required to report profits under certain thresholds. A range of improvements has been introduced to make it easier for small business.

In a list of international comparisons, Ireland is ranked seventh out of 182 countries as a place to do business, the fifth easiest place to establish a business and the third cheapest location for starting a business. A strong system of support exists for start-up enterprises and also a growing international presence. This is confirmed by the international data.



I agree there is room for improvement and I am sure there are areas where the burden of regulation is not proportionate. The Deputy will know about the project for a reduction in certain areas of up to 25% of the regulatory burden and which is being conducted with business representatives and others by the relevant Department and this is ongoing.

I do not think it correct to state that the logistics of setting up in business in Ireland is more burdensome than elsewhere; in fact, all the international data suggests to the contrary.

**Deputy Enda Kenny:** I agree that this is one of the easier countries in which to set up business. However, it is the cost of doing the business afterwards that causes the problem. I will give two examples. A person employing eight people in a small industry in, for example, County Offaly, County Laois or wherever else, has to spend a half a day per week dealing with paperwork to do with regulations of one sort or another. In the case of a person who goes from, say, unemployment benefit to unemployment assistance, he or she will be handed at least six, if not eight, application forms at the social welfare office with the same information to be physically transferred on to each when an electronic recording system could deal with it in less time. Will the Government set out a standard cost model that would cut the cost of red tape on businesses? This has been done in many other places before and would be easy to do if the Taoiseach instructed it.

In early 2008 the *Economist* Intelligence Unit, on behalf of the Government, undertook an independent benchmarking report to address the need for stronger international data and benchmarks in assessing the comparative efficiency and effectiveness of key economic regulators and regulations. It was to take approximately six months and a report was due last September but it was then extended to the end of November. It still has not been completed and the cost to date has been over €300,000. It should be an interesting document in helping business to be more efficient. When does the Taoiseach expect the report to be published?

**The Taoiseach:** The independent review of the economic regulatory environment, which is being carried out by the *Economist* Intelligence Unit, in partnership with Comecon Limited, commenced in May last year and is expected to be completed shortly. It is intended to publish the report following its presentation to the Government. I understand it will be brought to the Government from the middle to end of this month. A statement will be drafted and the report will be made available for consideration both inside and outside the House.

Ireland ranks well in terms of the setting up of businesses and how they operate. One complaint made about the financial system, internationally and perhaps domestically, concerned the light regulatory touch and whether it was of sufficient oversight given the level of innovation taking place. From time to time, the argument changes depending on the general and the specific criteria involved. Ireland ranks fourth across the OECD and second in Europe for the proportion of early stage entrepreneurs which indicates economic activity in Ireland is higher than in other comparative countries. There is a track record of being proactive in supporting enterprise and pragmatic in policy-making.

The IMD Business School ranks Ireland as third in the world in attitudes and values and joint second in openness to foreign ideas. Ireland has moved up two places to 12 in the competitiveness score card and is ranked fourth in the world for business efficiency. Being a highly trade-orientated economy, this international data points out the Government is proactive in this area.

A project is under way to examine reducing red tape for businesses by 25% which will be concluded and implemented in the next couple of years. It is an area we must guard against, particularly in times of recession. Lightening the burden on business while ensuring best international practice and high ethical business standards is a balance we must achieve all the time.



[The Taoiseach.]

The indications are that Ireland is in the higher quartile of countries in encouraging that type of regulatory and economic environment.

**Deputy Seán Barrett:** Will the Taoiseach make it possible for each Minister to report to the Oireachtas Joint Committee on European Scrutiny on each EU proposal that comes through their Departments? Very often, by the time many of these proposals are brought to the attention of the European scrutiny committee, and ultimately to individual committees, many of them are well down the line with much negotiation having already taken place at official level. We depend on the vigilance of individual Ministers with regard to what goes on in each Department.

If there could be proper scrutiny of proposed directives coming from Europe, it would give us the opportunity to bring in various organisations, such as the Small Firms Association, to hear their views on how this would impact Irish businesses and small businesses in particular. There is a gap between action being taken and being too far advanced by the time a committee of these Houses gets to examine it. When that happens it becomes a waste of time.

I ask the Taoiseach if he could arrange for his Department to consider the matter. Into the future and, I hope, with the passing of the Lisbon treaty, when national parliaments have real import into directives, proper procedures should be put in place to facilitate this. I put it to the Taoiseach that there is currently a big gap in having a real input into proposed European directives.

**The Taoiseach:** I broadly agree with Deputy Barrett's comments. The committee system of the Houses should be the forum in which Departments can bring to the attention of the House, either through Question Time, the legislative programme or regular attendance of these committees in respect of these particular areas of responsibility, what European legislation, directives, regulations or decisions are likely over a particular period. This would enable committees to decide if any of the matters are of sufficient potential impact to warrant further discussion, either with the Department or vested interests that would be grateful for any committee bringing to its attention any issues they may not be aware of in sufficient time to have an input.

As a matter of principle we should, in our efforts to bring European matters into the mainstream of our parliamentary debate, have some sort of structured approach in each committee as to how and when Ministers and Ministers of State could come before committees and bring to the attention of the committee those issues which they believe are important.

There is a significant volume of work coming through that channel — much of it mundane, technical and not of any great impact. It would be very hard to maintain the interest of any individual in it, given some of the subject matter involved. I agree this could be relevant to the Joint Committee on European Affairs or the committee dealing with European scrutiny, which was set up in the aftermath of the Nice treaty defeat to try to bring about a more proactive approach. It required Ministers to go before the committee and bring to its attention issues that would arise at subsequent European Council meetings, etc. The Oireachtas would therefore have an opportunity to have an input before rather than after decisions being taken at that level.

The Deputy also makes the very important point that ratification of the Lisbon treaty gives a greater degree of autonomy and power to national parliaments, not only in respect of prior scrutiny of impending legislation but also the ability to send back legislation that fails the subsidiarity principle, if insufficient numbers require the Commission — or whoever originated the legislation — to amend it in accordance with that principle.

**An Ceann Comhairle:** Questions to the Taoiseach will end very quickly as the time has not been extended today. I can allow Deputies Burton, Ó Caoláin and Naughten one brief supplementary question each.

**Deputy Joan Burton:** In the context of the Taoiseach's reference to parliamentary committees, the area of most interest to people relates to regulation of banks. There is a perceived absolute failure of the banks to, for example, highlight the shocking failure to find out about the loans advanced to Mr. Seán FitzPatrick, the former managing director and chairman of Anglo Irish Bank.

The Taoiseach spoke about the use of committees but there is a more fundamental question. With regard to the financial system, is the Taoiseach having second thoughts about light-touch regulation — the model proposed by the Government for this country which has resulted in shocking lapses of regulation? Does he propose to examine how the Central Bank and Financial Services Authority of Ireland and the Financial Regulator failed in the context of protecting the banking system and businesses and other customers of the banks and the taxpayers who will pay the price?

Last weekend's newspapers carried reliable stories confirming what the Taoiseach indicated to the Dáil last week, namely, that in respect of the mysterious Quinn affair and the acquisition of shares, the Financial Regulator was aware of the purchase of those shares by means of contract for difference from as early as December 2007 and very definitely from January 2008. However, action was not taken to address these issues. When the Financial Regulator were invited to come before the relevant Oireachtas committee, he decided that although he was not due to retire until this weekend, he would not make an appearance. The committee had no way to force him to come before it.

**Deputy Caoimhghín Ó Caoláin:** The Government's White Paper on regulatory reform contains a list of actions in respect of the legislative process. One of the key commitments — about which I have asked the Taoiseach on previous occasions — relates to the information flow in respect of promised legislation. This flow includes the publication of the heads of Bills at the earliest opportunity. Since the previous occasion on which I brought this matter to his attention, has the Taoiseach sought to inform himself with regard why almost no heads of Bills have been furnished by any of the Government Departments? Is he conscious of the failure, across the board, to live up to the expectations contained in the White Paper, which were repeatedly presented to the House by his predecessor? What action does the Taoiseach intend to take to improve the flow of information to Opposition Deputies?

**Deputy Denis Naughten:** The Taoiseach stated that the Government's review of regulation will conclude in the next couple of years. I put it to him that this is just not good enough. We need a political commitment to get rid of bureaucracy and red tape now rather than at some future date. Will the Taoiseach prioritise this issue and consider the implications of the audit and VAT exemption thresholds for business?

**The Taoiseach:** The VAT exemption threshold has been increased in successive budgets, a development which was welcomed by the business community.

**Deputy Denis Naughten:** There has been a piecemeal approach to date.

**The Taoiseach:** The approach has to strike a balance between those who are outside the formal economy and those who are not. When there are thresholds in respect of activity and VAT exemption, the position of businesses which are just above those thresholds and which must submit themselves to the regulatory burden must be taken into account. We must not

[The Taoiseach.]

create unfair competition for those who may obtain an exemption but who may well be involved in such a sufficient level of activity that they should be included in the formal economy. We should not accommodate more informal trades and professions which do not give rise to a very high level of activity. A balance between the two must be maintained. We must continue to work on this matter. I referred to a particular project, which is not in isolation from the regulatory impact assessment system we have in place. This is having an effect.

We have built up a financial services industry which has, in the main, retained its good reputation internationally. Obviously, issues that arose recently have had a reputational and detrimental impact on a particular institution. Competitors have since had an opportunity to indicate that this situation is typical when it is, in fact, more likely to be atypical.

We continue to contend with the financial crisis and world capital market values are estimated to have evaporated to the tune of between 33% and 50% in the past 12 months. A regulatory regime that can keep pace with the level of financial innovation we have witnessed, which has caused the global systemic problem that is undermining consumer, investor and business confidence and which has greatly depleted the potential for worldwide economic growth, is required. There is clearly a need, both regionally within the European Union and at a global level, to provide the type of response commensurate to the damage currently having such effects in terms of the worldwide recession which is impacting severely on emerging and developing countries no more than the advanced economies.

One would be remiss not to accept that there are serious lessons to be learned in terms of how business is to be facilitated and the proper functioning of capital markets is encouraged with the trade and investment flows that derive from that, and the benign impact of that on quality of life and standards of living for many people in terms of a functioning trading system. That must be balanced against the need to ensure we do not have a shock of such systemic impact that we have seen recently that puts at nought much of the progress achieved in recent times. That is a balance that must shift to a far greater regulatory oversight than was deemed suitable or appropriate in the past, given the consequences with which we are trying to cope.

### **Priority Questions.**

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### **Departmental Staff.**

101. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if additional staff will be deployed to social welfare offices in each region to deal with the increase in social welfare applications; and if she will make a statement on the matter. [3535/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** With the increase in the number of people applying for unemployment payments in particular, staff in social welfare offices have been working extremely hard to process claims as quickly as possible.

Productivity has increased significantly. Nearly 155,000 claims were processed in local offices in the last quarter of 2008. That includes the one family payment. This compares with less than 89,000 in the last quarter of 2007, representing an increase of 74%.

I know that processing times in some areas are still too long and I assure Deputies that we are doing our best to reduce them. I appreciate that becoming unemployed is a very difficult time in a person's life and that they need to get access to financial and other supports as quickly as possible. To this end, extra staff have already been appointed to social welfare offices, while

more are also on the way. An additional 31 staff were assigned to 15 local offices following a review of the number of staffing levels in local offices in May and June last year.

Following a further review late last year, it was decided to put an extra 115 staff in place. A total of 57 of these have already taken up work, while start dates have been agreed for a further 19 staff over the next two to three weeks. Work is ongoing to complete the assignment of the remaining 39 staff as quickly as possible.

In order to maximise the number of people paid before Christmas, a temporary central decisions unit was set up in Dublin city centre for three weeks at Christmas. Following on from the success of this initiative, four more such units are being set up in Dublin, Sligo, Finglas and Carrick-on-Shannon. Each unit will have ten staff.

In addition to this, a further 16 social welfare inspectors are being assigned to various locations throughout the country to do means and other work associated with processing claims for jobseeker's payments. That brings to 202 the number of additional staff being assigned to local offices and claim processing roles.

A number of process improvement initiatives are also being implemented with a view to reducing processing times. For example, under a new initiative introduced in Dundalk last December, 40% of applicants for jobseeker's payments are having their claims taken and decided upon during an appointment with a deciding officer. This initiative will be extended to other offices on a phased basis.

**Deputy Olwyn Enright:** I am not particularly interested in the average processing times the Minister has been giving out in the past number of weeks. What I am interested in is when the 202 additional staff she referred to will be *in situ* and when every social welfare office in the country will be processing claims within the average time about which the Minister likes to speak. Throughout the country, in Navan, Tuam, Clonakilty, Tullow — I could name one town after another — people are waiting 11 and 12 weeks and they are getting into more and more debt as they wait. There is a knock-on effect which the Minister has not dealt with or spoken about yet because she continues to tell people that if they are being delayed they can go to community welfare officers. Those same community welfare officers are inundated with people applying, particularly in the areas where the dole queues are as long as they are now. In respect of the 202 staff the Minister is talking about, I want to know the exact date each of them will be *in situ*.

**Deputy Mary Hanafin:** As I indicated, a number of these staff are already in place. As all of these staff——

**Deputy Olwyn Enright:** Fifty seven of them.

**Deputy Mary Hanafin:** ——are coming from other Departments, processes have to be gone through to ensure they are placed because none of them is being recruited from outside the public sector. I appreciate the necessity of ensuring that people are put into position as quickly as possible and to have them trained. As I indicated, in the next two to three weeks there will be an additional 19 and we are hopeful the next 39 will be in place very quickly after that. We are keeping the position under review to determine the additional staff that are needed.

The Deputy spoke about towns throughout the country where delays of 12 and 13 weeks were being experienced. In fact, out of all the offices, of which there are more than 60, only eight have waiting times of over ten weeks. While I accept that is a particularly long period, one could also consider the likes of Ballymun where one can get jobseeker's benefit in just over a week or jobseeker's allowance in just over three weeks.

**Deputy James Reilly:** What about Balbriggan or Swords?

**Deputy Mary Hanafin:** In Finglas one can get the jobseeker's allowance in 1.2 weeks or just over two and a half weeks for jobseeker's benefit. We should acknowledge those.

**Deputy Olwyn Enright:** No, Minister——

**Deputy Mary Hanafin:** We should acknowledge Coolock, which is also a very busy office, where in one and a half weeks one can get jobseeker's allowance and jobseeker's benefit in just over two weeks.

**An Leas-Cheann Comhairle:** I will allow a brief supplementary.

**Deputy Mary Hanafin:** It is not true to say, therefore, that throughout the country——

**An Leas-Cheann Comhairle:** If the Minister would allow we will hear a brief supplementary from Deputy Enright.

**Deputy Mary Hanafin:** Certainly.

**Deputy Olwyn Enright:** There is a geographical spread throughout the country in terms of this problem. Is the Minister telling me that the advice she is giving to people in Ballyconnell, where they are waiting just under 11 weeks, is to go to Ballymun to apply for their social welfare benefit? If someone with children to feed has been waiting 11 weeks, it is irrelevant that some people elsewhere in the country only have to wait a week or two. That is not dealing with the problem. It is not good enough for the Minister to say she is hopeful that more staff will be *in situ*. We will hear figures tomorrow that are expected to indicate that 300,000 will be unemployed. The Minister must deal with this problem. We brought it to her attention last October but she only acted in December. We want to see decisive action. This matter needs to be dealt with.

**Deputy Mary Hanafin:** The Deputy obviously did not listen to the answer where I indicated that from the summer onwards additional staff were put in.

**Deputy Olwyn Enright:** Thirty one.

**Deputy Mary Hanafin:** An additional 31, followed by 115, many of whom have been put in place or are currently being put in place in the areas where there is greatest demand.

**Deputy Olwyn Enright:** There are tens of thousands unemployed — 330 a day.

**Deputy Mary Hanafin:** I appreciate that nobody wants to be left waiting but nobody is left waiting for their money——

**Deputy Olwyn Enright:** They are.

**Deputy Mary Hanafin:** ——because the community welfare officer pays within the week.

**Deputy Olwyn Enright:** They are left waiting.

**Deputy Mary Hanafin:** It is wrong to give the impression to people losing their jobs or those who are applying that no matter where they go in the country, they will be waiting for weeks. There are thousands of workers in social welfare offices who are genuinely working flat out and our aim is to ensure average waiting times in all the offices are brought down.



**Deputy Olwyn Enright:** The Minister is not achieving that aim.

**Deputy Mary Hanafin:** We are doing that——

**Deputy Olwyn Enright:** The Minister can talk about it but she is not achieving it.

**Deputy Mary Hanafin:** ——by ensuring we put in the staff as quickly as possible to meet the current demand from people who genuinely need that money.

### **Social Welfare Code.**

102. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will review the rules applying to jobseeker's allowance in relation to the assessment of self-employed persons and contract workers to social assistance payments in view of the sudden drop in income affecting both sets of workers. [3534/09]

**Deputy Mary Hanafin:** The combined employee and employer social insurance contribution for general employees, paying class A PRSI, is 14.05%, excluding levies. Self-employed people, on the other hand, are only liable for PRSI at the class S rate of 3%. These much lower contributions give coverage towards long-term benefits such as State and widow's pension but do not enable a person to qualify for short-term insurance payments such as illness benefit or jobseeker's benefit.

A system of separate arrangements for employed and self-employed workers within a social insurance context is common in other European social protection systems. Self-employed people can apply for the means-tested jobseeker's allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services.

Their means would be taken as any net profit that they will earn in the coming 12 months. While their income from the previous 12 months is used as an indication in estimating their likely future earnings, it is not simply assumed that the previous year's earnings will be received in the coming year. Instead, account is taken of the potential for significant upward or downward variations in income from one year to the next.

For example, if a self-employed person lost a contract and was unlikely to find a substitute contract in the coming year, this would be factored into the assessment of future income. The implications of the present downturn in the economy are of course taken into account.

If a self-employed person's situation changes after they have made an initial claim for jobseeker's allowance, they can apply to have their means reviewed in the light of their changed circumstances. In addition, it is open to the individual, if he or she is dissatisfied with the means assessed, to appeal to the social welfare appeals office.

I appreciate the difficulties currently being faced by many self-employed people. However, extending social insurance cover for short-term benefits to this group would have significant financial implications and would have to be considered within a budgetary context.

Consideration would also have to be given to an appropriate increase in the rate of the PRSI class S contribution. In that context, the Government has no immediate plans to change the current arrangements. Instead, we will continue to ensure the mechanisms used for assessing means for jobseeker's allowance are sufficiently adaptable to meet the challenges presented by the current economic situation.

**Deputy Róisín Shortall:** I wonder if the Minister is aware of the scale of the problem. In recent years, a significant number of people were forced to become self-employed. In many cases self-employment is not a matter of choice. For example, it has been difficult to secure



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regular employment in the building industry because contractors have insisted that those working for them are treated as being self-employed. Similar conditions applied in the information technology industry.

In the current economic circumstances, where work has dried up in many sectors, it is completely unrealistic for a deciding officer to consider a person's means to be his or her income from the previous year. People seek assistance at social welfare offices because they cannot secure employment and work has dried up. Last week, the Minister spoke of showing solidarity to the unemployed. The people to whom I refer find themselves without income and, unfortunately, unable to access support from the Department. While the circumstances I describe do not apply in all social welfare offices, deciding officers in certain offices are still using the old method of assessing a person's means. Under this approach, a person's income from the previous year is considered as applicable for the current year. This method is completely unrealistic in the current circumstances.

Does the Minister accept that the problem I describe is real? If so, will she issue new guidelines to deciding officers to take account of the changed economic circumstances and provide some level of support to self-employed people who find themselves without income?

**Deputy Mary Hanafin:** A large number of self-employed people are finding things very difficult. It is true that many self-employed people will not necessarily earn the same level of income this year as they did last year. This is particularly true in the case of those may have secured employment in a large contractor in the construction industry. For this reason, a degree of flexibility is provided. The Deputy, like me, will be aware of cases where this flexibility has been applied and people have been given jobseeker's allowance based on poor projected earnings for this year and having regard to the economic downturn. While I am not sure further guidelines are required, I am conscious that a flexible approach must be taken to self-employed people.

Even in the context of income for self-employed people from the previous year, many allowances are made for outgoings such as property, savings and investment and so forth. All these items are taken into consideration.

I will keep the matter under review because I am aware that people in the self-employed category have suddenly found themselves in difficulty. As I stated, I have observed in practice how the flexibility available to social welfare offices allows people to receive jobseeker's allowance based on a genuine, realistic projection of income rather than the previous year's income.

**Deputy Róisín Shortall:** That is not the case. I have details of two cases. One of these relates to an IT worker living in south Dublin who was obliged to be self-employed last year when his income amounted to €306 per week. When work dried up he applied for assistance and is being assessed as having income this year of €306 per week. Although the man in question does not have any income or any prospect of income, the Department is not providing any support.

The Minister stated that flexibility is available to social welfare offices. While that may be the case, not all deciding officers are exercising it. In light of this and given the current circumstances, will the Minister consider issuing new guidelines on the need to deal with circumstances in which people find themselves without an income? The Department must stop the current nonsense whereby a deciding officer considers that when a person has a certain income in the previous year, he or she is likely to have a similar income in the current year. Those circumstances no longer apply.

**Deputy Mary Hanafin:** The Department is aware that they do not apply in the case of many people. This is the reason flexibility may be shown. I will ensure that deciding officers are aware that they have such flexibility and may exercise it. The people in difficulty to whom the Deputy refers should also be aware that they may qualify for many supplementary benefits.

**Deputy Róisín Shortall:** Will the Minister issue new guidelines to deciding officers?

**Deputy Mary Hanafin:** I do not believe new guidelines are required because flexibility is available. We will, however, make the deciding officers aware that they may show flexibility.

### **Social Welfare Fraud.**

103. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs her views on the fact that measures aimed at saving money on welfare fraud secured savings of some €60 million less than expected; and if she will make a statement on the matter. [3536/09]

**Deputy Mary Hanafin:** The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of the Department. More than 600 staff at local, regional and national level are engaged on a full-time or part-time basis on work related to the control of fraud and abuse of the social welfare system.

Last year, almost €476 million in social welfare payments was saved through fraud control measures, an increase of €29 million on the previous year. The main areas where savings were made were on pensions, one parent family payments, unemployment payments and illness payments. More than 560,000 social welfare claims were reviewed in 2008, compared to less than 350,000 the previous year.

There was also a notable increase in the number of possible frauds reported by members of the public to the central control section of the Department, which rose by 70%, to more than 1,000 reports. The target set for savings from general control activity in 2008 was very ambitious, at €63 million more than had been achieved in 2007. Nonetheless, with the type of extra activity I have outlined, savings were close to the target at year end.

Unfortunately, however, the increase in the volume of applications for jobseeker's allowance payments in the last six months of 2008 meant that social welfare inspectors who had been concentrating on anti-fraud activity had to be diverted to means testing applicants in order that claims could be decided on faster. This resulted in slightly less being realised under the general fraud control measures than had been envisaged at the start of 2008.

However, the €25 million of savings in targeted programmes announced in July will be exceeded. A sum of €9 million was saved as a result of the increased emphasis on the unemployment schemes by the Department's special investigation unit while €20 million of savings are estimated to result from increasing the frequency of mailshots to child benefit recipients. A project related to the one parent family payment in Kilbarrack local office resulted in savings of almost €500,000 by the end of 2008.

Another measure introduced in 2008 aimed at preventing fraud was the requirement for new claimants of jobseeker's payments to collect money in person each week at the post office rather than being paid by electronic funds transfer. The Department will continue to prioritise fraud control across all of our schemes to ensure that the correct payments are made to the correct people for the duration of the period to which they have an entitlement to them.

**Deputy Olwyn Enright:** No one would disagree with the importance of fraud control measures in the Department and the Minister has my support in her efforts to tackle the problem of social welfare fraud. Our views diverge, however, on the notion that €59 million is

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slightly under target. The Taoiseach would be a happy man if he believed he could find another €59 million before entering the Chamber at 4 p.m. It is not acceptable for the Minister to state she met the €25 million target announced in July when the overall projected savings were not achieved.

This returns us to the lack of forward planning in the Department and my previous question on the lengths of queues in social welfare offices. If the Government had shown a little foresight and anticipated the increase in unemployment, it would not have been necessary to transfer social welfare inspectors, whose function is to tackle fraud, to dealing with dole queues. How many social welfare inspectors were transferred? How much of the €59 million shortfall in projected savings from social welfare fraud measures can be ascribed to the need to transfer social welfare inspectors from anti-fraud activity to dealing with lengthening dole queues and the Department's failure to appoint and train staff?

**Deputy Mary Hanafin:** It is not possible to indicate exactly how much each individual inspector was doing.

**Deputy Olwyn Enright:** How many inspectors were moved?

**Deputy Mary Hanafin:** The important issue is the amount of money saved through anti-fraud measures. As the Deputy indicated, we all agree on the importance of such measures. The Department has set significant new targets for this year. Savings of €476 million through anti-fraud measures are significant.

The processing of applications by inspectors or other departmental staff is an anti-fraud measure in itself as it ensures sufficient care and attention is given to making correct decisions on payments. Removing a payment from someone is much more difficult than awarding a payment. The assessment process is also a control measure.

Desk operations are another useful measure. The Department undertakes data matching activities with Revenue to ascertain whether people are working, with FÁS to determine whether they are in training and with the Health Service Executive. The Department of Education and Science provides the names of all third level students. We also match our data with commencement of employment data and the names of those who have been sent to prison. Data matching, as a desk exercise, is a successful way of controlling fraud and will continue this year.

**Deputy Olwyn Enright:** The Minister said this year's target is significant and data matching is quite successful, but it is still €59 million short from where she said she would be. How do we know she will reach the target this year? What is she going to do this year that is different to ensure the targets are met, targets she failed to meet by €59 million last year?

**Deputy Mary Hanafin:** When one sets targets at the beginning of the year it is not always possible at the end of the year to know what additional measures or initiatives would be needed or put in place. As I have already said, 600 staff are working on this, dealing with millions of claims and payments.

**Deputy Olwyn Enright:** The Minister's targets are meaningless.

**Deputy Mary Hanafin:** They are doing more interviews with people to check if they are genuinely looking for work. They are working particularly on target groups, which are high risk groups. These groups include 18 to 25 year olds, people who were put on an employment

action plan and are still on the live register and those who have been put on suspended payments, whom we are targeting in particular.

Regarding child benefit, we will also be targeting those who have shown up as being high risk. In particular this includes non-Irish citizens or those working here whose children are living abroad. We have had significant savings in child benefit in targeting such groups last year. It is an area we will be concentrating on even more over the next number of months.

### **Social Welfare Benefits.**

104. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the number of applications in 2008 with regard to mortgage interest supplement; the number of persons refused the payment; the average length of time to process an appeal; and if she will make a statement on the matter. [3537/09]

**Deputy Mary Hanafin:** The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of mortgage interest. The purpose of the supplement is to provide short-term income support to eligible people who are unable to meet their mortgage interest repayments for a house which is their sole place of residence. The supplement assists only with the interest portion of the mortgage repayments.

There are currently more than 8,500 people in receipt of mortgage interest supplement, an increase of over 4,400 over those receiving payment at the end of 2007. The scheme is administered by the community welfare service of the Health Service Executive on behalf of the Department and delivered locally by community welfare officers.

A community welfare officer interviews applicants for mortgage interest supplement when they first present in order to determine if they satisfy the statutory qualifying conditions for entitlement. They also ensure that all the documentation required to make a decision has been provided. Claim details are recorded electronically only in cases where it is established that mortgage interest supplement is payable. For this reason, statistics are not held on the number of people who were refused mortgage interest supplement. It is estimated, however, that on average 20% to 25% of claims are refused.

Under existing arrangements, an appeal against a decision on entitlement to mortgage interest supplement is made in the first instance to a designated appeals officer in the HSE. A person may, if they so wish, make a further appeal to the Social Welfare Appeals Office if they are dissatisfied with the decision of the HSE appeals officer. The average time taken to process an appeal to a HSE appeals officer is estimated to be approximately six weeks.

The Social Welfare Appeals Office has advised that it does not hold details of the average duration of a mortgage interest supplement appeal. However, the average duration of a supplementary welfare allowance appeal in 2007 which would include mortgage interest supplement was eight weeks. As priority is given to such appeals by the Social Welfare Appeals Office, processing times for 2008 are being compiled at present but are expected to be of the same order as in 2007 for supplementary welfare allowance appeals.

**Deputy Olwyn Enright:** It is beyond belief that details are not held on the number of people who are refused the supplement or on the duration of appeals. I ask the Minister to deal with that matter and get the information, because I do not think one can make improvements to a system if one does not know the current situation in the system.

The Money Advice and Budgeting Service estimate that as the number of people looking for the supplement is rising, the number of people being refused it is not rising in direct corre-

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lation to the number of applications, which, if its figures are correct, would make the Department's estimate of 20% or 25% wrong.

Is the Minister aware that in June 2008, before the Government decided we were in a financial crisis, the Financial Regulator estimated that more than 14,000 mortgages were more than three months in arrears? When the new figures come out, the Minister will probably agree that will be in excess of that figure. In the current climate, considering the number of people who are in difficulty with their mortgages, will more money be made available than was in the budget?

The Minister should bear in mind that if homes are repossessed, people will receive rent supplement. The State will have to pay for these people one way or the other and it would be far better to keep them in their homes.

**Deputy Mary Hanafin:** It is far better to keep people in their homes and the fear that they might lose their home is an added worry when they lose their jobs. A number of people have responsibility for this matter. The financial institutions themselves must ensure they are willing to reschedule payments from people who find themselves in difficulty.

We have flagged this as part of any recapitalisation programme for the banks and have also spoken about it in the framework document which was agreed last week. These are issues which financial institutions have to take very seriously. In fairness, the major financial institutions have foreclosed on very few people and are conscious of this situation. Where people go to them to seek a reschedule of a loan, they should agree to it.

The next step is for the person themselves to seek help with their interest. We have set aside a budget of almost €30 million this year to cope with the demand for mortgage interest supplement. As I indicated, more than 8,000 people are receiving it and we anticipate that there will be more. As the year progresses, we will keep the situation under review.

**An Leas-Cheann Comhairle:** I will allow a brief supplementary question from Deputy Enright.

**Deputy Olwyn Enright:** The amount allocated would not even allow for a doubling in the numbers who applied last year. There were 276 people put in prison last year for failing to make loan repayments. Not all of those people were jailed because of a failure to pay mortgages, but some were. Does this Minister think that is an adequate way of dealing with the situation?

The Minister said she flagged the attention of financial institutions to this issue and it is in the framework document. What exactly is she going to do to ensure financial institutions are not foreclosing on these people?

**An Leas-Cheann Comhairle:** The Minister can make a final reply.

**Deputy Mary Hanafin:** It is a matter for negotiation between the Government and the banks, particularly at the time of recapitalisation. It is one of the criteria mentioned and was a specific part of the framework document published last week. It would be distressing for people if they thought they would also lose their homes. The rescheduling of payments and support available for people through supplementary welfare can help them get over difficulties they are having.

105. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she will confirm that the half-rate carer's allowance will be protected in the context of budget cuts; and if she will make a statement on the matter. [3538/09]

**Deputy Mary Hanafin:** The budget in 2007 provided for new arrangements whereby people can receive a maximum payment equivalent to a half rate carers allowance while receiving



another social welfare payment, other than jobseekers benefit or allowance. These measures came into effect in September 2008 and there are currently just over 16,100 people in receipt of half rate carer's allowance and another social welfare payment.

The introduction of the half-rate carer's allowance is only one of a number of improvements to payments to carers in recent years. Since 1997, weekly payment rates to carers have greatly increased, qualifying conditions for carer's allowance have significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended.

The means test for carer's allowance has been significantly eased over the years, most notably with regard to a spouse's earnings. Since April 2008, the income disregard has been €332.50 per week for a single person and €665 per week for a couple. These levels surpass the commitment in Towards 2016 to ensure those on average industrial earnings continue to qualify for a full carer's allowance.

From June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care, regardless of their income. The rate of the respite care grant has also been increased to €1,700 per year in respect of each care recipient since June 2008. In June 2006, the number of hours for which a person can engage in employment, self-employment, education or training and still be considered to be providing full time care for the purposes of carer's allowance, carer's benefit and the respite care grant was increased from 10 to 15 hours per week.

In budget 2009, I increased the rate of carer's allowance for those aged 66 or over by €7 to €239 per week and for those aged under 66 by €6.50 to €220.50 per week. These increases took effect from January 2009. Recipients of carer's allowance are also eligible for household benefits, free travel and the respite care grant. It is estimated that combined expenditure on carer's allowance, carer's benefit, the respite care grant and half rate carers will be €650 million in 2009. I have no plans to change the conditions associated with half rate carer's allowance.

**Deputy Olwyn Enright:** I welcome the Minister's answer that she has no plans. Why did she comment that this was a matter which was under consideration if she had no plans? Is she aware of the distress caused to many carers all over the country when the issue was raised and discussed?

Did the Minister have any discussions with the Minister for Health and Children, Deputy Mary Harney, on the knock-on effects of this decision? It is somewhat irrelevant if she is not going to cut the payment.

We have been waiting since December 2007 for the publication of a national carers' strategy which was committed to in the programme for Government. There may be associated costs, depending on what the strategy contains, but when will it be published?

**Deputy Mary Hanafin:** I never said I was going to cut the half rate for carers.

**Deputy Olwyn Enright:** The Minister said she was looking at it.

**Deputy Mary Hanafin:** Nobody ever indicated that I was going to cut it. I never said it was under consideration.

**Deputy Róisín Shortall:** The Minister said it was a target.

**Deputy Mary Hanafin:** In fact, I specifically said in a newspaper article that I would not be recommending a change to the half-rate carers' allowance.



**Deputy Olwyn Enright:** A week after her original order.

**Deputy Mary Hanafin:** If the Deputy cares to read that interview, which was printed on the day, she will see that I said I would not be recommending it. It arose in the context of a question about major improvements that had been made in the past five years, which led to the social welfare budget now hitting almost €20 billion. I pointed to the fact that there had been major increases in pensions, as well as changes to the hours lone parents can work, major increases in child benefit and the introduction of the new half-rate carers' scheme. The latter scheme is costing €57 million this year. As I indicated, all the social welfare supports for carers alone cost almost €650 million, and probably more this year.

The strategy is being co-ordinated by the Department of the Taoiseach and involves quite a number of Departments. My Department's interest is only from a payments perspective. Of more importance to many carers are health and respite supports, home help, access to education and training. All those elements are important for carers. Undoubtedly, the current economic situation has made it more difficult not only for my Department but also for the HSE and the Department of Health and Children to be able to set out what targets they will be able to meet within a particular time. Therefore we are currently examining the draft document that has been prepared in order to see where we can take it from here.

### Other Questions.

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#### Social Welfare Benefits.

106. **Deputy Olivia Mitchell** asked the Minister for Social and Family Affairs the processing time it takes for each individual social welfare office to deal with a claim for jobseeker's benefit; and if she will make a statement on the matter. [3300/09]

107. **Deputy Brian Hayes** asked the Minister for Social and Family Affairs the measures that have been put in place by her Department to deal with the increased number of people applying for unemployment assistance; and if she will make a statement on the matter. [3282/09]

108. **Deputy Tom Sheahan** asked the Minister for Social and Family Affairs the number of individuals on a national basis and by local social welfare office waiting for their application in respect of jobseeker's allowance to be processed; and if she will make a statement on the matter. [3321/09]

109. **Deputy Pádraic McCormack** asked the Minister for Social and Family Affairs the average time it takes to process a claim in respect of jobseeker's allowance; and if she will make a statement on the matter. [3292/09]

113. **Deputy Charles Flanagan** asked the Minister for Social and Family Affairs if the 115 people, promised in December 2008, have been fully deployed to social welfare offices to deal with the rising number of social welfare applicants; if they have been fully trained; and if she will make a statement on the matter. [3277/09]

121. **Deputy Michael Noonan** asked the Minister for Social and Family Affairs the processing time it takes for each individual social welfare office to deal with a claim for jobseeker's allowance; and if she will make a statement on the matter. [3305/09]

123. **Deputy Michael D. Higgins** asked the Minister for Social and Family Affairs the basis on which staff allocations to social welfare offices are being made; and the reason there continues to be a wide variation in the processing times for jobseeker payments among different offices. [3229/09]

128. **Deputy Dinny McGinley** asked the Minister for Social and Family Affairs the average time it takes to process a claim for jobseeker's benefit; and if she will make a statement on the matter. [3296/09]

134. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs her target date for the full deployment of the extra 115 staff promised for local social welfare offices. [3222/09]

135. **Deputy John O'Mahony** asked the Minister for Social and Family Affairs the number of individuals on a national basis and by local social welfare office waiting for their application for jobseeker's benefit to be processed; and if she will make a statement on the matter. [3313/09]

153. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs the steps being taken to reduce the waiting times for people seeking to access the jobseeker's allowance; and if she will make a statement on the matter. [3197/09]

315. **Deputy Joe McHugh** asked the Minister for Social and Family Affairs when the 115 staff who were committed to welfare exchanges in view of the increased workload will be allocated; and if she will make a statement on the matter. [2980/09]

336. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she has proposals or plans to expedite procedures in order to enable more prompt payment of unemployment benefits or allowances thereby minimising hardship to those who find themselves unemployed or otherwise dependent on a social welfare payment; and if she will make a statement on the matter. [3530/09]

**Deputy Mary Hanafin:** I propose to take Questions Nos. 106 to 109, inclusive, 113, 121, 123, 128, 134, 135, 153, 315 and 336 together.

The average processing times for claims processed in December was two weeks for jobseeker's benefit and five weeks for jobseeker's allowance. That is the average nationally but there are fluctuations between offices. Processing times can vary from office to office for a number of reasons, including the extent of the increased number of claims, the number of staff vacancies, the duration of such vacancies and the turnover of staff in the office, which impacts on the overall level of experience in the office. I am making a table available, Table 1, showing the processing times in weeks at every local office for claims decided in December, the latest month for which such figures are available.

Table 1 — Claim processing time in weeks for claims decided in December 2008

	JB	JA
Achill	0.00	0.09
Apollo House	2.54	4.46
Ardee	1.93	4.54
Arklow	3.62	6.37
Athlone	2.01	5.60
Athy	4.18	5.16
Balbriggan	1.79	5.32

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	JB	JA
Ballina	1.83	5.04
Ballinasloe	1.19	3.68
Ballinrobe	1.76	9.31
Ballybofey	0.86	2.37
Ballyconnell	1.59	10.90
Ballyfermot	1.82	4.87
Ballymun	1.21	3.46
Ballyshannon	0.90	2.14
Baltinglass	3.01	6.02
Bandon	3.83	10.23
Bantry	0.77	4.04
Bantry Co	0.77	5.64
Belmullet	2.08	2.44
Birr	1.26	6.05
Bishop Square	3.41	5.94
Blanchardstown	2.46	6.80
Boyle	3.94	7.22
Bray	1.88	3.83
Buncrana	2.34	4.93
Cahir	1.26	1.63
Cahirciveen	2.25	4.65
Carlow	2.63	7.01
Carrickmacross	1.73	4.81
Carrick-On-Shannon	0.63	2.57
Carrick-On-Suir	1.88	5.98
Carrigaline	1.27	4.43
Cashel	1.41	3.02
Castlebar	1.08	2.15
Castleblayney	2.17	3.84
Castlepollard	2.33	5.78
Castlerea	1.56	6.05
Cavan	2.10	6.58
Claremorris	2.06	6.64
Clifden	0.67	1.84
Clonakilty	3.08	10.42
Clondalkin	1.97	3.75
Clones	1.77	3.26
Clonmel	1.09	2.47
Cobh	0.84	1.36
Coolock Lo	1.59	2.70
Cork	3.31	7.40
Dingle	1.69	2.56
Donegal	1.09	1.38
Drogheda	1.87	7.90
Dundalk	1.35	3.43
Dunfanaghy	0.67	1.41
Dungarvan	2.26	3.17

	JB	JA
Dungloe	0.78	1.15
Dun Laoghaire	1.88	5.08
Edenderry	1.76	8.48
Ennis	1.39	2.54
Enniscorthy	1.56	5.33
Ennistymon	1.75	4.00
Fermoy	2.01	3.20
Finglas	1.20	2.62
Galway	2.56	6.75
Gorey	2.31	4.16
Gort	2.12	4.68
Kells	1.61	10.64
Kenmare	1.72	2.34
Kilbarrack	1.98	3.46
Kilkenny	1.19	4.66
Killarney	1.80	2.98
Killorglin	1.42	4.72
Killybegs	0.87	1.73
Kilmallock	1.46	2.76
Kilrush	1.15	2.67
Kinsale	3.53	7.26
Letterkenny	1.81	4.01
Limerick	2.38	5.43
Listowel	2.99	5.60
Longford	2.98	5.49
Loughrea	2.07	7.93
Macroom	2.64	4.22
Mallow Branch Office	1.77	4.61
Manorhamilton	0.88	0.55
Maynooth	2.77	9.06
Middleton	3.25	8.40
Monaghan	2.03	3.59
Muine Bheag	3.44	9.70
Mullingar	2.62	5.24
Navan	2.25	11.56
Navan Road	1.74	4.90
Nenagh	1.03	2.40
Newbridge	3.46	5.43
Newcastle West	1.42	2.13
Newmarket	5.61	5.42
New Ross	1.69	4.54
Nth Cumberland Street	1.56	2.23
Nutgrove	0.92	1.42
Portarlinton	1.23	6.34
Portlaoise	2.26	5.61
Rathdowney	2.30	6.22
Roscommon	4.29	5.20
Roscrea	0.91	1.96

[Deputy Mary Hanafin.]

	JB	JA
Skibbereen	1.13	4.64
Sligo	1.98	3.94
Swinford	1.28	6.43
Swords Lo	1.58	2.02
Tallaght	1.84	1.70
Thomas Street	1.29	1.68
Thomastown	1.99	6.45
Thurles	0.73	1.61
Tipperary	1.35	2.42
Tralee	1.14	2.02
Trim	2.01	11.29
Tuam	3.36	12.73
Tubbercurry	1.00	6.24
Tulla	1.16	2.83
Tullamore Control Office	1.65	6.71
Tullow	4.50	10.03
Waterford	1.79	3.53
Westport	1.61	2.09
Wexford	1.42	3.58
Wicklow	1.74	7.07
Youghal	1.75	5.42

The conditions of entitlement vary between the two jobseeker schemes and involve, among other things, the need to establish the person's social insurance record and to assess their means where appropriate. I am also making available a table (Table 2) showing the number of claims awaiting a decision as at 24 January 2009.

Table 2 – Jobseeker's Claims awaiting a decision 24 January 2009

	JB	JA
Achill	8	3
Apollo House	184	174
Ardee	168	191
Arklow	316	257
Athlone	452	281
Athy	263	173
Balbriggan	231	314
Ballina	143	235
Ballinasloe	144	148
Ballinrobe	84	135
Ballybofey	69	141
Ballyconnell	145	140
Ballyfermot	218	244
Ballymun	70	114
Ballyshannon	31	48
Baltinglass	139	101
Bandon	195	187

	JB	JA
Bantry	53	81
Bantry Co	18	22
Belmullet	35	36
Birr	191	118
Bishop Square	876	689
Blanchardstown	606	959
Boyle	101	125
Bray	609	364
Buncrana	257	458
Cahir	58	48
Cahirciveen	44	41
Carlow	296	294
Carrickmacross	86	133
Carrick-On-Shannon	84	107
Carrick-On-Suir	72	108
Carrigaline	96	163
Cashel	49	48
Castlebar	69	116
Castleblayney	79	123
Castlepollard	81	193
Castlerea	93	174
Cavan	533	650
Claremorris	76	155
Clifden	29	47
Clonakilty	144	135
Clondalkin	755	639
Clones	15	51
Clonmel	122	121
Cobh	29	37
Coolock LO	190	291
Cork	2302	1958
Dingle	88	39
Donegal	56	37
Drogheda	539	1037
Dundalk	220	455
Dunfanaghy	33	46
Dungarvan	117	107
Dungloe	48	55
Dun Laoghaire	486	672
Edenderry	123	295
Ennis	315	373
Enniscorthy	239	308
Ennistymon	113	111
Fermoy	191	135
Finglas	357	282
Galway	933	1435
Gorey	218	287
Gort	102	153



[Deputy Mary Hanafin.]

	JB	JA
Kells	152	257
Kenmare	42	35
Kilbarrack	390	266
Kilkenny	386	491
Killarney	273	146
Killorglin	99	75
Killybegs	28	20
Kilmallock	182	96
Kilrush	71	71
Kinsale	107	128
Letterkenny	125	305
Limerick	1506	1315
Listowel	292	120
Longford	561	477
Loughrea	155	276
Macroom	278	84
Mallow Branch Office	289	165
Manorhamilton	32	24
Maynooth	711	513
Midleton	370	269
Monaghan	130	157
Muine Bheag	147	139
Mullingar	227	389
Navan	690	737
Navan Road	258	425
Nenagh	116	85
Newbridge	1148	663
Newcastle West	302	156
Newmarket	464	149
New Ross	174	153
Nth Cumberland Street	278	272
Nutgrove	161	156
Portarlington	116	268
Portlaoise	391	331
Rathdowney	95	82
Roscommon	132	76
Roscrea	41	35
Skibbereen	46	92
Sligo	295	314
Swinford	76	138
Swords LO	189	176
Tallaght	591	520
Thomas Street	108	211
Thomastown	58	78
Thurles	98	88
Tipperary	72	58
Tralee	428	279

	JB	JA
Trim	310	343
Tuam	257	352
Tubbercurry	28	29
Tulla	91	47
Tullamore Control Office	261	367
Tullow	153	178
Waterford	574	565
Westport	85	74
Wexford	424	371
Wicklow	148	153
Youghal	118	138
Totals	30,415	31,174
Grand Total	61,589	

Staff in social welfare offices have been working extremely hard to process the increasing volume of claims for jobseeker's payments as quickly as possible. Productivity has increased significantly. Nearly 155,000 claims were processed in local offices in the last quarter of 2008, including the one parent family payment. This compares with less than 89,000 in the last quarter of 2007, representing an increase of 74%.

I accept that processing times in some areas are still too long and I would like to assure Deputies that we are doing our best to reduce them. I know that becoming unemployed is a very difficult time in a person's life and that he or she needs to get access to financial and other supports as quickly as possible.

As I outlined in the answer to the first priority question, the Department has taken a number of steps to improve processing times for jobseeker's payments. An additional 31 staff were assigned to 15 local offices following a review of the number of staffing levels in local offices in May and June last year.

Following a further review late last year, it was decided to put an extra 115 staff in place. Some 57 of these have already taken up work, while start dates have been agreed for a further 19 staff over the next two to three weeks. It is expected that all of the posts will be filled by late February. Appropriate training will be given to new staff on their assignment to the local offices.

Four central decisions units are also being set up in Dublin city centre, Sligo, Finglas and Carrick-on-Shannon, each of which will have ten staff.

In addition to this, a further 16 social welfare inspectors are being assigned to various locations throughout the country to do means and other work associated with processing claims for jobseeker's payments. This brings to 202 the number of additional staff being assigned to local offices and claim processing roles.

At the same time, the procedures and processes associated with claims for jobseeker payments are being reviewed and a number of process improvement initiatives are being implemented. For example, the Dundalk initiative involves applicants for jobseeker's payments having their claims taken and decided upon during an appointment with a deciding officer. Some 40% of jobseeker's applications are now being decided upon this way in the Dundalk office. Having been well received by customers, this initiative will be extended to other offices on a phased basis.

[Deputy Mary Hanafin.]

The Department's management services unit has responsibility for carrying out staffing assessments for all business areas in the Department, including local offices. The administrative productivity training method of work measurement is used to identify, measure and quantify workloads and to determine staffing requirements for all clerical-administrative work. To determine the number of additional staff required to deal with the increasing live register, exercises based on the template were carried out. These have informed the allocation of existing staff resources to the local offices.

We will continue to keep staffing under review to ensure that people who find themselves in the difficult situation of losing their jobs can have their applications processed as quickly as possible.

**Deputy Olwyn Enright:** It needs more than a review.

**Deputy James Reilly:** The Minister's answer does nothing to address the original priority question, which was why one can get looked after in a matter of ten days in Ballymun, but elsewhere in the country it could take 11 weeks. Before Christmas, I asked the Minister why, knowing that a contract was up with the local provider in Balbriggan, no provision was made for people to claim unemployment benefit when that contract ended. People are being sent to Gardiner Street and Coolock for welfare. Using the citizens advice bureaux as a temporary measure is not delivering for the people of Balbriggan. I might remind the Minister that Balbriggan is a town of 25,000 people, which is strategically designated for growth. I just do not understand it.

In Swords, people must queue in the rain outside a portakabin to claim unemployment benefit. The Minister is not providing for those people and she does not seem to have any plans. She is aware of these situations months in advance yet here we are listening to waffle about what might be happening around the country.

**Deputy Seán Ó Feargháil:** The Deputy knows about waffle.

**Deputy Mary Hanafin:** Putting more than 200 new staff in place is not waffle.

**Deputy James Reilly:** They are not in place.

**Deputy Mary Hanafin:** These are important people who are ensuring that claims are dealt with as speedily as possible.

**Deputy James Reilly:** They are not dealing with claims. Those are aspirations.

**Deputy Mary Hanafin:** We have also identified priority areas, including Balbriggan, for the Office of Public Works which acquires premises on our behalf. That will ensure that premises can be made available.

**Deputy James Reilly:** There are empty offices all over the place. This is nonsense.

**Deputy Mary Hanafin:** The OPW is actively working on our behalf to ensure not only that we will have staff, but also that we will have facilities to deal with people with the dignity and courtesy they deserve.

*(Interruptions).*

**An Leas-Cheann Comhairle:** The House should be silent for Deputy Shortall's question.

**Deputy Róisín Shortall:** In her reply, the Minister made no reference whatsoever to what is happening in branch offices. That is where the longest waiting times are, whether for unemployment benefit or unemployment assistance. It is all very well talking about having extra staff at local offices but that will do nothing to improve the situation in branch offices. What does the Minister intend to do in order to reduce waiting times to a reasonable period?

**Deputy Mary Hanafin:** The Deputy is correct in saying that of the eight most difficult waiting times in offices, seven are in branch offices. The reason for that, however, is because the decisions are made in the parent office and extra staffing is going into those parent offices.

**Deputy Michael Creed:** The Taoiseach is getting a pay cut.

**Deputy Arthur Morgan:** Can the Minister explain why she has allowed the processing application time to take over ten weeks in some cases? Given that everybody — perhaps with the exception of the Government — knew that massive unemployment was coming down the line, with significant additional numbers applying for the jobseeker's allowance, how did it get to this state with such lengthy waiting lists?

**Deputy Mary Hanafin:** Whereas I accept there are some offices — just eight in total, I think — where there are quite long waiting times of about ten weeks, in very many other offices the process takes just over a week or maybe two weeks.

It is important we acknowledge that.

**Deputy Olwyn Enright:** That is no consolation to anyone waiting 12 weeks.

**Deputy Mary Hanafin:** In those areas where there is particular pressure, additional staff have been allocated and are being trained. More staff are also moving across from other Departments. The fact we are not recruiting people from outside the public sector but that the people are moving from other offices to our Department will help to speed up the process. We have also requested the Department of Finance to provide us with access to additional staff so that as claims come in they can be dealt with quickly.

**Deputy Olwyn Enright:** What is the Minister doing about the knock-on effects for community welfare officers? Due to the fact that many people around the country must wait so long, they are going to community welfare officers. Those officers are in the same position and are unable to deal with their workloads, because people continue to come to them for normal payments along with others who are waiting for supplementary and mortgage payments.

**Deputy Mary Hanafin:** It is important to acknowledge that even in those areas where there are delays in processing the applications, people who are in need of money are not left without it. The community welfare officers pay within a week and continue to pay until the claim is processed.

**Deputy Olwyn Enright:** That is nonsense.

**Deputy Emmet Stagg:** The Minister must be joking.

**Deputy Mary Hanafin:** I appreciate that community welfare officers are under difficulty, but there is a strong message to send, that even though there are delays in processing in a few areas around the country, nobody in need of money is left without it.

**Deputy Emmet Stagg:** That is nonsense.

**Deputy Olwyn Enright:** I have an e-mail here from a community welfare officer that contradicts what the Minister is saying. Community welfare officers throughout the country are inundated with people. Some people are unable to pay their bills and are defaulting on their loans because they are unable to get a payment from the Department. The Minister said earlier her responsibility was only for making payments. She has no feeling for the people who are waiting for payments. If she believes her responsibility is only to make the payments, she should get a job in the Paymaster General's office and step down as Minister.

**Deputies:** Hear, hear.

**Deputy Mary Hanafin:** The Deputy has referred to two different questions. With regard to carers, the point I made was that the Department of Social and Family Affairs makes the payment to them, but it is the Department of Health and Children that provides respite care, home help, etc.

**Deputy Olwyn Enright:** I was talking about jobseeker's allowance.

**Deputy Mary Hanafin:** My Department is responsible for ensuring that the €20 billion of taxpayers' money goes to the most vulnerable in society. That is a budget we aim to protect.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Joe McHugh — the future of the Lough Foyle and the Lough Swilly ferry services; (2) Deputy Frank Feighan — to ask the Minister for Social and Family Affairs if her Department will make necessary changes in the qualifying criteria for community employment schemes, based on the fact that there are many vacancies on these schemes, in particular in County Roscommon, while FÁS does not have eligible candidates to fill these vacancies, despite the high rate of unemployment in the county. This is due to extremely strict eligibility requirements, namely, the requirement to be unemployed and receiving social welfare payment for 12 months. Will the Minister amend the regulation whereby a person, unemployed for 11 months, is offered temporary employment for two to six weeks, for example, but that person automatically rules himself or herself out of qualifying for a community scheme and is forced to commence again the 12 months unemployment status? Is the Minister aware that there are people due to "come off" community employment schemes in County Roscommon shortly, but there are no candidates available to replace them due to the strict guidelines? In the current climate will the Minister reduce the unemployment criteria and the 12 months clause for being in receipt of social welfare payment and ensure that, if persons get temporary employment during that time, they are not automatically disqualified?; (3) Deputy Deirdre Clune — the need to ensure that funding continues to be provided for Opera 2005; (4) Deputy Finian McGrath — funding for the new centre for St. Joseph's Centre for the Visually Impaired, Drumcondra, Dublin 9; (5) Deputy Timmy Dooley — the psychological assessment of children with suspected autism in Clare; (6) Deputy Charles Flanagan — the availability of the PULSE system in Garda stations; (7) Deputy Ciarán Lynch — to ask the Minister for the Environment, Heritage and Local Government if he will lay before the House the details, including financial implications, of his plans to enable local authorities to lease estates from developers as outlined by the Minister of State in recent days, and lay out his programme to spend €20 million in leasing currently idle properties from developers; (8) Deputy Tom Hayes — to ask the Minister for Finance, in light of recurring and serious prob-

lems with flooding in Clonmel town, which have been ongoing now for years, to fast-track the Clonmel flood relief works. The level of disruption and damage is considerable, and the flood relief works urgently require prioritisation immediately; (9) Deputy James Bannon — the need for the Minister for Health and Children to ensure that after a wait of 12 years a full complement of appropriate services for secondary care facilities is provided under phase 2B of Longford-Westmeath Hospital, Mullingar, County Westmeath, to ensure patient safety and best possible outcomes; (10) Deputy Paul Kehoe — the problems caused to businesses by the strict enforcement of employment regulation orders; (11) Deputy Seán Sherlock — to ask the Minister for Health and Children to reverse the decision to close Heatherside Hospital in north Cork in light of the inadequate facilities into which it is proposed to house patients and staff who are to be transferred in the event of its closure; (12) Deputy Margaret Conlon — the development of Castleblayney courthouse, County Monaghan as a civic facility; (13) Deputy Caoimhghín Ó Caoláin — the need for the Minister for Health and Children to instruct the HSE to respond positively to the call of general practitioners in Counties Cavan and Monaghan for a full independent risk assessment of the safety implications for patients affected by the planned closure of 56 acute medical beds in Monaghan General Hospital and of the general practitioners' capacity to provide a safe service in such circumstances, concerns which have led general practitioners in Cavan-Monaghan to withdraw from HSE planning groups; (14) Deputy Noel J. Coonan — the concern about when an application for funding for a new fire station facility in Cloughjordan, County Tipperary, an application first made by North Tipperary County Council in May 2005, will be provided by the Department, taking into account the extreme deteriorating conditions at the establishment and subsequent health and safety concerns; (15) Deputy Brian O'Shea — the continuation of Waterford Crystal as a complete entity; (16) Deputy Kieran O'Donnell — to call on the Minister for the Environment, Heritage and Local Government to release the committed funding for the Limerick regeneration project to enable housing, infrastructural and other programmes to commence immediately in order to restore public trust in the project; (17) Deputy Jimmy Deenihan — the implications of the proposed closure of the Fastrack service by Iarnród Éireann, especially for the transport of blood samples on a daily basis from hospitals and doctors which may be critical for the survival of individuals with certain illnesses; and (18) Deputy Joe Costello — the need for the Minister for Enterprise and Employment to ensure the FÁS training, employment and community facilities in Jervis Street, Dublin 1, are not closed down.

The matters raised by Deputies Paul Kehoe, Brian O'Shea, Charles Flanagan and Margaret Conlon have been selected for discussion.

### **Expenditure Control and Economic Strategy: Statements.**

**The Taoiseach:** Ní raibh dúshlán eacnamaíochta riamh roimh Éirinn mar atá sa lá atá inniu ann. Tá cúlú domhanda oll-mhór ann faoi láthair, cúlú eacnamaíochta atá chomh dona le haon cheann a chonaic an tír seo fós.

Socróidh na cinntí atáimid ag déanamh anois an dtréigfidimid an dul chun cinn atá déanta againn go náisiúnta nó an dtabharfaimid saol eacnamaíochta níos fearr dúinn féin agus na glúinte atá ag teacht fós. Ní raibh an oiread tábhachta riamh ag baint leis na roghanna cearta a dhéanamh maidir le polasaí eacnamaíochta.

Just before Christmas, the Government published its strategy, Building Ireland's Smart Economy: A Framework for Sustainable Economic Renewal. Its primary objective was to outline a pathway forward for the Irish economy which acknowledged the severe short-term challenge, while focusing on how we could return to sustainable growth in the medium term. At that time, the Government committed to engage intensively with the social partners on how we could



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develop and implement that framework, beginning with the need to devise a credible timeframe in which to close the gap in the public finances. We decided to work together, with a specific focus on agreeing an approach to managing those challenges we now face.

Those challenges are immense. As we pointed out last week, we are experiencing the most profound global economic crisis in 70 years. In addition to the effects of an international financial and banking crisis and a worldwide recession, the economy is suffering from the aftermath of a large housing and construction boom and a loss of cost competitiveness after a period of sustained growth. This is being exacerbated by the decline in the value of sterling relative to the euro, which is placing extreme pressure on Ireland's base of exporting companies.

Intensive discussions with the social partners on these challenges resulted in the agreement last week of a framework for a pact for stabilisation, social solidarity and economic renewal. In this framework, the Government and social partners agreed that we would only achieve the prosperous future that the people deserve if, during these extremely difficult times, we take urgent and radical action to restore stability to the public finances, to maximise short-term economic activity and employment and to improve competitiveness. This approach is rooted in the belief that stable public finances are essential for the future of our economy. Every action that we take in the period ahead must be motivated by that objective. Without stable finances, there will be no economic recovery.

**Deputy Ruairí Quinn:** I hesitate to interrupt, and I apologise, but what the Taoiseach is saying is very important. Is the normal convention of the circulation of a script intended this afternoon? It would facilitate a meaningful response from this side of the House.

**The Taoiseach:** It is on the way. The framework agreed with the social partners endorses the fiscal plan submitted to the European Commission and commits to working together to eliminate the current budget deficit by 2013.

The difficulty in achieving this cannot be overstated. The social partners have agreed that a credible start requires an immediate adjustment of the order of €2 billion. This must be followed with adjustments of €4 billion in 2010 and again in 2011, €3.5 billion in 2012 and €3 billion in 2013. Today, we are announcing the first steps towards achieving those targets, and coming to the House at the first available opportunity to do so.

During intensive negotiations with the social partners over the past week, progress was made on a range of issues under the framework. In the context of the discussions, the Government tabled proposals to achieve a full-year saving of €1.4 billion through the introduction of a public service pension levy. The unions decided that they were not in a position to agree to that proposal. While this is regrettable, it does not mean that the engagement with the social partners has failed. The overall framework has been agreed. The need for an immediate adjustment of €2 billion on a credible basis was also agreed. The need for a significant contribution to be made by the public service pay bill in achieving that adjustment is also agreed, as are links to the Government's strategy for economic renewal, published in December. I am grateful to all those involved in the discussions for the quality and the sincerity of the engagement that took place over the past four weeks.

The Government considered the position at its meeting this morning and took the necessary decisions in respect of the fiscal adjustments required, as I indicated we would in the absence of a final agreement. Our decisions take account of the views expressed during the discussions.

These adjustments will deliver in excess of €2 billion on a full year basis and represent a huge political, economic and social challenge for every person in the country and will be

achieved through the following full year expenditure savings: €1.4 billion on the public service pay bill, the great bulk of which will be achieved through a new pension-related payment to be made by all public servants, including employees of local authorities, with a small element of the total to be secured through reductions in travelling and subsistence rates and other savings; the increases provided for under the review and transitional agreement with effect from 1 September 2009 and 1 June 2010 will not now be paid on those dates — this will deliver savings of €1 billion in 2010; €95 million through a reduction in overseas development aid; €80 million through a general reduction of the order of 8% in all professional fees, for example, in the legal and medical areas; €75 million through a reduction in the early child care supplement, from €1,100 to €1,000 per year, and a restriction to children under five; €140 million through general administrative efficiencies and savings, including those arising from the non-payment of the scheduled 1 September pay increase arising under the Towards 2016 agreement, through further savings in advertising, public relations and consultancies, and through savings on Defence equipment; and €300 million through an across-the-board reduction in the 2009 budget Exchequer capital allocations.

We are in a position to reduce the €8.2 billion capital allocation by €300 million because of the fact that we are achieving far more output for less money than was the case in the past, due to the fact that competitive tenders for capital projects are coming in at prices 20% less than before. We, therefore, expect to maintain the level of output on capital projects while achieving this saving.

I wish to make the House aware that legislation will be urgently brought forward to give effect to the pension-related measures which I have outlined. This will include legislative provisions to realise the payroll saving in respect of local authority staff for the benefit of the Exchequer, through a reduction in the Exchequer allocation to the local government fund. Implementation will be discussed in the normal way with the public service committee of the Irish Congress of Trade Unions.

The Government has been guided by the principles of fairness and prudence in making these tough decisions. The new pension-related payment will be graduated to reflect different income levels in the public service, while our other expenditure adjustments seek to ensure all sectors of society contribute on an equitable basis.

In addition, we have already introduced highly progressive tax-raising measures in the 2009 budget which will raise an estimated €2 billion or 1% of GDP additional taxation. The income levy targets higher incomes while protecting those on lower incomes, social welfare or in receipt of redundancy payments. A total of 20% of the money raised will come from those with incomes over €250,000. In addition, those with second homes will pay tax on those homes for the first time.

Today's measures build on our decisions last July to secure an initial round of savings which delivered €440 million in 2008 and €1,000 million in 2009. These included a 3% payroll reduction by the end of 2009 and reductions in spending on consultancies, advertising and other measures. We introduced further administrative efficiencies and savings in the October budget including a proposed reduction in the number of State agencies.

We will continue to target expenditure and tax measures on those most able to bear the cost, and we will support those who are most vulnerable in our society consistent with a responsible budgetary policy and an assessment of what is sustainable in the current circumstances.

We are conscious of the many challenges people face but it is in everyone's interest that we deal responsibly with the situation and safeguard the country's future prospects. In doing so, we will utilise the social partnership process which is about engagement and the sharing of



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analysis as well as the forging of specific agreements. The social partnership discussions over the past few weeks have deepened our shared understanding of the challenges facing the economy and the appropriate direction for a response.

The Tánaiste, the Minister for Finance and myself have devoted a large amount of time since the beginning of January to these discussions, in formal meetings and through many informal contacts and discussions, including over several nights and weekends. No greater priority could have been given to these efforts and I believe that the social partners themselves would acknowledge this fact.

The inability of the Irish Congress of Trade Unions to agree to the Government's proposals does not mean that the partnership process has failed. The overall framework remains in place and will be built on. Congress has indicated that it is available to continue discussions on the implementation of the overall framework, as have the other social partners. The Government will continue to engage with it over coming weeks as it implements the strategy agreed in the framework document regarding support for enterprises, refining price regulation in the energy sector, stabilising the financial and banking sector to meet the needs of the Irish economy and society, implementing a pro-active labour market approach appropriate to Irish conditions to support vulnerable employment and those who lose their jobs, developing a new national pensions framework, and completing the reform and economic renewal agenda to which we are committed.

The decisions taken by Government lay the foundations for the next phase of our development. Despite the budgetary constraints, the Government is maintaining proportionately the largest capital investment programme in Europe at over 5% of GNP. We will continue to commit considerable expenditure on roads, schools and housing. We are investing significantly in important infrastructure and research and development to drive competitiveness, growth and jobs in the future. We have proportionately the largest investment programme in the EU. This is an investment in the future as well as being our own stimulus package for the Irish economy. We have also decided today to re-prioritise €150 million of capital expenditure to employment-intensive activities in the areas of school building and energy efficiency improvements.

The biggest tragedy of the current difficult circumstances is the loss of jobs. Protecting jobs to the best extent possible and supporting those who become unemployed is of fundamental importance. The Government will continue to deploy every means at our disposal to help minimise the impact of the credit crisis and the severe downturn in global markets on employment prospects in this country.

The Government is also working to significantly improve access for unemployed persons to job search, training and education, and employment programmes. Relevant Ministers and their Departments are working together to maximise opportunities for up-skilling and re-skilling so that people will be better placed to avail of new job opportunities where they become available.

Immediate steps are being taken to adapt to the unprecedented pace and scale of change including increasing the monthly capacity of job search from 6,500 to 12,250 persons to assist individuals through the provision of guidance on employment, education and training opportunities and development; planned creation of an additional 51,000 training places for newly unemployed people; design and delivery of further courses in sustainable energy and green technology techniques and work towards providing redundant apprentices with the opportunity to complete their apprenticeships. The Government will bring forward further measures in these areas which ensure that we get the maximum impact from resources available and that

innovative approaches are used to maintain people in employment as well as assisting those who lose their jobs.

As I stated before, this further saving of €2 billion is the next step in stabilising our public finances. We will continue to work with the social partners on the basis of the framework we agreed last Friday to address the short-term issues, in order to maximise economic activity and employment in the short term and helping those who lose their jobs. The Government is committed to working with all stakeholders to confront the challenges this country faces in a global recession. We will provide the necessary hope and direction and we will take the difficult decisions now in the interests of the country and our people.

**Deputy Enda Kenny:** I am conscious that as we rise to speak on this motion we expect Exchequer figures to be published shortly which will not bring good news for the Government or for our people. Tomorrow, we expect unemployment figures to be the worst ever and we also expect a probable downgrading of the financial standing of this country internationally.

As Leader of the Opposition, part of my job is to oppose the Government and the way it does business. We have gone beyond the stage of merely point scoring. We are in a much too serious position to involve oneself principally in the business of cross-party fire. However, a number of things need to be said. It is clear the country has yearned for leadership and a sense of direction and coherence for some time. The morale of the people is at an historic low.

Everyone in this House, which represents all sectors and people of the Twenty-six Counties, has spent the past two months listening to a soaring increase in the number of horrific stories being told in offices throughout the land including the fact that 10,000 people per month are losing their jobs, the real shock of a person becoming unemployed with no prospect of a future, people who worked for up to 40 years seeing the pension rights they thought they had accumulated disappear and those who face repossession of their homes and the social stress and consequences of this fact.

In all this time, the Government, led by the Taoiseach, Deputy Cowen, effectively turned its face away from its people. It put the people on hold and real life into suspended animation by continuously stating it would come up with a grand plan and have a clear strategy for the future. Patience was shown while pain was suffered. For the past two months, the Government outsourced decision making to social partners. It is a most disgraceful abrogation of a leader's responsibility in the politics of this country.

Trust was vested in the Taoiseach and today he has stood before us and proved beyond doubt that the way business has been conducted in recent months means he did not merit the placing of this trust in him. His speech marks a unique moment in Dáil history. It is the first time that a Dáil has had placed before it a plan which has already been rejected by the social partners who played such an important part in the development and sustaining of our business during the past 30 years.

**Deputy John Cregan:** Deputy Kenny did not want them last week.

**Deputy Timmy Dooley:** Deputy Kenny cannot have it both ways.

**An Ceann Comhairle:** Deputy Kenny without interruption.

**Deputy Enda Kenny:** Yes, and for the past two months everyone in the Government wanted the cloak of social partnership wrapped around him or her. At every public meeting, members of the Government stated that social partnership is the way forward. Last night, the Govern-

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ment's philosophy was tried and tested and obviously it did not bring the results the Government wanted.

As a result of two months of wasted time, the Government's vessel is holed below the waterline. I cannot understand how it is reported that at 3 a.m. the Government's proposals were put on the table before a large number of civil servants and union officials. During the previous two months €3 billion was added to the national debt because of the Government's prevarication and indecisiveness. Worse than wasted time is the fact that people who placed their trust in Government that a coherence would emerge have been betrayed.

This party has long recognised the magnitude of this economic crisis. It is not today or yesterday that we were pointing out the wrong direction in which the Government was moving and the need to secure big savings in public spending that are fair and balanced. As the crisis in the economy and the public finances escalated over the past 18 months, there has been a clear vacuum of leadership at the heart of the Government. Instead of setting out a clear recovery strategy and seeking to win popular support from those who count in the country, the Government, from its analysis and proposals, pursued a strategy of denial, delay, obfuscation and what eventually amounted to secret negotiations in respect of which all the Members elected to this House by the people were left in the dark.

The people and their representatives were, at all times, excluded from this process. Proposals put forward in this Chamber for cuts in spending, pay moderation and public service reform were dismissed and cast aside arrogantly by the Government. Instead of accepting them, Fianna Fáil turned again to its once-tight network of power brokers and vested interests, as it has always done, to give its inept Government some political cover and to make some attempt at credibility. This approach to government has always relied on Fianna Fáil's ability, particularly over the past 11 years, to dish out the goodies to well-connected interest groups. As the bubble economy implodes, there is no more room for political patronage from the Fianna Fáil Party.

**Deputy Paul Gogarty:** Or Fine Gael.

**Deputy Enda Kenny:** The public coffers have been emptied, the developers and the banks are bust, and trade unions have little to offer. The game is up, the Taoiseach's strategy has failed and his network of power and patronage is disintegrating around him. Now, we expect, public servants, small businesses and PAYE workers will be asked to bear serious pain to help solve problems created by catastrophic failures on the part of politicians, bankers, business leaders and regulators.

Legitimate recovery cannot be just about dishing out pain to public servants without making decisions that begin with what has been described as a revolution in the way public services are managed from the top down. The failure to achieve this demonstrates the real failure of the Government to address the governance of the country, the scale of that governance and the way it has proceeded in the wrong direction over recent years.

For our part, we have stated on many occasions that everything about the Taoiseach's style of leadership and government must change if we are to escape this meltdown. The only way to recovery is through serious reform. The Taoiseach says he is moving ahead to make the decisions outlined in his statement today. Where are the decisions to break up the cosy relationships between Ministers and senior civil servants that conceal waste in Departments, evade scrutiny, duck responsibility or reward gross failures with golden handshakes? Where is the strategy to deal with these?

**Deputy Michael Ring:** Hear, hear.

**Deputy Enda Kenny:** Where is the strategy to clear out from our financial and regulatory systems the people who have so damaged trust in our banks? Without trust one cannot have confidence and if one does not have confidence our economy cannot develop and prosper.

We require a strategy to end the practice of Ministers and Taoisigh appointing friends to State boards and we must open up the appointments to scrutiny by the Oireachtas. We should implement the recommendations of the Competition Authority to break up the price gouging practices in the professions and the retail, energy and transport sectors. The Taoiseach has referred, in part, to some of these. We must break the stranglehold that public and private sector monopolists — Eircom, the ESB, CIE and Aer Rianta — have over the development of key infrastructure and networks vital to the country's development and put the consumer, individual and small business first.

We must bypass the vested interests that perpetuate a deeply unfair and grossly inefficient health system and transfer control of the considerable resources being spent on health care from HSE bureaucrats to patients and their doctors. It is necessary to focus on the clear opportunities and the potential that exists for job creation and the restoration of confidence.

What we are seeing now is the unworkable — rejected in advance by those whom the Government said were pivotal to its success — presented as a solution to problems that have become worse on a daily basis while this non-plan was in fermentation. This is the Taoiseach's way. He said he would do things his way. His way involves denial, indecision and delay and his way refused any notion of bipartisanship. On a number of occasions we offered opportunities for discussion on a way forward but they were all spurned and rejected by Fianna Fáil. Even as late as today, the philosophy and direction being followed by the Taoiseach has failed. Tragically, it is the ordinary taxpayer, home-maker and small businessperson who will pay for that failure.

Against the scale of change that is needed to bring about economic recovery, this proposal is a €2 billion sticking plaster designed to cover a gaping wound that has not been treated at its roots. It brings us all to a point where our country faces a financial crisis of an unprecedented scale. From that perspective, sadly the Taoiseach has evolved into a politician who will not listen to any advice or proposal. He is a leader without credibility and a Taoiseach without a mandate. That is because his party has been in Government for too long and has lost touch with what is happening on the streets.

The days of the Taoiseach's Government may well be numbered and the real cause of this is that he has been in power too long and is thus too removed from what is happening. When the people next get the opportunity, they will make a different choice.

For our part——

*(Interruptions).*

**Deputy Enda Kenny:** ——let me again offer support to the Taoiseach, the head of the Government *pro tempore*. I do so in the sense that if he is prepared to listen to the proposals that this party forwards in terms of tax, job creation, public service reform and cutting the public pay bill, it will not be found wanting. The direction, method and implementation of the Taoiseach's plan has been seen to be a failure, as is evident from its rejection last night.

**Deputies:** Hear, hear.

**Deputy Michael Ring:** There was no fire——

**An Ceann Comhairle:** I call Deputy Gilmore.

**Deputy Michael Ring:** —over there today.

**Deputy Frank Feighan:** There was no standing ovation today.

**Deputy Michael Ring:** The Fianna Fáil tyre has gone flat.

**An Ceann Comhairle:** Deputy Gilmore, without interruption.

**A Deputy:** There was no standing ovation today.

**An Ceann Comhairle:** Please, there can be no sideshows. I call Deputy Gilmore.

**Deputy Eamon Gilmore:** With the exception, perhaps, of budget speeches, no statement from a Taoiseach has been as much awaited as that of the Taoiseach today. For some time, the country has been waiting to hear what the Government will do to deal with the economic crisis and the state of our public finances. We were expecting the major statement last week but we did not receive it because the Taoiseach said he was going to do it his way and that he was engaged in talks with the social partners. We now know the talks with the social partners came to an end late last night or early this morning. Everybody has waited for the Taoiseach to make the statement to the House about the momentous decisions the Government has made to deal with the state of the public finances.

People listening today who are concerned about their jobs or businesses or who, perhaps, have lost jobs and want to know when they are likely to get one back, or who are considering all the speculation of recent weeks and asking what it means for their family budgets, have got no answers. There is nothing in what the Taoiseach has said today that tells people how the proposal will impact upon their jobs, businesses or income.

What the Taoiseach has given us is what we already know. We know the Government has set out to reduce public expenditure by €2 billion this year. We know also, from the document the Government has submitted to the European Commission, that it is not the full story and that there must also be a reduction of €4 billion next year and the following year, €3.5 billion the year thereafter and €3 billion the year after that again. People want a sense of where the proposal is to lead and what it means in practical terms. We still do not know. In effect, the Taoiseach has told the House and the country nothing that we did not know already. What we do know or what we have seen is a certain amount of speculation and leaks in the newspapers about what this means in practice. The big information — it is not news today — is the idea of the pension levy. Figures have been speculated about over the course of the past 12 hours, in particular since the breakdown of the social partnership talks that set out what the Taoiseach calls the “graduated” way in which the pension levy will be applied.

If those reports are correct then let me try to translate what all of that means for a public servant such as a garda, a nurse or a teacher on an income of €45,000 per year. They are already paying approximately €5,000 of that income, between PRSI, pension contributions, health levies and income levies. What that proposal will mean — not that the Taoiseach has given us the figures, but if the figures that are reported in the media are correct — is that such a person will pay an additional €3,375. That is approximately €8,500 from the pay of a person in the workforce for approximately ten years before she pays tax, child care or her mortgage.

What she wants to know, and what the Taoiseach has not provided an answer for, is for what is she paying that. She did not create the problem. She did not borrow money from a bank to buy shares in the same bank. She is not somebody who drinks champagne in the hospitality suites of racecourses. She is just somebody who has gone out to work every morning, worked hard, tried to make a living, rear a family and provide for herself. All she wants is a modest



standard of living. She understands that the country has economic problems at the moment and that there is a need for everybody to put their shoulder to the wheel. She is prepared to do that as well but she wants her Government to level with her and the Taoiseach has not done that today.

The first problem is that he has not spelled out the details of what he is going to do. Second, he has dealt only with the issue for the current year. We are talking about €2 billion over the course of 2009. What will the Taoiseach do in 2010? If he has to double that amount in 2010, as his own figures state he will do, where will he get the money then? How much more of a pension levy will he apply? What extra taxes will he impose? What services will he cut? If the only place the Taoiseach is looking to address this crisis is on the expenditure side then he is leading the country into a downward spiral that will only make the problem worse.

That is where the Labour Party has its biggest fundamental difference with the way the Government is dealing with the country's economic problems and with the public finances at the moment, namely, that it is fixated solely with the public expenditure side and that it is not addressing the need to generate employment, get the economy moving, get people spending and get revenues buoyant again. The Government has created all of the uncertainty because of the delay and the fact that it is constantly playing catch up with the economy. It has been playing catch up since the beginning of 2008. The turn in the economy did not happen overnight; it has been coming since the beginning of 2008. The Government failed to deal with it. As recently as just before the summer the Government was still in denial about what was happening with the economy. The best it could do in July was to announce that it would cut €440 million from public expenditure.

The Taoiseach denied in this House on foot of a Labour Party motion that there was a real problem in the economy and he hared off for the summer recess, a period when 40,000 jobs were lost, and then he came back with the big idea that he would bring the budget forward to October. He brought the budget forward to October but he did not get it right. We then had the banking crisis, following which the Government introduced one measure in September, and there have been five different attempts to deal with the problem in the Irish banks since then. We still do not have a full recapitalisation programme for the Irish banks.

In the meantime the economy is in a state of suspension. People are not spending. They do not know what the future will be for their businesses. They do not know whether they will get credit from banks or what banks will be there to provide them with credit or what kind of supports will be provided. They know there is a problem with the public finances and they look to Government to address that. What has the Government done in recent months? It has dithered. The social partnership talks did not start until after Christmas when it was manifestly clear that things were going the wrong way in terms of the pay agreement that was reached in September. It was certainly clear after the budget that there would be a requirement for talks with the social partners. The Government did not start the talks until after Christmas. It ran it up until the eleventh hour before it put its proposals on the table and it imposed a deadline. What did the Government expect? Of course, it was not going to get agreement on them.

The Taoiseach is missing an opportunity. The people are ready to put their shoulder to the wheel to get our economy out of its current difficulty. People understand the problems we face and they want to do something about it but they expect leadership from the Taoiseach and the Government. Time and again the Taoiseach has disappointed in failing to provide that leadership. The country expected the Taoiseach to come to the House to announce details of the Government's decision. The country expected him to have a roadmap, not just about how he would deal with the public finances for 2009 but about how he would get us to the point in 2013 when the public finances would be back in order. People expected to hear about how we



[Deputy Eamon Gilmore.]

were going to move the economy from a situation where we are losing jobs at an enormous rate to one where we could start creating jobs again.

People expected to get an idea about how it would affect their lives if they lost a job and what measures would be in place. There is no point in saying to them that €150 million is available for training. They need to know what losing their job would mean in practical terms; what would happen, where the courses are and the means by which they can re-train, upskill and get back into the workforce again. We are not getting that information from the Taoiseach. He has missed an opportunity. He has a country that is willing to play its part. People in all walks of life — the private sector, the public sector, people everywhere — are willing to play their part in getting the country moving again. The problem is the Taoiseach is not providing the leadership or the roadmap and he has not done it today. In fact, all he has done is added to the uncertainty, confusion and difficulty.

I hope we will have an opportunity when we come to Leaders' Questions to tease out some of the things the Taoiseach listed in today's statement. He certainly has not contributed to solving the country's problems today. His statement is a big disappointment that will have added more to the uncertainty and climate of despair in many cases that people are now beginning to feel, rather than what it needed to do, which was to give people a lift, and a sense that the Taoiseach has a handle on the problem and that he was going to lead us out of it.

**Deputy Caoimhghín Ó Caoláin:** We are addressing the economic crisis once again in extraordinary circumstances. The breakdown of the talks with the trade union movement leadership in the early hours of this morning raises major questions about the intent of the Government in those negotiations and about its competence as negotiators. Why was the detail of the public service pension levy only tabled at the last minute? Was this a game of brinkmanship that the Government lost? Did it take the ICTU for granted or was it simply ham-fisted negotiation tactics? The result is an even greater mess that further undermines confidence in the economy and in the ability of the Government to plan and implement a strategy for recovery.

The Taoiseach's decision to start discussions on the pension levy at the eleventh hour would seem to indicate he was never fully committed to getting across-the-board agreement from the unions and employers. In contrast to the unions it was very noticeable that the representatives of IBEC were pleased with what has taken place and seemed to have few complaints about what they had seen of Government plans. This was an ominous sign for ordinary workers across this jurisdiction. Sinn Féin is not opposed to taxation and other measures to redress the country's ailing public finances. However, we agree with the trade union movement that low to middle income earners cannot carry the substantial burden. Proposing a 3.8% pension levy on those on the lowest public service incomes while the chief executive officer of the ESB continues to earn an annual salary in excess of €500,000 and senior bank executives, who have undermined the country's banking system and exposed Irish taxpayers to astronomical liabilities, keep their jobs and a massive income is simply outrageous. The Taoiseach has told us of "immediate legislation" to put this new levy in place. Where is the immediate legislation to bring the swindling bank bosses to book? Where is the immediate legislation to give relief to mortgage holders facing untenable debt and the repossession of their homes?

Sinn Féin believes the primary goal of the Government's economic recovery plan must be to safeguard the livelihoods of low and middle income workers and to deliver a job creation strategy; that cannot be emphasised enough to this Government. Sinn Féin last October in its pre-budget submission found almost €2 billion in saving for the Exchequer yet the Government is still flailing in the dark. Confidence is crucial in steering us out of economic turmoil but thanks to the Government's lack of strategy, confidence is ebbing away at both national and

international level. We have to remember that the Taoiseach was Minister for Finance at the time private housing construction rose at an untenable rate. It was on the Taoiseach's watch that much of the irresponsible and reckless lending practices of the banks took place and it is now the Taoiseach who is responsible for the past six months which has seen the Government make one U-turn after another in its response to this economic crisis.

What makes the Government's proposals even more difficult to swallow is that while money is being cut out of incomes of Irish workers, it continues to pour billions into the banks with almost no strings attached. We have also seen the nationalisation of Anglo-Irish, which was simply a bail out of its property developer friends and which leaves the taxpayer to pick up the bill for an ever increasing toxic debt.

We recognise our public finance deficit. Sinn Féin has identified a key source of wastage of public spending in the private companies who are operating on the back of our public services. Yesterday the Minister for Health and Children once again opened another private for-profit health clinic in County Kildare, which was substantively funded from taxpayers' money.

**Deputy Mary Harney:** It was not taxpayers' money.

**Deputy Caoimhghín Ó Caoláin:** She has had the brass neck to call on everyone to share the pain of public spending cutbacks to finance her friends in the private health care industry. Shame on the intent she has driven with the support of Fianna Fáil throughout all of this years. This hypocritical approach to our public deficit has led to the collapse of the partnership talks and has resulted in the Government imposing cutbacks in health, education, transport and other vital public services.

Given the Government's almost complete obsession with cutting back on public spending, not a single thing has been done for workers or small and medium sized firms in this jurisdiction over the past six months. In the past four weeks we have seen Dell announce 1,900 job losses with a further related 4,000 jobs to go. A total of 400 workers have been made redundant in Dundalk and, only last Monday, it was announced that 750 workers in Ulster Bank will join the growing queues at our social welfare offices. We have a crisis in Waterford Crystal that the Government has done almost nothing about and our SMEs are still being strangled by the credit drought due to the Government's failure to put pressure on the banks.

A crisis is still developing with our mortgages and, despite calls from economists and examples of a number of other countries launching initiatives to help struggling mortgage holders, the Government has yet to come up with a single concrete proposal. We are willing to provide the Government with ideas to tackle the deficit in our finances if it is willing to listen. Only last week I outlined a number of possible steps in the House but to date I have been given no response by the Minister because the Government's attitude to this Dáil and the voices in this Chamber from the Opposition benches is, "We will go through the motions. We will not listen and we will not heed. We will do it our way", as the Taoiseach indicated last week. He will do it his way and nobody else's opinion matters.

However, it is not simply a question of balancing the books; it also about producing proposals to get the economy moving again and, thereby, raise additional revenue. There is a need for a job creation strategy, as I have repeated, and there is a need for the State to take a real lead role in our telecommunications infrastructure and our gas resources, given the failure of private companies to enhance our economy in those areas one whit. The real front line in this economic crisis is not here in the Dáil or in the partnership talks. It is in the workplace where workers face cuts in income, if they are lucky, and redundancy, if they are not.

I take this opportunity to express solidarity with the workers occupying Waterford Crystal and to support their demand that this flagship Irish industry be saved. Government intervention is needed and deserved. This is one immediate example of the type of leadership the Govern-

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ment is expected to give. People are watching and they will, unfortunately, continue to watch while the Taoiseach trundles out the type of medicine he has offered this afternoon as his response to the current crisis. Get real and look at the way this can be addressed. A job creation strategy is the only way to do it.

### Leaders' Questions.

**Deputy Enda Kenny:** Will the Taoiseach outline the details of the €1.4 billion saving in the public service pay bill to be achieved through the new pension-related payment to be made by all public servants? Can he spell out the grading involved and the percentages that will apply and what they will mean for a person earning €50,000, €60,000, €70,000 and above?

**The Taoiseach:** Savings of approximately €1.4 billion will be made in a full year. As has been said, we are talking about a reduction averaging 7.5% in the public service pay bill as a pension levy or a contribution to a pension. The Pensions Board has done work on the benefit of public sector pensions and the difficulties private sector pension schemes have had in recent times. This will be a contribution towards the value of the pension at the end of one's one working life and not the payment of the full cost up-front. The reason we approached this as the means by which we could deal with the matter was it would not affect current pensioners' incomes. If one went for a payroll cut, one would also affect the income of existing pensioners.

Public service pensions are paid for out of current Exchequer funding and, therefore, this contribution is like an appropriations-in-aid for the payment of the pensions on an ongoing basis. The €1.4 billion is the full year cost and it will be approximately €1.16 billion in 2009. The proposal put to the ICTU was a levy of 3% on the first €15,000, 6% on the next €5,000 and 10% on the balance.

Statements have been made regarding the conduct of the negotiations. Experienced negotiators have been involved in this process for a long time. Social partnership is a well established process. It is standard negotiating practice in an industrial relations context to deal with the specifics of a proposition at the end of a process following the consideration of the background and relevant contextual issues and that practice was followed on this occasion. There was, however, significant discussion, both formal and informal, in advance of the tabling of these specific proposals about the contribution the public service payroll should make to the necessary fiscal adjustment. The fact that congress felt unable to agree to the proposals tabled by Government was due to the contents of the proposals not to the timing of their presentation. The measures proposed were what the Government regarded as necessary and appropriate having regard to all the relevant considerations including those put forward by congress itself.

**Deputy Enda Kenny:** By how much will these proposals reduce public borrowing, in the knowledge that they do not apply for a full year and that they themselves will depress tax revenues? How will the pension levy interact with the pension terms of some public workers whose pensions are co-ordinated with social welfare pensions? There is a link between some periodic workers who work in the public service and social welfare pensions. How will the levy interact with those persons?

**The Taoiseach:** The levy is applicable to all people working in the public service and whatever legislative changes required to give it effect will be introduced as a matter of urgency. Regarding the impact it will have on the overall budget deficit this year, we are trying to stabilise the situation by providing a €2 billion provision in this series of announcements today. We will have an opportunity tomorrow to set it out in a wider context. I am here to announce the decisions that were made by the Government today in the context of the €2.1 billion full-year savings decided this afternoon. Tomorrow we will have a debate in the House that will put in

the broader context how we see the Government dealing with the economic issues of the day, going forward.

As has been said, in the context of a contraction in the economy this year of more than 4% — between 4% and 4.5% on recent analysis — it is a question of ensuring that we do not have further major tax changes during the course of this year. In answer to part of Deputy Gilmore's contribution to the House earlier, I have indicated that this gap of €17 billion cannot be simply filled by expenditure savings. There will obviously need to be a contribution by the taxation system in the years ahead in order to meet the difference that now exists between the spend in which the Government is engaged and the tax revenue that is being provided at the moment. This recession is having a particular impact on our public finances that we will need to address, therefore, it will be a combination of tax and expenditure items.

With regard to identifying items for next year and further on, the McCarthy public service committee is looking at numbers and expenditure items in all areas of expenditure in all Departments. In addition, the Commission on Taxation is taking a systemic review — the first in more than 25 or 30 years — as to what is the best way in which we can provide a taxation base that can meet the needs of the society in which we live today and in the years ahead.

**Deputy Eamon Gilmore:** While we have been discussing this matter, the Exchequer figures for January have just been published. They show that the tax revenue for January 2009 was €900 million less than the revenue for January 2008. Has that figure been included in the calculations the Taoiseach announced here earlier today or has almost half of the €2 billion savings that he has just announced already evaporated in the first month of the year through the reduction in tax revenues?

In respect of the pension levy, I understood that he said — perhaps I did not catch all the figures — it would be 3% for people on €15,000; 6% for people on €50,000——

**The Taoiseach:** The next €5,000.

**Deputy Eamon Gilmore:** I ask the Taoiseach to put on the record of the House the total graduated amounts for each level of income. Figures in the public domain suggest 3% for people on €15,000; 3.8% at €20,000; 5.8% at €30,000; 7.5% at €50,000; 8.3% at €75,000; and 8.8% at €100,000. Does the Taoiseach believe it is fair that somebody on €15,300 a week would now pay €450 extra as a pension levy? Is it fair to ask somebody on that low level of income to pay €450 on top of all the other things he or she must pay? I ask the Taoiseach to clarify how this will be treated by way of taxation. Will the pension levy be on the gross income figure or on the net figure or will people pay the levy and then pay tax on the levy that they have already paid?

**The Taoiseach:** The Deputy referred to what the levies were. I have indicated — he is reading from the same page — the proposal that was put to the congress last night.

**Deputy Eamon Gilmore:** That is right.

**The Taoiseach:** Regarding a salary of €15,000 the deduction as a percentage of overall salary is 3%, which is €420; at €20,000 it is €750, 3.8%. It graduates up along as the Deputy said. At €25,000 it is a €1,250 deduction or 5%.

**Deputy Joan Burton:** Can the Taoiseach supply the table?

**The Taoiseach:** I can forward the table.

**Deputy Eamon Gilmore:** The Taoiseach should read it out and put it on the record.

**The Taoiseach:** If the Deputy wishes me to put it on the record I will put it on the record.

**Deputy Leo Varadkar:** What about the existing levies? If a person already pays a pension levy, is it on top of that or is it instead of it?

**An Ceann Comhairle:** The Taoiseach cannot be interrupted while he is trying to reply to the question.

**The Taoiseach:** I have two conflicting requests. I will put it on the record if that is what the Labour Party leader wants me to do.

- at €30,000 it is €1,750 or 5.8%;
- at €35,000 it is €2,250 or 6.4%;
- at €40,000 it is €2,750 or 6.9%;
- at €45,000 it is €3,250 or 7.2%;
- at €50,000 it is €3,750 or 7.5%;
- at €55,000 it is €4,250 or 7.7%;
- at €60,000 it is €4,750 or 7.9%;
- at €65,000 it is €5,250 or 8.1%;
- at €70,000 it is €5,750 or 8.2%;
- at €75,000 it is €6,250 or 8.3%;
- at €80,000 it is €6,750 or 8.4%;
- at €85,000 it is €7,250 or 8.5%;
- at €90,000 it is €7,750 or 8.6%;
- at €95,000 it is €8,250 or 8.7%;
- at €100,000 it is €8,750 or 8.8%;
- at €125,000 it is €11,250 or 9%;
- at €150,000 it is €13,750 or 9.2%;
- at €175,000 it is €16,250 or 9.3%;
- at €200,000 it is €18,750 or 9.4%;
- at €225,000 it is €21,250 or 9.4%;
- at €250,000 it is €23,750 or 9.5%;
- at €275,000 it is €26,150 or 9.5%; and
- at €300,000 it is €28,750 or 9.6%.

**Deputy Pat Rabbitte:** I would say Finian is glad he jumped now.

**Deputy Eamon Gilmore:** I would like to pursue that matter somewhat further because people need to know the full impact of this. Will the Taoiseach clarify whether that is on the gross income or the net income?

**Deputy Joan Burton:** It is not allowable.



**Deputy Eamon Gilmore:** People will want to know if that is a reduction before tax or after tax. Those figures are in effect reductions in take home pay of that order. I ask the Taoiseach to clarify how the levy will apply and whether it is applying on full income.

**The Taoiseach:** Yes, it is on gross income. It is on full income. To answer the previous question the Deputy asked about the Exchequer returns, those Exchequer returns are in line with the profile in that we have factored in a reduction in revenue of more than €4 billion compared with last year in the 2009 figures. I understand from the Department of Finance that this profile of expenditure was what was expected for January 2009.

### **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. Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 32. I propose to deal with these topics separately and I will call on Deputies in the order in which they submitted their notices to my office.

**Deputy Lucinda Creighton:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter of national importance, namely, the need for an urgent investigation by the Minister for the Environment, Heritage and Local Government, into the serious question marks hanging over the process which allowed Dublin City Council arrive at a decision to grant permission for the development of the Jury's site in Ballsbridge. The Taoiseach referred in his speech to the property bubble which has developed over the past ten years. Inherent in this is a distortion of the planning process whereby planning decisions are influenced by dependence on development levies in order to fund local government activities. This is unsustainable and I call on the Government to initiate an independent investigation under the auspices of the Department of the Environment, Heritage and Local Government, to investigate the flawed process by which Dublin City Council arrived at this decision and in order to make recommendations to avoid such a problem arising in the future.

**Deputy James Bannon:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the economic mismanagement by the current Government which has seen unemployment double in the past 18 months and the national debt likewise double in the same period, begging the question as to how far the country has to deteriorate before every man and woman in the nation stands up to such political abuse.

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

### **Order of Business.**

**The Tánaiste:** It is proposed to take No. 8, motion re ministerial rota for parliamentary questions; No. 9, motion re Stardust fire tragedy; and No. 10, motion re by-election for Dublin South, to be taken at 7 p.m. or on the conclusion of No. 9, whichever is the later. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 5 o'clock 8.30 p.m. and business shall be interrupted on the adjournment of Private Members' business which shall be No. 51, motion re energy prices, to be taken for 90 minutes at 7 p.m. or on the conclusion of No. 10, whichever is the later; No. 8 shall be decided without debate; the proceedings on No. 9 shall be brought to a conclusion at 7 p.m. and the following arrangements shall apply — the speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party and the Labour Party, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other



[The Tánaiste.]

Member called upon shall not exceed ten minutes in each case; Members may share time and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; and the proceedings on No. 10 shall, if not previously concluded, be brought to a conclusion after 30 minutes tonight and the speeches shall be confined to the main spokespersons for the Labour Party and the Fine Gael Party and to a Minister or Minister of State, who shall be called upon in that order, who may share their time and which shall not exceed ten minutes in each case.

**An Ceann Comhairle:** There are four proposals before the House. Is the proposal that the Dáil shall sit later than 8.30 p.m., agreed to?

**Deputy Enda Kenny:** I will not be calling a vote. I made my point at 2.40 p.m. My preference would have been a change of business to allow for further discussion of the announcements made by the Taoiseach but I do not wish to delay the time of the House by calling a vote so I agree with the proposal.

**An Ceann Comhairle:** Is the proposal for dealing with No. 8, without debate, agreed to? Agreed. Is the proposal for dealing with No. 9 agreed to? Agreed. Is the proposal for dealing with No. 10 agreed to? Agreed.

I call Deputy Kenny on the Order of Business.

**Deputy Enda Kenny:** When is it expected the Government will announce its recapitalisation programme for the banks? Will the detail of the extent of liability to the State——

**An Ceann Comhairle:** This is not Leaders' Questions and I cannot allow that question, unfortunately.

**Deputy Olwyn Enright:** It is a question on legislation.

**An Ceann Comhairle:** If it is a question on legislation, I ask Deputy Kenny to tell me what legislation is concerned.

**Deputy Enda Kenny:** There will have to be some legislation governing changes to the structure of the Irish banking system, as the Ceann Comhairle well knows.

**An Ceann Comhairle:** Is legislation promised in this area, Tánaiste?

**The Tánaiste:** Legislation is promised and the Minister is currently working on that legislation. He hopes to bring it to the House as quickly as possible.

**Deputy Enda Kenny:** That does not answer my question. It is not good enough for the Tánaiste to say, "as quickly as possible". Is the Tánaiste aware that the international bond markets are looking at this country in the same way as they look at a bank and there is a serious lack of trust and confidence? The people now own Anglo Irish Bank and they need to know the extent of liability. As we speak the situation is that no Irish bank is viable without the support of Government. This is a matter of the utmost concern. Credit is not flowing to small business——

**An Ceann Comhairle:** The Tánaiste has answered the question.

**Deputy Enda Kenny:** —and for that reason I want a more accurate answer as to when the Government expects to bring the legislation to the House to give effect to recapitalisation of some of the Irish banks.

**An Ceann Comhairle:** I do not know if the Tánaiste can be of any more assistance to Deputy Kenny.

**The Tánaiste:** I will not mislead the House. I am not in a position to say for definite on what date this legislation will be brought before the House. The Minister is working on this matter. It will be brought before the House as quickly as possible but I am not in a position to give a definitive date as to when it will be before the House.

**An Ceann Comhairle:** She cannot do any better than that, Deputy Kenny.

**Deputy Enda Kenny:** My understanding was that it was the Tánaiste's original intention to bring in the recapitalisation programme in conjunction with the announcements made today. When the Tánaiste says that the Minister for Finance is working on the legislation, are we talking about this week or next week or the week after that? Will she give the House some indication of the timeframe?

**An Ceann Comhairle:** I do not know how the Tánaiste can help with that.

**The Tánaiste:** It has not been brought to Government yet so I cannot give the Deputy a definite date. It is our expectation that it will be brought forward quickly.

**Deputy Enda Kenny:** It is very urgent.

**The Tánaiste:** I appreciate that.

**Deputy Eamon Gilmore:** I am a little surprised at the Tánaiste's answer to Deputy Kenny because the Government's legislative programme lists the National Pensions Reserve Fund (amendment) Bill which is to give effect to the Government decision to recapitalise the banks through the National Pensions Reserve Fund and related matters concerning the National Pensions Reserve Fund. The Tánaiste has just said that the matter has not yet been brought to Government. Where is the National Pensions Reserve Fund Bill that is promised legislation and which is to allow for the use of the fund to recapitalise the banks and when will it be before the House? Will the recapitalisation of the banks require legislation other than the promised legislation in the list? I think everybody understood that the recapitalisation of the banks was something the Government was immediately engaged upon and that it was imminent and urgent business. A piece of legislation is promised to address it because we are told the funding is to come from the National Pensions Reserve Fund. Where is this Bill and when will the House see it?

**The Tánaiste:** The legislation has been signed off by Government today. The specific details on the recapitalisation of the banks have not been completed and until such time as they have been finalised by the Minister and his Department, we will not be in a position to say what day it will come before the House. The over-arching piece of legislation was signed off this afternoon.

**Deputy Eamon Gilmore:** When will the National Pensions Reserve Fund Bill be published? Will that Bill be published and brought through the House before recapitalisation? I understand this is the Bill which allows the National Pensions Reserve Fund to be used for recapitalisation so it would appear logical that it would have to be enacted before recapitalisation.

**The Tánaiste:** The Deputy is correct in that the Bill will have to be enacted first before recapitalisation occurs. However, the specific proposals must be signed off by the Cabinet before we can finalise matters in the House.

**Deputy Leo Varadkar:** The Taoiseach may have answered this question already but it is a legislative matter. I assume the new pension levy will require some form of legislation and I assume it will need to be brought to the House at some stage. I ask for more information on this matter. The Tánaiste may be aware that a large number of public servants, particularly younger new entrants to the public service, have large mortgages and already pay a pension levy. Will this new pension levy be in addition to that?

**An Ceann Comhairle:** This is the Order of Business, not Leaders' Questions.

**Deputy Leo Varadkar:** I would hate to see the Government hitting younger people so hard.

**An Ceann Comhairle:** The Tánaiste to reply on the legislative aspect.

**The Tánaiste:** Legislation will need to be brought before the House and signed off before 1 March 2009 and it is being worked on.

**Deputy Joan Burton:** I wish to ask the Tánaiste about a couple of issues. The Taoiseach in his statement describes the legislation on the pensions levy as being urgent. He suggested that one part of it will be for the general Civil Service and the other part for the local authorities. Does this mean that the Minister for Finance, Deputy Brian Lenihan, will be bringing in one piece of legislation and the Minister for the Environment, Heritage and Local Government, Deputy Gormley, and the Greens will be bringing in another? The Taoiseach's statement contained a reference to a house tax which was mentioned in the budget.

**An Ceann Comhairle:** As I said, the Deputy can only ask a question on legislation.

**Deputy Joan Burton:** Will the levy be introduced by the Minister for the Environment, Heritage and Local Government, Deputy Gormley?

We have just received the Exchequer figures, as of 31 January, but no profiles of tax receipts and expenditure have been produced. Every other year the profiles have been given——

**An Ceann Comhairle:** Deputy Burton, I cannot allow this.

**Deputy Joan Burton:** ——on 26 or 27 January in order that we can understand the figures. Today the Taoiseach said the drop of €900 million in tax revenue and an increase in expenditure of €600 million were in line with the profiles but we did not receive them.

**An Ceann Comhairle:** Deputy Burton will have to table a question on that matter. I call the Tánaiste on the legislative question.

**Deputy Joan Burton:** That is a breach of precedent.

**An Ceann Comhairle:** I know.

**Deputy Joan Burton:** I have the dates for several years on which we received the profiles.

**An Ceann Comhairle:** The Deputy will have to raise the matter in some other way.

**Deputy Joan Burton:** When will we receive the expenditure profiles?

**An Ceann Comhairle:** This is not in order.

**Deputy Joan Burton:** It is in order. How are we supposed to do our business——

**An Ceann Comhairle:** I am sorry, Deputy, but I will decide what is in order.

**Deputy Joan Burton:** ——when the Government is keeping the information to itself?

**An Ceann Comhairle:** This is not in order.

**Deputy Joan Burton:** Can we receive the information?

**The Tánaiste:** There will be one Bill to deal with the matter.

**Deputy Joan Burton:** What Department will introduce it?

**The Tánaiste:** The Department of Finance.

**Deputy Joan Burton:** What about the house tax?

**An Ceann Comhairle:** Deputy, come on. I call Deputy Ó Caoláin.

**The Tánaiste:** That matter will be dealt with in separate legislation, the local government Bill.

**Deputy Joan Burton:** Will it be introduced by the Minister for the Environment, Heritage and Local Government?

**The Tánaiste:** Yes.

**Deputy Leo Varadkar:** It is not a laughing matter. That is the problem with the Tánaiste. To her it is all just a big joke.

**The Tánaiste:** The Deputy should grow up.

**Deputy Joan Burton:** No wonder she has not got a clue.

**An Ceann Comhairle:** I call Deputy Ó Caoláin.

**Deputy Caoimhghín Ó Caoláin:** To cut to the chase, my curiosity has been aroused by the Taoiseach's earlier address in the statements on the crisis in the economy in which he referred to legislation to deal with pension related measures. Will the Tánaiste indicate the numbers of Bills that will be generated by the measures announced this afternoon? Rather than dignifying the house measures, will she indicate——

**An Ceann Comhairle:** It is not possible on the Order of Business to say how many Bills will be needed.

**Deputy Caoimhghín Ó Caoláin:** ——how much legislation will be required on the back of what the Taoiseach advised the Chamber?

**An Ceann Comhairle:** It is impossible to answer such a statistical question on the Order of Business.

**Deputy Caoimhghín Ó Caoláin:** I believe the Tánaiste does know.

**The Tánaiste:** One Bill will be brought forward by the Department of Finance. The quip from the Labour Party was inappropriate. There will be one Bill to give effect to the measures discussed in the House. On other matters, I am not in a position to say what legislative measures will be introduced.

**An Ceann Comhairle:** I must repeat the Order of Business is not Question Time. Details of the kind being sought could be not be expected of anybody. I call Deputy Durkan.

**Deputy Caoimhghín Ó Caoláin:** It is either promised or threatened legislation.

**An Ceann Comhairle:** Deputy, come on. What is the number of Bills? The Deputy is an experienced parliamentarian and knows what I am saying.

**Deputy Caoimhghín Ó Caoláin:** We are more interested in the threatened legislation and what is coming down the track.

**Deputy Bernard J. Durkan:** I wish to raise two issues. For several months there have been numerous incidents involving explosive devices such as pipe bombs and hand grenades.

**An Ceann Comhairle:** Preambles are not allowed on the Order of Business.

**Deputy Bernard J. Durkan:** There is promised legislation.

**An Ceann Comhairle:** I know——

**Deputy Bernard J. Durkan:** With various other indications of an increase in criminal violence, what is the Government's intention to put the criminals involved behind bars? Under which legislation is it proposed to do this?

**An Ceann Comhairle:** Trawling and fishing are not allowed on the Order of Business.

**Deputy Bernard J. Durkan:** It is in order.

**An Ceann Comhairle:** I have told the Deputy 1,000 times to ask about specific legislation.

**Deputy Bernard J. Durkan:** I am asking a question on legislation.

**An Ceann Comhairle:** The Stardust debate is next for which we will only have one hour and three quarters.

**Deputy Bernard J. Durkan:** Will it be done under the criminal justice (forensic sampling and evidence) Bill, the criminal justice (miscellaneous provisions) Bill, the criminal justice (money laundering) Bill, the criminal procedure Bill or, perhaps, the explosives Bill?

**The Tánaiste:** All the Bills mentioned, apart from the explosives Bill, will be taken this session, as I told the Deputy last week. The explosives legislation will be taken later in the year.

**Deputy Enda Kenny:** We had explosive legislation today.

**Deputy Bernard J. Durkan:** I wish to raise another issue which I am sure is close to the Ceann Comhairle's heart. In the past nine years various Ministers boasted abroad about Ireland being a high wage economy.

**An Ceann Comhairle:** Will the Deputy ask a question?

**Deputy Bernard J. Durkan:** Several Ministers have said so. After today's performance, can we presume there will be a revision and that perhaps the begging Bill will be introduced as a matter of urgency?

**An Ceann Comhairle:** I do not know anything about the begging Bill. Does the Tánaiste?

**Deputy Bernard J. Durkan:** It is promised legislation.

**The Tánaiste:** The vagrancy Bill will be introduced later this year.

**Deputy Bernard J. Durkan:** Otherwise known as the begging Bill.

**The Tánaiste:** That is an inappropriate term to use.

**Deputy Bernard J. Durkan:** It is very appropriate, as the Tánaiste knows well.

**Deputy James Reilly:** With the Minister for Health and Children sitting beside the Tánaiste, will she inform the House when the health information Bill be published?

**The Tánaiste:** As it is out for consultation, I am not in a position to say when it will be before the House.

**Deputy Billy Timmins:** In the light of the Taoiseach's announcement to reduce overseas development aid by €95 million, will there be an impact on the provision of the Irish diaspora endowment fund Bill to provide €10 million over five years for the various organisations involved? Does the Government still intend to meet our commitment to the millennium development goal of reaching the figure of 0.7% of gross domestic product by 2012

**An Ceann Comhairle:** That question would be more appropriate to the line Minister. When is the legislation due?

**The Tánaiste:** In the middle of the year.

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

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

That, notwithstanding anything in Standing Orders or in the Resolution of the Dáil of 14th June, 2007, setting out the rota in which Questions to members of the Government are to be asked, or in the Resolution of the Dáil of 27th January, 2009, Questions for oral answer, following those next set down to the Minister for Foreign Affairs, shall be set down to Ministers in the following temporary sequence:

Minister for Transport

Minister for Finance

Minister for Health and Children

Tánaiste and Minister for Enterprise, Trade and Employment

where upon the sequence established by the Resolution of 14th June, 2007, shall continue with Questions to the Minister for Justice, Equality and Law Reform.

Question put and agreed to.



**Message from Select Committee.**

**An Ceann Comhairle:** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Land and Conveyancing Law Reform Bill 2006 and has made amendments thereto.

**Stardust Fire Tragedy: Motion.**

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I move:

That Dáil Éireann:

- notes the report of the independent examination by Mr. Paul Coffey SC of the concerns of the Stardust Victims Committee in relation to the investigation of the cause of the fire disaster;
- acknowledges that the cause of the fire is unknown, the original finding of arson is a mere hypothetical explanation and is not demonstrated by any evidence and that none of the persons present on the night of the fire can be held responsible for it;
- accepts the view of Mr. Coffey that to establish a new Tribunal to investigate the cause of the fire in the absence of any identified evidence would not be in the public interest;
- supports the Government in establishing a Committee to monitor the counselling and medical needs of the survivors and bereaved; and
- expresses its continuing and deep sympathy with all of the victims and bereaved of the Stardust Fire tragedy.

The circumstances of the tragedy at the Stardust will no doubt be recounted by many of those who speak this evening and the brutal facts are known to us all. Nevertheless, it is only right that I begin by recording them, out of respect for all affected and in recognition of the magnitude of the tragedy.

On the evening of 13 February 1981, of the tens of thousands of young people who went out to enjoy themselves across the country, several hundred attended a disco at the Stardust ballroom in Artane, Dublin. Forty eight of those young people never came home, 148 were seriously injured and all were caught up in what was undoubtedly one of the most horrific events of recent history. The reaction throughout society was one of immediate and overwhelming shock, sympathy and outrage. Compelled by the same feelings, the then Government moved quickly to establish a tribunal of inquiry with extensive terms of reference to inquire into the circumstances of the fire, as well as the measures to prevent and deal with it.

The inquiry, carried out by a former Chief Justice, was a substantial and extensive examination. It sat for 122 days and heard evidence from 363 witnesses, 161 of whom were present in the building on the night of the fire. Its findings as to the adequacy of the fire safety measures in place were damning, as were its conclusions concerning the means of escape. The locking and chaining of doors intended for fire escape are recalled by everyone to this day.

The tribunal was also highly critical of the emergency response. Notwithstanding the dedication and bravery of the individual officers, it found the management systems, equipment and training of the fire service were lacking. It also found serious shortcomings in the initial investigation by the Garda, the Forensic Science Laboratory and in the overall regulatory environment.

The tribunal did not simply identify these inadequacies, it went on to chart a programme for modernising the fire prevention and protection regime in the State. There has been a significant long-term impact on fire safety as a result of action taken on foot of these recommendations. A new legislative framework was put in place under the Fire Services Acts 1981 and 2003. This fixes the person in control of a building with a statutory responsibility to take precautions to prevent the outbreak of fire and, in the event of fire, to ensure the safety of persons on the premises. Locking of doors and the blocking of escape routes are specific offences under regulations made under the 1981 Act. Powers of inspection, enforcement and prosecution have all been strengthened. At the same time, substantial investment in fire service infrastructure, communications, equipment, staffing and training have all transformed the service from what it was in 1981. It should not have taken this tragedy to bring forward these recommendations and provide focus for their implementation, but these are nevertheless part of the legacy of Stardust.

There was, however, undoubtedly dissatisfaction from many of the victims with the outcome of the tribunal in so far as the identification of arson as a possible cause was concerned. In recent years the Stardust victims' committee has urged the Government to reopen the inquiry. Discussions between officials from my Department and representatives of the families led in 2004 to the presentation of a submission on behalf of the Stardust victims' committee, which examined a range of issues relating to the fire and its investigation. This submission was carefully examined but the advice received was that it did not amount to new evidence such that the original inquiry should be reopened.

Communication channels were maintained with the committee and at all times it was made clear that any further submission it or the representatives wished to make would be carefully examined. This in turn led to the submission of the document, *Nothing but the Truth*, a far more extensive submission than that earlier presented. Whereas the advice remained that it did not contain new evidence, in deference to the strength of concerns expressed by the families, the Government agreed that it would appoint an independent person to examine the process.

Every facility was made available to the families in agreeing the terms of reference for this examination and in providing funding to assist them in meeting the legal and technical expert costs of participating in the process. That report had been received and considered by Government and was put into the public domain on Friday, 23 January. Rather than attempt to summarise all of its detailed deliberations, I will address its salient contents, particularly in so far as they relate to the motion laid before the House.

Mr. Coffey concludes that the finding of probable arson was on its face a mere hypothetical finding only. He recommends that the Government should consider whether it can correct the public record by placing on the record of the Dáil and Seanad an acknowledgement of the original tribunal's finding that there is no evidence that the fire was started deliberately and that the cause of the fire is unknown. The primary purpose of this motion is to acknowledge the original tribunal's findings concerning the absence of evidence and to put this on the public record as recommended by Mr. Coffey.

The Government acknowledges that the Report of the Tribunal of Inquiry on the Fire at the Stardust Artane, Dublin on 14 February 1981 at paragraph 6.167 states:

The cause of fire is not known and may never be known. There is no evidence of an accidental origin; and equally no evidence that the fire was started deliberately.

The Government wishes to acknowledge that as a matter of fact the actual cause of the catastrophic fire at the Stardust on 14 February 1981 is unknown. None of the victims of the Stardust

[Deputy Dermot Ahern.]

disaster or the persons present at the Stardust on the night of the fire can be held responsible for the fire. We simply cannot say how the fire was caused and nobody present on the night can be held responsible for its cause.

Mr. Coffey has further considered the case made by the committee for a new inquiry. His conclusion is that the committee has not identified any new or available evidence capable of establishing the cause of the fire. He states that whereas it could be argued that a further inquiry would at least establish whether the fire began in the west alcove or in the roof space, it seems to him that at a remove of nearly three decades from the date of the fire and in the absence of any identified evidence which can establish the cause of the fire wheresoever it arose, the public interest would not be served in establishing a further inquiry solely for that purpose.

He also considers whether a case can be made for a further inquiry to assess the probable cause of the fire but concludes that in the absence of any identified evidence capable of establishing the cause of the fire, such an inquiry can only at best produce a hypothetical finding neither capable of proof nor disproof and therefore of no obvious or any forensic value. The Government accepts the view of Mr. Coffey that to establish a new tribunal to investigate the cause of the fire in the absence of any identified evidence which could establish the case of the fire would not be in the public interest. It would simply not have a realistic prospect of coming to any definitive conclusions concerning the cause of the fire and would not materially advance our knowledge, or that of the families, as to its factual cause.

Rather than pursuing such an avenue, the Government is more concerned at making progress on the discretionary recommendation made by Mr. Coffey. The intention is that a committee will be established to monitor the progress of the victims and ensure any outstanding necessary counselling and medical treatment are afforded to the survivors and the bereaved. The practical arrangements for this will be discussed with the families and their representatives.

Mr. Coffey's report calls attention to criticism of the State's response at the time to meeting the needs of the survivors and bereaved in the aftermath of the disaster. Just as the technical and operational dimensions of fire prevention have changed dramatically since the Stardust fire, so too has our understanding of how to respond to the human needs and impact of a major accident or emergency.

Our response in recent times to meet the needs of the families of the five unidentified Stardust victims underscores that change in awareness. A process was put in place in conjunction with the families in question which led to the identification of their relatives. All of the relevant State agencies provided their full support throughout that process and met all the costs arising. A counselling facility was made available and assistance was provided with private funeral arrangements.

A similar spirit will inform the arrangements for the committee the Government is to establish so as to monitor the medical and counselling needs. I will not pretend to know what the impact of Mr. Coffey's findings and this motion will be on individual victims or their families. Members of the committee have come here this evening to witness this motion and I hope this may provide some resolution.

None of us can put ourselves in the places of the bereaved or presume to know how they might feel, but some have responded to indicate that the findings have brought some small amount of closure. I hope that is the case. It goes without saying that our words are of little consequence against the enormity of the loss but, on behalf of the Government, I wish to express our deep and continuing sympathy at the impact of this tragedy.

**Deputy Terence Flanagan:** I stand today to speak regarding the correction of the Dáil record relating to the cause of the Stardust fire. The Dáil record will now read that there is no evidence that the Stardust fire was started deliberately and that the cause of the fire is unknown.

I welcome all the members of the Stardust victims' committee here today to witness the Dáil record being corrected. I and all members of the Fine Gael Party, led by Deputy Enda Kenny, who took a personal interest in the case and did all he could, wish to commend the work undertaken by the Stardust victims' committee in their fight for justice for the 48 victims of the Stardust tragedy. The conviction and courage which they displayed in their fight for justice is to be commended by this House. The committee fought a long and hard battle to get justice for the victims of this tragedy. To show its impartiality, it is often said that justice is blind; on the issue of Stardust it appeared sometimes that justice was deaf to the truth as well.

As a local Deputy and a person who grew up close to where the Stardust tragedy took place, I have been fully aware during the course of my life of the scale of the tragedy that took place on St. Valentine's Day 1981, when 48 innocent lives were lost and serious injury was caused to 128 others in the fire that broke out in the Stardust nightclub in Artane. Nobody from north Dublin was untouched by the tragedy. Families lost love ones, communities lost neighbours and those who did not know the dead lived in fear that the same could happen to their own family and friends.

I am very angry and really annoyed with the length of time it has taken the Government to amend the Dáil record. We would not be here today if not for the fight and determination of those in the Stardust victims' committee who refused from day one to accept the report of the tribunal of inquiry into the tragedy in 1981. There have been many dark days for those on the victims' committee, yet their determination has been relentless in trying to get the truth into the public domain as to what really happened on that night.

The manner in which the Stardust victims' committee was treated down through the years and even recently is nothing short of a disgrace. The pain of their loss was magnified by their anger with the length of time it has taken for these people to get some justice. The compensation awarded to victims' families was dreadful and pathetic.

Since being elected as a public representative, I have tried on all occasions to support the victims' committee in its quest to have the investigation reopened and to obtain the truth as to what really happened. The original tribunal report was flawed and stated that the most probable cause of the Stardust fire was arson. This inaccuracy was allowed to continue unchallenged for many years as successive Governments refused to hold another inquiry. Defending a mistaken conclusion in the report made the horror the families involved suffered all the worse.

I commend the role played by the media, particularly in the context of various editions of RTE's "Prime Time" programme, which helped highlight the flaws of the Keane tribunal. It took pressure from the media, from those in the political arena and from the victims' committee to force the Government to reopen this inquiry. Victims' families continually campaigned for a new public inquiry, based on new evidence and witness statements that contradicted the Keane inquiry's conclusions. The committee also obtained three reports from fire experts, which also contradicted the findings in the Keane report. It took 26 years, from 15 February 1981 until 13 April 2007, to obtain an external examination to ascertain if there was a case to reopen the inquiry. Mr. John Gallagher was chosen to head that inquiry.

The families of the Stardust victims were informed that full costs arising from an examination into their claims for a public inquiry would not be paid by the State. This caused considerable anguish because the families reportedly believed that, without aid, they would not be able to match the resources of other parties involved in the examination and so put their case effec-

[Deputy Terence Flanagan.]

tively. The inquiry was thrown into doubt when it was revealed that Mr. Gallagher had acted as a junior counsel for the Garda when the deaths were brought before the Coroner's Court in 1982. On 29 March 2008, Mr. Gallagher resigned from the commission. Solicitor for the families, Mr. Greg O'Neill, said his clients had lost all faith in the process of private assessment and that their submission, *Nothing But the Truth*, which was presented to Mr. Gallagher should be brought to a full public inquiry.

On 10 July 2008 the Government finally established an independent examination of the case for a renewed inquiry into the cause of the fire at the Stardust, Artane, headed by Mr. Paul Coffey, SC. Mr. Coffey's report was noted by Government and published on 23 January 2009. Once again, however, the victims' committee was treated poorly by the Government and was obliged to stage a protest at Government Buildings in order to obtain a copy of the Coffey report. I strongly welcome the recommendation in the Coffey report which acknowledges that the actual cause of the fire is unknown and that none of the persons present on the night in question could be held responsible.

I give my full support to the Stardust victims' committee's statement of 23 January and I wish to place on the record five points contained therein:

- Mr. Coffey's findings and conclusions finally justify and vindicate the Stardust families campaign for the truth about the Stardust fire disaster to be publicly acknowledged and acted upon by the Government.
- That the Stardust Victims and their families were abandoned by the State is graphically acknowledged by Mr. Coffey in his call for Government action to see to the unmet needs of the victims and their families twenty eight years after the disaster. It alone stands as an indictment of the Irish State.
- The removal of the findings of arson opens a door that was closed to the families. The finding of arson caused considerable distress to the bereaved families and injured survivors and deterred them from pursuing remedies through the courts against the owners and operators of the premises and/or public bodies with statutory responsibilities.
- Mr Coffey's findings and conclusions present an opportunity for the Irish State to remedy the injustice the families have suffered. The families call upon the Government to examine the issues outlined in this report with a view to establishing the likely cause of the fire. The families will cooperate with the Government and all political parties in the Dáil to see that Mr. Coffey's recommendations are fully implemented.
- Today [23 January] is a significant day for the Stardust families as it marks the first official acknowledgement of the justice of their case after nearly three decades of gross injustice.

I welcome the recommendation from the Government to the effect that the State should provide medical and counselling treatment to the victims. It was another failing of the State at the time not to provide help or support to those families of the victims. All victims should have received these services when the original tribunal report was published.

I commend the work of the Stardust victims' committee, which is led, among others, by Ms Christine Keegan, Ms Antoinette Keegan and Ms Gertrude Barrett. Those involved with the committee deserve our respect and our praise. Without their drive, determination and commitment, the Dáil record would have remained incorrect. They have defended their loved ones with dignity, honour and passion. No one could have done more. I salute their achievement.



**Deputy Thomas P. Broughan:** I wish to share time with Deputy Ó Snodaigh.

**An Ceann Comhairle:** I understand Deputy Broughan will have 13 minutes and Deputy Ó Snodaigh two.

**Deputy Thomas P. Broughan:** I welcome the opportunity to contribute to the debate on this historic motion. I also warmly welcome the many Stardust survivors and family members who are present in the Public Gallery to finally witness the correction of the official public record on what happened at the Stardust nightclub in Artane almost 28 years ago, when 48 young people so tragically lost their lives. This motion is a vindication of the heroic and valiant nearly 28-year campaign on the part of the Stardust families to achieve some level of justice for their loved ones and for the survivors of the inferno which occurred at the nightclub in 1981.

I have already warmly welcomed two critical recommendations in the report undertaken by Mr. Paul Coffey, SC, on the correction of the public record on the 1981 Stardust disaster to acknowledge “that the cause of the fire is unknown and that none of the persons present on the night of the fire can be held responsible for it” and on the urgent need to establish “a Committee to monitor the counselling and medical needs of the survivors and bereaved”.

It has been a long and difficult struggle for the Stardust victims’ and relatives’ committee. Every step forward in this search for justice and truth has been the result of tenacious and ferocious effort on the part of the victims and relatives, often in the face of appalling stonewalling and seeming duplicity by successive Fianna Fáil-led Governments. In late 2006 and early 2007, the positive identification of the five remaining unidentified victims of the Stardust tragedy at St. Fintan’s Cemetery, Sutton, was another major victory in the victims and relatives long and courageous campaign.

I again pay public tribute to the outstanding leadership shown by Ms Christine Keegan, Ms Antoinette Keegan, Ms Gertrude Barrett and Ms Brid McDermott of the Stardust victims’ and relatives’ committee. Without these women, the Coffey report and tonight’s quashing of the Keane conclusion of arson would never have come about.

The 1981 Stardust tragedy was the worst fire disaster in the history of the State. On St. Valentine’s night of that year, 48 young people predominantly from parishes — Bonnybrook, Kilmore, Coolock, Darndale, Kilbarrack, Raheny and Donaghmede — across my constituency of Dublin North-East and my city ward of Artane went out for the night to socialise, as young people throughout the world often do, and tragically never returned home to their families.

The impact of the Stardust disaster on communities throughout Dublin North-East and the Artane ward was indescribably devastating. Some families lost two or three of their beloved sons and daughters. On some streets every second house had a family connection to one of the tragic victims or survivors of the events that occurred on St. Valentine’s night 1981. The scars relating to what happened that night are still deeply etched across our community and have been made worse by the appallingly shabby and at times almost inhuman way the Stardust victims and relatives have been treated in the 28 years since the disaster.

The abandonment of the Stardust victims and their relatives by the State and the refusal to investigate forensically every aspect of what really happened on that tragic night is without doubt one of the most shameful and unjust episodes in our country’s entire history. In the mid-1980s, survivors and the bereaved received very modest compensation payments. Even worse, basic facilities such as counselling services for the survivors and the bereaved or ongoing medical monitoring for those who had been severely injured on the night of the fire were never provided or made available.



[Deputy Thomas P. Broughan.]

Over 21 years ago, I was involved in the titanic struggle on the part of the Stardust victims' and relatives' committee to establish the Stardust Memorial Park in Coolock to commemorate the victims of the disaster. As secretary of the Bonnybrook parish committee, I joined Ms Chrissie Keegan, Ms Antoinette Keegan, Ms Barrett, Mr. Willie Mulvey, Mr. Jimmy Dunne and others on the picket line outside the office of the then Taoiseach, Charles Haughey. As a result of this, we were eventually given a grant of £500,000 by what was then Dublin Corporation.

The horrific deaths and injuries of that terrible night were also compounded by the conclusions of the wholly flawed Keane report. The conclusion that arson was the most probable cause of the 1981 fire was particularly grievous and offensive for the Stardust survivors and relatives who rightly felt this cast a completely unacceptable slur on their blameless loved ones who had innocently gone out for the night and ended up in a nightmarish inferno at the Stardust. A key element of the Stardust families' campaign, which has been vindicated tonight, has therefore always been to have this unsafe and indefensible conclusion rejected and expunged from the public record.

In the Dáil debate in February 2006, I called the conclusions of the original Keane tribunal report into the Stardust disaster "untrustworthy, unfair and unsafe". I still believe that is the case and over the years outstanding pieces of investigative work by the Stardust victims' committee and its technical adviser, Ms Geraldine Foy, and by various journalists, especially the landmark book, *They Never Came Home: The Stardust Story*, by our distinguished northside journalists Tony McCullogh and Neil Fetherstonhaugh, have built up a case that has culminated in the Coffey report and today's correction of the official record of the State.

In 2001, the publication of *They Never Came Home: The Stardust Story*, by Tony McCullogh and Neil Fetherstonhaugh, was a catalyst in the re-examination of Mr. Justice Keane's conclusions. The book, which got its title from a song by Christy Moore, a great supporter of the Stardust relatives, concluded that the fire was not malicious and had possibly started in the roof space and not in the seats in the west alcove.

In 2004, the Stardust victims' committee commissioned a local scientist, Ms Geraldine Foy, to revisit the 1982 Keane tribunal report and to collate all of the new evidence that had come to light from various media and professional investigations into the disaster. The subsequent paper by Ms Foy forensically demolished the Keane report conclusion that the fire was begun deliberately.

The report also published compelling evidence that the Keane conclusion on the location of the origin of the fire was patently unsound. Indeed, Ms Foy's report clearly showed that the Keane tribunal had inaccurate plans for the Stardust building and ignored the role of a large quantity of stored inflammables in the conflagration.

In November 2004, I accompanied a delegation of Stardust survivors and relatives to meet Mr. Sean Aylward, Secretary General of the Department of Justice, Equality and Law Reform, and Mr. Noel Sinnott, principal officer, on the conclusions of Geraldine Foy's report. Unfortunately, the members of the Stardust victims' committee felt compelled to walk out of that meeting because they believed rightly that the Department was refusing to take this report seriously.

In February 2006, I based my rejection in this House of the Keane tribunal report on six key elements. First, the serious conflict of interest in the use of the fire research station of the United Kingdom Department of the Environment, which had also worked immediately prior to the disaster for Dublin Corporation; second, section 8.92 of the Keane tribunal report —

the serious breaches of building by-laws and public resort laws, which were never properly dealt with or invigilated by the Keane tribunal; third, the deeply flawed original forensic examination by the gardaí and the Department of Justice; fourth, the faulty conclusions on the operation of the electrical system within the Stardust; fifth, the faulty conclusions on the origin of the fire on the night of the inferno; and, sixth, the failure to bring anybody to account for the deaths of 48 young people that night.

Fundamental questions remain about how the Stardust was run, how the relevant authorities and especially Dublin Corporation at the time invigilated the operation of the Stardust in terms of planning and fire safety and fire control laws, and the appalling stories we have subsequently heard about chained and locked emergency exits. Profound local suspicions remain that the authorities never intended to investigate fully what happened on the night of the fire, and there are allegations of even deeper conspiracies to prevent the truth coming out.

Following another initiative by the Stardust victims' committee, in November 2006 a detailed memorandum, *Nothing But The Truth — The Case for a New Public Inquiry*, was sent to the former Taoiseach, Deputy Bertie Ahern, outlining the reason a new inquiry was essential. That submission by the committee's solicitor, Mr. Greg O'Neill, painstakingly reviewed all the evidence submitted to the Keane tribunal, and subsequent new discoveries, and made a powerful conclusion that there was no basis in evidence for the finding of arson. Especially striking in Mr. O'Neill's fine report is the evidence given by fire experts Mr. Robin Knox, a former fire chief in Dublin, Mr. Tony Gillick, and the professor of fire dynamics in University of Ulster, Professor Delichatsios.

The victims' committee was treated appallingly during this period and given the run-around by the then Taoiseach, Deputy Ahern, and the Minister for Justice, Equality and Law Reform, Deputy Michael McDowell. Like the relatives, I was dismayed by the Government lethargy at the time, especially as the Taoiseach, Deputy Bertie Ahern, lived only about 100 metres from the nightclub at the time of the inferno.

In July 2008, Mr. Paul Coffey was appointed to conduct the independent examination of the Stardust victims' committee's case for a reopened inquiry into the fire and produced the recommendations we have before us. On the day of the report's publication last week, I strongly welcomed conclusions 5.11, 5.12, 5.13 and 5.14 which clearly acknowledge that the original Keane tribunal conclusion that arson was the cause of the 1981 fire is unsound and unsafe and must be officially and publicly rejected.

Mr. Coffey's key recommendation that the Government should correct the public record "by placing on the record of the Dáil and Seanad an acknowledgement of the tribunal's findings that there is no evidence that the fire was started deliberately and that the cause of the fire is unknown" provides a full vindication of the long campaign of the Stardust victims' committee.

**Deputy Ruairí Quinn:** Hear, hear.

**Deputy Thomas P. Broughan:** The further recommendation of Mr. Coffey that "if such an acknowledgement cannot be made whether by this method or any other appropriate method of the Government's devising, this of itself would prove the need for a further limited inquiry to clarify the public record" provides irrefutable evidence that the 1982 Keane report was flawed.

The core of Mr. Coffey's final report, therefore, adopts and accepts one of the long-standing key arguments of the Stardust victims' committee that the original tribunal's "finding of fact that the fire was probably caused deliberately is based on hypothesis and not established by evidence and is for that reason inherently unsatisfactory".

[Deputy Thomas P. Broughan.]

I note that conclusion is fully reflected in the Government's motion before us. The full legal implications of this finding have not yet been fully comprehended and digested and I am aware that the report is still being carefully studied by the Stardust victims' committee and its advisors. I regret, however, that the fifth part of the motion does not clearly apologise for the grief and distress endured by the relatives and survivors because of the Keane tribunal finding.

The second most critical recommendation of Mr. Coffey relates to the establishment of a committee to monitor finally the progress of the victims and their relatives and ensure that counselling and medical treatment, where necessary and appropriate, are afforded to the survivors and the bereaved at the expense of the State.

Some Stardust survivors and relatives may be disappointed that a new inquiry has not been recommended in this report, and it must be stated that for the past five years the committee has been seeking a commission of investigation under the McDowell legislation and not a tribunal.

I share some of that disappointment although I am delighted that the Coffey report has rejected the key finding of the original tribunal report and fully vindicated the work of the Stardust victims' committee. I still believe there is a case to be made for a new comprehensive but short commission of investigation under the 2004 Act to address fully issues of the cause of and wider culpability for the fire.

Besides the immediate cause of the fire there are the wider issues of responsibility under the planning and building control regulations of the time and the obstruction of the Keane tribunal by Eamon and Patrick Butterly. Dublin Corporation building control section certainly knew the Stardust was a dangerously-run building before the disaster and many of my constituents believe the owners, and Dublin Corporation, should still be prosecuted for their failures.

However, this night belongs to Christine, Antoinette, Gertrude, Brid, Willie, Jimmy, Linda and all of the other Stardust survivors and families who fought so hard in memory of their 48 beloved family members who perished on that awful night in 1981. I hope they will now find some measure of closure and peace in their lives.

It is also appropriate at this time to remember each of the tragic young victims of 14 February 1981: Michael Barrett, Richard Bennett, Carol Bissett, James Buckley, Paula Byrne, Caroline Carey, John Colgan, Jacqueline Croker, Liam Dunne, Michael Farrell, David Flood, Thelma Frazer, Michael French, Josephine Glen, Michael Griffiths, Robert Hillick, Brian Hobbs, Eugene Hogan, Murtagh Kavanagh, Martina Keegan, Mary Keegan, Robert Kelly, Mary Kennedy, Mary Kenny, Margaret Kiernan, Sandra Lawless, Francis Lawlor, Maureen Lawlor, Paula Lewis, Eamon Loughman, George McDermott, Marcella McDermott, William McDermott, Julie McDonnell, Teresa McDonnell, Gerard McGrath, Caroline McHugh, Donna Mahon, Helena Mangan, James Millar, Susan Morgan, David Morton, Kathleen Muldoon, George O'Connor, Brendan O'Meara, John Stout, Margaret Thornton, Paul Wade.

Let us also not forget the great John Keegan, father of Mary and Martina, husband of Christine and father of Antoinette. In the words of Laurence Binyon on its First Memorial Stone in Beaumont Hospital:

They shall grow not old, as we that are left grow old;

Age shall not weary them, nor the years condemn.

At the going down of the sun and in the morning

We will remember them.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom, fiú anois 28 bliain tar éis an eachtra uafásach a tharla, comhbhrón a dhéanamh arís leis na clanna a gortaíodh nó a chaill mac nó iníon san uafás sin.

This month 28 years ago Ireland witnessed the worst fire disaster in the history of the State. The inferno in the Stardust disco cost the lives of 48 young people. It caused horrific injuries to many others and devastated the working class communities affected. While 48 lost their lives as a direct consequence of the fire, the pain and suffering of those families affected led to poor health and mental anguish. This was compounded by the Government and legal inaction in the following years.

That family members of the victims of the Stardust fire had to stage a three day sit-in outside Government Buildings last month to force the Government to publish the latest report on the fire has been typical of their treatment. The survivors and families of victims were forced to fight hard for justice for their loved ones. From the fight for compensation to the fight for a commemorative park, they have had to battle every step of the way. I applaud each and every one of those affected by the Stardust disaster.

The findings of the original 1982 tribunal of inquiry into the Stardust fire were contradictory. The tribunal of inquiry concluded that there was no evidence of an accidental origin to the fire and equally no evidence that the fire had been started deliberately. However, it also concluded that the probable cause of the fire was arson. This unsubstantiated and inconsistent finding which was always contested by the families has been decisively dismissed by the independent examination commissioned by the Government and published last month.

It was the unsound conclusion of probable arson which paved the way for the owners of the Stardust, the Butterly family, to successfully sue the taxpayer for £600,000 for malicious damage. The profit hungry pub owners and management were responsible for an extremely dangerous policy of locking and chaining the emergency exits and placed steel plates over numerous windows, all of which grossly impeded emergency exit. They continued this policy despite receiving notices from Dublin Corporation in advance of the fire demanding that these practices cease.

The victims of the fire were predominantly working class and many were in a financially vulnerable position. It was several years after the payout to the Butterly family that they secured compensation. I wonder whether the Butterly family will be asked or compelled to repay the £600,000 award it received.

To date, no one has been held liable or accountable for the devastating loss of life in the Stardust fire. One cannot help but suspect that if the tragedy had occurred in a nightclub in a more affluent area, the Government response to the victims and the legal repercussions for recklessly negligent owners and management would have been different.

Mr. Coffey's categorical finding that there is no evidence of arson finally opens the door to legal cases by the families. Mr. Coffey also recommended that a structure be put in place to ensure the outstanding needs for counselling and medical treatment are met. That such a basic necessity needs to be spelled out 28 years on from the fire is an indictment of this and previous Governments and their unforgivable abandonment of the victims and their families.

In 2001 a fire broke out in a public house in the Netherlands killing 14 people and injuring 300 others. The Dutch authorities put all questions of legal liability to the side and instantly made €18 million available for social and psychological care for the victims. As a state and society, we should be judged on how we meet the needs of our most vulnerable citizens. The shameful treatment of all those devastated by the Stardust disaster is evidence that we still have a very long way to go.

Comhbhrón ó chroí dóibh siúd a gortaíodh agus dóibh siúd a chaill mac nó iníon sa tragóid uafásach seo. Tá súil agam go mbeidh suaimhneas síoraí acu siúd atá imithe romhainn a fuair bás ar an oíche ghránna sin.

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** I am pleased to have an opportunity to make a small contribution to this debate. This is an important motion, having regard to the history of the Stardust fire. The fire in the Stardust nightclub in Artane on St. Valentine's Day 1981 was an appalling tragedy which resulted in a terrible loss of life. Forty-eight people were killed and many more injured in the fire. All those who died were young people looking forward to the future and living full and active lives. Their families were devastated by the fire which has scarred the communities of Artane, Coolock, Raheny, Donnycarney and Kilbarrack to this day.

The tribunal of inquiry established at the time, the so-called Keane inquiry, found that the probable cause of the fire was arson. This was a hopeless finding which did not satisfy anybody and caused serious distress for the families of the bereaved. That it was merely an opinion of the inquiry chairman made matters worse. The motion is important for this reason. Notwithstanding the location of the fire when it first started, its cause remains unknown and it appears from the findings of Mr. Paul Coffey that it will never be known.

I pay tribute to Mr. Greg O'Neill, solicitor for the families of the Stardust victims, who in 2006 presented to the Government the families' submission entitled, *Nothing but the Truth*. As stated, the submission was largely based on a previous book written by Neil Fetherstonhaugh and Tony McCullagh entitled, *They Never Came Home: The Stardust Story*, which features a foreword by Christy Moore. Anybody who wishes to understand the full circumstances of the Stardust fire should read this book which is a fair and accurate reflection of the fire and subsequent events. I wish, however, to clear up one of a small number of inaccuracies in the book because it is raised from time to time. The submission that Mr. Patrick Butterly was related in some way to my father, Mr. Charles Haughey, or his election agent at the time, Mr. Pat O'Connor, is a complete inaccuracy. It is worthwhile to correct the record on this matter.

I regret that Deputies Terence Flanagan and Broughan introduced a party political note to the debate. It should be noted that a Fine Gael-Labour Party Government led by Garret FitzGerald established the compensation arrangements which have been criticised in this debate. We should not take a party political stance on the issue. Any fair-minded assessment of the book to which I referred will demonstrate that my father, the late Charles Haughey, did everything in his power to deal with the matter, as has been recognised by the relatives of the victims of the Stardust fire. For this reason, I regret the party political tone introduced to the debate.

I pay tribute to the Stardust victims' committee, in particular the Keegan family, including the late John Keegan whom I did not know very well, and Christine Keegan and her daughter, Antoinette, whom I know very well. I have worked constructively with them and other members of the committee on a number of issues during the years. From time to time, certain issues rose temporarily to the top of the committee's agenda. One such issue was the planning applications submitted for the site of the Stardust nightclub in Artane. As a city councillor, I was pleased to work with the committee on the insensitive planning applications submitted by the Butterly family in respect of the site and we were successful in that regard. The idea that one would open a public house or licensed premises on the site is simply appalling, as Dublin City Council recognised. It has still to be determined what will happen to the site.

The owners of the Stardust nightclub, the Butterly family, have many questions to answer. The tribunal found that they had acted with reckless disregard for the safety of their patrons, although no charges have been brought against members of the family. It is ironic in the extreme that the Butterly family subsequently claimed substantial damages from Dublin Corporation.



I also worked closely with the Stardust victims' committee on the provision of a suitable memorial to the victims of the awful tragedy. The Stardust Memorial Park in Bonnybrook, constructed at a cost of £250,000, is a suitable and fitting memorial to those who died in the fire. It consists of a park, water feature, rose garden and a sculpture of two young dancers designed by Mr. Robin Buick. For relatives or anyone affected by the fire in any way, the park is a place where one can get solitude and remember the victims.

I also worked with the committee on its strong wish that such a tragedy never happens again. A lot of work has been done in that regard. The Minister outlined in his address what has been done to prevent such a tragedy from happening again. All of the Stardust recommendations have received full and careful consideration and have been implemented or taken into account in the ongoing formulation of policy on fire safety and the development of local authority fire services in the intervening period.

Improvements have been carried out on a comprehensive basis. The fire service has changed totally since 1981. There have been significant improvements, affecting all areas of the service and how it does its business, especially in more recent years. These include increased investment in infrastructure and equipment, more staff, better training and communications and various pieces of legislation. The committee can be proud that it achieved its objective to do everything possible to prevent such a tragedy from happening in future.

On 17 April 2002 I wrote to Ms Antoinette Keegan and said I believed there was now a compelling case to review all aspects of this situation, having regard to recent developments, new information and the changed circumstances and supported her demand for a new inquiry to look at the causes and circumstances of the fire and to examine the issue of compensation for survivors and relatives of the disaster.

It has been a long battle but much progress was made down through the years. The five unidentified victims could be identified, having been exhumed and undergone new scientific analysis using DNA. That has brought enormous comfort to the families involved. I have often visited the graves in St. Fintan's Cemetery in Sutton and it is a great relief to see the individual headstones and that the families can be sure of exactly where their loved ones are buried.

I am conscious of the recommendation from Mr. Paul Coffey that outstanding counselling and medical treatment should be afforded to survivors and the bereaved. This should have been provided by the State to those who were obviously suffering. I welcome that recommendation. The committee should be set up immediately, with involvement from the HSE. I take on board what the Minister said this evening.

I thank the former Taoiseach, Deputy Bertie Ahern. He showed enormous patience in dealing with this issue and moving on the agenda. I also thank the media and, in particular, RTE for highlighting various issues of concern to the committee over the years. Finally, I extend by sincere sympathy, at this difficult time when we are coming up to the anniversary of the fire, to the families of the victims and those who were injured. I hope the report and this motion will provide some sort of closure and peace of mind.

**Deputy Richard Bruton:** I sympathise with the families who have suffered such appalling hurt extended over a long period. Many people regard me as having been a long time in the Dáil, but this happened before I came to represent Dublin North-Central. It was one of the most appalling experiences any family could go through and put huge scars on people's lives that can never be repaired. We welcome that at long last, after 27 years, there will be provision made to support those people. They have been through such an appalling experience that it is disappointing it has taken so long to come to this day.



[Deputy Richard Bruton.]

Many of the families and those in the neighbourhood felt seriously aggrieved that a cloud hung over those who attended on that night. The suggestion that arson was a possible cause of this fire has been another burden to carry and has caused anger and frustration, which has been made worse by the fact that there was a sense that no one was ever held responsible for what happened. The performance on the night, the way the place was run and the lack of responsibility taken by those responsible for it wounded people, and they will never overcome the experience.

I welcome this step forward. It is good to see that at last the cloud of arson as a cause is being removed and has not been supported by any of the facts, as found by Mr. Coffey. It is progress. At this stage we must try and let people move on with as much dignity as possible after such a painful experience.

I share Deputy Haughey's view that the former Taoiseach took an enduring interest in this case. One of his strengths in politics has always been the ability to try and find ways to move something forward, even when dealing with difficult things. This case did sustain his interest. I know there were frustrations along the way and people felt that maybe he had lost sight of the ball at times, but it was something he tried to keep on the agenda.

I hope the relatives can take some sustenance from this report and the views of all parties in the Oireachtas supporting their position after so many years. We are coming up to the terrible anniversary, which will be a very difficult time for those affected but hopefully there will be a sense that something has been achieved for the huge perseverance and commitment that those who have been involved in this campaign over many years have shown.

I, like other Members of the House, pay sympathy to those who are represented in the Gallery and many others who cannot be here and have also suffered huge hurt over the years. I hope this, in some way, brings a part of the chapter to a close, even though we all know the wounds will never be healed in their entirety.

**Deputy Cyprian Brady:** I welcome the opportunity to speak on this motion and continue the analogy mentioned by Deputy Bruton that this process is the removal of one cloud from over the heads of the families and friends of those lost that night. Any discussion we have here must start with a recognition of the loss and grief of the families and friends of the young people who died that night.

Over the years, while the grief may have diminished for the wider community around the Stardust, it has not for the families and friends of those who were there that night. Coming from that area originally and having had friends and family there on that night, I remember the atmosphere of grief and shock that pervaded the area for many weeks and, as Deputy Haughey said, for many years after that fateful night. It is something a community, as a whole, takes a long time to recover from. The step forward we are taking tonight, after many years of fighting by the victims' friends and families, is to be welcomed. As well as those who lost their lives that night, many were seriously injured. We should recognise that they and their families have had to live with the aftermath for the past 28 years.

As others pointed out, there have been a number of efforts, in conjunction with the families, to obtain some form of closure. The Coffey report recognises that it is not possible to conclude that arson took place that night, which will assist the families in trying to come to terms with what happened. We read the books and saw the television programmes, but if one was not in the Stardust or had a family member there that night, it is impossible to comprehend what it is like to go through something like it.

Efforts have been made by parties on both sides of the House to bring closure to the Stardust tragedy and it is right not to politicise this matter. There were legal complications along the way and other issues with which the families were unhappy. It is welcome, however, that some progress has been made. In this respect the Minister of State, Deputy Haughey, mentioned the memorial. In addition, the Minister, Deputy Dermot Ahern, has referred to victims whose remains could not be identified. Huge efforts were made to resolve that issue which was one step along a very long road.

The various inquiries, including the initial Stardust tribunal, raised issues such as door locks and the response of the emergency services. Recommendations have led to the transformation of fire and medical services. Please God, we will never have to go through another night like that one which brought to light all the inadequacies inside and outside the building, as well as those of the services involved. Many changes have taken place as a direct result of some of the information gained following the tragedy.

The possibility of arson was always hanging over what had happened in the Stardust, but the Coffey report has finally put to rest any such question marks. I welcome the Government's acknowledgement that there is no recognisable cause of the fire. Twenty eight years is a long time in anybody's life. Things can change over such a time and it is very difficult to find answers at such a remove.

I fully support the recommendations concerning services required by the families concerned. Part of the thrust of the efforts made is to provide adequate services which everybody accepts were not provided at the start. These include bereavement counselling and medical services which must be provided even today. I welcome the Minister's statement that the intention is to meet the needs of those involved.

Working with the former Taoiseach, Deputy Bertie Ahern, I had a small part to play in efforts made to help the families of the five unidentified Stardust victims. While it was not an easy process to go through, it was ten times harder for the families and friends involved. Any solution found can only be welcomed. Every effort should be made to maintain such interaction with the families and the group representing them. I welcome the assurances that a similar spirit will continue to prevail in any dealings with the families.

Having had the experience of living and working in the area in the months and years after the Stardust tragedy, I know that nothing can prepare a person for such a tragic event. The families have maintained their position during the years and kept up the fight which has paid small dividends along the way, but it has been a long road. Whatever services can be provided for them and placed at the disposal of the group representing them should be provided. I encourage those officials dealing directly with the families to ensure their work is done in a compassionate and helpful way. As the anniversary of the tragedy approaches each year, we are all reminded of what occurred that night. Any right-minded person would accept that those directly affected by the events should be treated with dignity and respect.

I welcome the introduction of the motion and, once more, extend my sympathy to the families and friends of the Stardust victims.

**Deputy Ruairí Quinn:** I am grateful for the opportunity to speak to the motion. Once again, I extend my sympathy and condolences to the many relatives and extended families affected by the tragedy, some of whom I know personally. The tragedy had an extraordinary impact in the area represented by Deputies Terence Flanagan, Bruton, Haughey and Broughan. From the work Deputy Broughan did over many years, both as a councillor and latterly as a Deputy, I know how much this matter means to him because he lived among the communities directly affected. While the effect on the immediate community was enormous and while what hap-

[Deputy Ruairí Quinn.]

pened is properly commemorated by the park of remembrance, the effect was also felt nationwide. I can still distinctly remember that morning 28 years ago when my two young children, then aged eight and nine years, came in early to my bedroom to say there had been a terrible tragedy. The poignancy of a disco going up in flames on St. Valentine's weekend was so cruel.

The title of the book, to which the Minister of State, Deputy Haughey, referred so eloquently, *They Never Came Home: The Stardust Story*, represents every parents' nightmare. Every time children go out — whether they are aged three, five, 15, 20 or even 35 and 40 years — there is a part of every parent that never stops worrying and says, "Let's hope they come home." One can only imagine, but not feel and, certainly, not experience, the trauma the extended community of the families and friends of the 48 victims has gone through. For many, it is still a raw agony that will never heal. Some are present in the Visitors Gallery.

I acknowledge the work done by the former Taoiseach, Deputy Bertie Ahern, and the presence of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern. We are correcting officially the conclusions of a report by an inquiry established by a previous generation of Dáil Deputies. I have been a Member of the House for a long time — I recognise the Minister is a qualified lawyer — and I think I am right in saying there have been very few, if any, other cases in which this has been done. This has not come about lightly or with ease, but has come about because of the tenacity of people like Greg O'Neill, the solicitor, the people on the action committee and the sense of injustice of many people in our extended administrative system. The conclusion, however well-intended, of the chairperson of the original tribunal, and the opinion formed, without reference to tangible physical evidence, that this was an act of arson, was doubtful in the extreme to begin with, and highly hurtful to the participants in that event and to the children who went there.

I say by way of some kind of balm, if not comfort, that something significant has been achieved here tonight for those who were directly affected, and for every citizen of this Republic. Things that were deemed to have been incorrectly adjudicated upon, and a conclusion found in the light of subsequent events or upon reflection to be wrong — no matter how eminent the justice was who came to that conclusion — following Mr. Coffey's analysis of these matters, that justice has been deemed to have come to a wrong conclusion. Consequently, having reported that the conclusion of arson was wrong, the process of correction was initiated. This did not happen easily. It required people in the system to say the system had made a mistake, because a person appointed by the system came to a conclusion that was insupportable.

We are now correcting that mistake. This says two things. It says to the people directly affected, to the parents and the extended community, that it was not anybody's fault that night through any act of arson that this horrible tragedy occurred. We are also saying something else as a Republic. We are saying that sometimes when we get things wrong and when the system, collectively, gets things wrong, it is essential, as in private and personal life, to put our hands up and say "We got it wrong. We are sorry and will correct it." We do that so that the record, forever, for the grandchildren of the grandchildren of those related to those victims, will have it corrected that the original conclusions that cast a slur upon them and a black mark across an extended community have been removed.

For that alone, I thank all of those directly involved in this process, in particular the Minister and Minister of State here present, Deputies Dermot Ahern and Seán Haughey. Had a different Minister been in the Department of Justice, Equality and Law Reform, had different officials been in positions of responsibility throughout the system, we would not be passing this motion tonight. It takes courage, a certain strength of character and a degree of democratic empathy

with other people to say a mistake has been made, let us correct it and let the record show it has been corrected. I am very pleased, as a Deputy, to be in the House tonight and to associate myself with this decision.

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I thank all the Deputies who spoke on this important motion. I concur with Deputies on all sides in what was said. Deputy Bruton was very gracious to acknowledge the efforts made by former Taoiseach, Deputy Bertie Ahern, as was Deputy Quinn.

I very much welcome what Deputy Quinn said on this issue, on behalf of those of us sitting on this side of the House, for my recent involvement as Minister and that of the Attorney General and the Government. I do not think people should underestimate the enormity of what the Government is proposing in this regard. Thankfully, we are getting all-party support on the motion. As Deputy Quinn quite rightly said — he has experience of being in Government — it is significant for us to turn around and correct what is wrong or correct a perception that people were being blamed when they should not have been. It is important we put up our hands and come in with a motion and declare the wrong conclusion was drawn. Credit must be given to Mr. Coffey for the forensic manner in which he examined the particular report.

I echo the sentiments of those Deputies who expressed thanks to those who have come before us. I have no doubt that those who looked at all the issues did their best within the circumstances and restrictions in which they found themselves to try and get to the bottom of what exactly happened on this particular occasion.

I fully empathise with the sentiments expressed by Deputy Quinn with regard to being a parent and waiting for the door to shut at 4 or 5 o'clock in the morning when one's children return. Parents do not get a night's sleep until that happens. Recently, I said to my wife that I got more sleep when my kids were two or three years of age than I do now they are 18 and 19. I empathise with any parent in that respect. None of us can imagine the difficulties and the hurt these families have undergone over the past number of years. I just hope that by doing what we are doing here today we can in some way assuage the difficulties they have experienced over their lives.

I thank the families for their persistence in addressing this issue against what they may have felt were people putting obstacles in their way, although these were genuinely doing their level best, but working within the restrictions being in Government involves and the restrictions involved in dealing with culpability in such issues.

On the question of whether lessons have been learned, like Deputy Quinn, I was a young solicitor plying my trade in Dundalk around that time, having qualified in 1976. I recall the incredibly quick changes that took place — Deputy Quinn as an architect would be aware of this — with regard to fire safety regulations and standards within months of this incident happening. I remember from my time in the District Court that many publicans and dancehall owners were put to the pin of their collars to try and fulfil and comply with the new regulations introduced.

We have changed legislation to put the onus on owners and have changed the regulations relating to fire safety. We have put resources into the fire services. I cannot say whether we could say this will never happen again, but we can take some credit for the fact that over the past three decades political parties of every hue that have been in Government have put in the resources and changed the legislation.

I thank the families for their persistence and for the representatives they have had. As far as the Government is concerned, it more than willingly brought forward this motion. We received a first draft of the report before Christmas. There has been no delay on the part of

[Deputy Dermot Ahern.]

the Government. Mr. Coffey requested on a number of occasions, subsequent to delivering his first report, to make a number of slight amendments to it. We did not get the final report until 7 January and it was only then the Government could deliberate on it. Having taken the Attorney General's advice and having discussed it at Government, it was decided on 23 January to publish the report and move this motion in the House.

I welcome the all-party support on the motion. I welcome too the reaction of the families to the report. I hope and pray that what we are doing here today will assuage some of the hurt and grief caused to them as a result of this horrific incident in 1981.

Question put and agreed to.

**Acting Chairman (Deputy Noel O'Flynn):** Is it agreed that the House will suspend until 7 p.m.? Agreed.

*Sitting suspended at 6.30 p.m. and resumed at 7 p.m.*

### **Dublin South By-Election: Motion.**

**Deputy Eamon Gilmore:** I move:

That the Ceann Comhairle direct the Clerk of the Dáil to issue his writ for the election of a Member to fill the vacancy which has occurred in the membership of the present Dáil consequent on the death of Deputy Séamus Brennan, a member for the constituency of Dublin South.

I wish to share time with Deputy Ó Snodaigh.

Seamus Brennan was one of the most respected and admired members of this House, who served with distinction in a wide range of portfolios at both senior and junior ministerial level. He was the subject of exceptionally warm and genuinely expressed tributes from all sides of the House following his death.

However, it is seven months since Mr. Brennan's death and it is long past the time the by-election should have been held. The normal procedure is that the party which held the seat where the vacancy has occurred gets the opportunity to move the writ. I had expected that Fianna Fáil would move the writ when the Dáil resumed after the summer recess. That would have allowed the by-election to be held towards the end of October. The Labour Party held off from moving the writ to give Fianna Fáil a reasonable opportunity to do so.

I have, on several occasions, raised the matter of the by-election on the Order of Business with the Taoiseach and the Tánaiste and, on some occasions, my inquiry has been treated as some sort of a joke. The standard response I have received on each occasion has been that the matter had not yet been considered by the Government. It is time it was considered by the Government. I read in the newspapers that it is the Government's intention to hold the by-election in conjunction with the local and European elections that will be held in early June. If the Government gets its way, it will mean the seat will have been left vacant for almost a year, which is not acceptable. There is no justification for leaving the seat vacant for such a long time.

In Britain by-elections are held within a matter of weeks of the vacancy occurring in the House of Commons. The practice in the early decades of Dáil Éireann was to hold by-elections within a few weeks. For example, in 1927 the then justice Minister, Kevin O'Higgins, was assassinated on 10 July but the consequent by-election was held on 24 August. Even in recent decades normal practice has been that a by-election is held within a few months of the vacancy



occurring. Two vacancies occurred during the lifetime of the last Dáil and the by-elections were held within approximately three months. John Bruton and Charlie McCreevy both resigned as Deputies in November 2005, and the writs for the by-elections in Meath and Kildare North were moved in the Dáil by the Government Chief Whip on 15 February 2006.

During the 28th Dáil, which sat between 1997 and 2002, there were six vacancies. On no occasion was the by election deferred for as long as a year. In the case of Theresa Ahern, the by-election was held within eight months. The other vacancies in the lifetime of that Dáil were Michael Ferris, two months; Pat Upton, eight months; Hugh Coveney, six months; Ray Burke, four months; and Jim Kemmy, five months. The pattern is similar for the 27th Dáil. The by-election following the death of Brian Lenihan senior was held within four months. In the case of Neil Blaney it was also four months; Johnny Fox, three months; and Pat Cox, three months. When the Labour Deputy for Cork North-Central, Gerry O'Sullivan, died in October 1994, the by-election was held within a month. One must go back to the early 1990s to find a by-election postponed for more than a year.

The people of Dublin South are entitled to the full level of representation in the Dáil provided for under the Constitution. The Constituency Commission has determined that the people of Dublin South should be represented by five Deputies. It is not acceptable that the Government should deny them that level of representation to which they are entitled by refusing to hold the by-election. Furthermore, if the Government believes it has the confidence of the people regarding its performance in office so far and particularly in regard to its handling of the economy, then surely it should put this to the test by holding the Dublin South by-election as early as possible.

I anticipate the argument from the Government along the lines that the last thing the country needs at this difficult economic times is a by-election. The fact that the country is experiencing serious economic difficulties is no reason to suspend normal democratic procedures. By-elections have been held previously during times of economic difficulty. Even during the period of the Emergency, while a number of by-elections were deferred, others went ahead. By postponing the by-election for such a long period, the Government is suggesting Deputies do not matter, elections do not matter and democracy does not matter. That is the wrong message to send out at this or any other time.

We all know the reason the Government parties are reluctant to have the by-election in Dublin South. They fear the judgment of the people on a Government that has led this country into an unprecedented economic crisis, that has presided over a record increase in the numbers out of work and that has danced to the tune of the bankers and developers. The prospect of a politically embarrassing result for Fianna Fáil and the Green Party is not sufficient justification for depriving the people of Dublin South of their full level of representation. I take with a grain of salt commitments that the Government parties want the by-election to be held on the same day as the local and European elections. I suspect they would like this by-election to be deferred indefinitely. I am sure that as June approaches other reasons will be put forward as to why it should be deferred further.

It should not be possible for a Government to use its majority in this House to prevent a by-election being held. It is time to consider an amendment to Standing Orders to provide that where a vacancy occurs in the membership of the House, a writ would automatically issue after a specified period, say three or four months, unless a motion is passed that the writ be issued at an earlier date. This is an important motion. The way each Deputy votes on it will be an indication of the extent to which they value and respect our political process and our democratic system.



**Deputy Aengus Ó Snodaigh:** Ba mhaith liom mo bhuíochas a gabháil le Pártaí an Lucht Oibre as am a thabhairt dom chun labhairt.

Sinn Féin has consistently called on the Government to move the writ for the Dublin South by-election. Our representative in the constituency, Shaun Tracey, has consistently said the Government's current problems should not be an impediment to the democratic entitlements of the people of Dublin South. The people of that constituency have been under-represented for almost six months since the sad passing of Séamus Brennan. We in Sinn Féin agree time should be given to mourn the passing of a Member of the House before preparations begin on the process to replace that Member. However, we feel very strongly that the current unwritten arrangements, where the party to which the deceased member belonged has complete discretion in deciding when the by-election takes place, is wrong and definite parameters need to be set, taking into account the sensitivities surrounding a death. However, there should be an appropriate timeframe of three or four months.

The people of Dublin South are not without need for proper representation. Unemployment continues to increase in line with the national average, many new home owners are facing home reposessions and the provision of social housing is at crisis point in many parts of the constituency. Many issues that need to be addressed in that constituency are not being addressed adequately because the area is not fully represented as the people in the area are entitled to be under the Constitution. I support the motion.

**Deputy Phil Hogan:** I support the motion tabled by my colleagues in the Labour Party that the writ for the Dublin South by-election should be moved. Dublin South has been without one of its political representatives for the past seven months and this political deficit should be redressed and in the few minutes available Deputy Mitchell and I will try to point out why. The people in Dublin South should be given the opportunity to judge the record of the Government which dates back to 2007. At the time of that general election when former Deputy Brennan was elected there were indications that the economy was heading for a soft landing. We now know how hard it is impacting on low and middle-income people. More people are on the live register than when Fianna Fáil took office in 1997. One person loses a job every three minutes. The economy is the second worst performing in the EU with a forecasted contraction rate of almost 5%. The national debt will be doubled in one year and Government borrowing is at unsustainable levels and becoming more expensive. International finance agencies are speaking publicly about downgrading or reviewing the credit standing of Ireland's economy.

Today the Government got an opportunity to take some action. As a result of the deteriorating situation I am sure the Government felt it had no option but to take some very difficult decisions that will affect the take-home pay of every public sector worker. The country and its institutions require wholesale reform if our economic competitiveness is to be restored so that Ireland can again become a friendly place to do business. A portion of money that has been earmarked for the recapitalisation of institutions should be directed at growth, development and small businesses.

Former Deputy Seamus Brennan was a reformer. In the time he was here he genuinely tried to change things for the better but was often held back by his own Taoiseach and leader from getting into any conflict with vested interests. As Minister for Transport, he tried to reform the Dublin bus market but was thwarted. The failure of the Fianna Fáil Party to reform any aspect of State services has held the country back. Our economy has suffered and our competitiveness has deteriorated to become one of the worst in Europe. Delay, inaction, weakness and inequality are all hallmarks of the Government. That the Taoiseach has invested so much time and effort into social partnership and failed to deliver an agreement is an indication of the lack

of foresight in dealing with the economic and social consequences of the fallout from inaction over many years.

The Government's response to the financial crisis has been to introduce unfair taxes on the lower and middle-income groups. The Lenihan levy and now the tax on public sector workers target all workers regardless of their income. It is time that the opportunity afforded by the untimely passing of former Deputy Brennan is given to the country to engage in a public debate on how we can get ourselves out of this appalling financial and economic mess. It is time for a referendum on Government performance. As Deputy Gilmore has said if the Government is confident it is taking the right steps and adopting the right policy let it be put to the test in Dublin South and also in Dublin Central.

The opportunity of providing a referendum is not just an opportunity to pass judgment on the Government performance but of equal importance is that Dublin South should have a full complement of five Deputies to represent the constituency. Regrettably a vacancy has arisen owing to the untimely death of former Deputy Brennan.

**Deputy Olivia Mitchell:** I support the call for a by-election for Dublin South. As has been stated by my colleagues former Deputy Brennan was a highly respected Member of the House who was extremely well liked and very popular in Dublin South. He was an active Deputy in the constituency and nationally a great reformer. He is sadly missed and mourned still in the constituency even by those who never voted for him because he commanded such great respect. We all accept it would have been unseemly to rush to replace him in the Dáil. However, it is seven months since he died and it is now time to have a by-election to replace him. I believe he would have wanted this. He would not have wanted a vacuum created in the constituency — a vacuum for his own party which he represented over many years in the Dáil. Given his devotion to his party he would not want to see the people he represented go unrepresented.

Some newspaper reports have suggested that the by-election would take place in June in tandem with the local and European Parliament elections. It would be unthinkable to leave it until June which would be a delay of almost 12 months. In any event it would distort the outcome of the election. Having so many issues to discuss at one time is not fair to the people of Dublin South, as it would distort the vote, particularly if there was also a referendum on the Lisbon treaty.

Notwithstanding the excellent representation from the existing Deputies in my constituency, including in particular the two Fine Gael Deputies, there is a demand on the ground for a by-election. There was an understanding that it would be put off for a certain amount of time. However, the people now feel underrepresented and consequently disadvantaged. These are difficult and very uncertain times. There has never been a time when full Dáil representation — not just for the constituency — was needed more. In any event it is the entitlement of the people of Dublin South to have five representatives.

While it is understandable that the Government might be reluctant to put to the test its record of handling the economic mess in which we find ourselves, the prospect of failure or even contemplating failure should not influence the march of democracy. There is a demand from the people of Dublin South and the Fianna Fáil voters in Dublin South to have former Deputy Brennan's seat filled now. As my colleague has said, this is an opportunity for the Government to seek a mandate and let us see what the people have to say. I support the motion.

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** I thank you, a Cheann Comhairle, for the opportunity to speak on behalf of the Government on this motion. I know that the Labour Party and Deputy Gilmore in particular have been raising this issue

[Deputy Pat Carey.]

for a considerable period of time and I welcome the opportunity to outline the Government's position on it.

The issue of filling the vacancy in Dublin South has been kept under consideration by the Government since the passing of our former colleague, Seamus Brennan, who died on 9 July 2008. Following this consideration we will be opposing the Labour Party call to move the writ for the by-election in Dublin South. While I accept and the Government accepts many of the arguments that have been made by the Deputies opposite, I do not agree with the motion. While we fully acknowledge the right of our citizens to have full and proper representation here in the Dáil, I do not accept the contention made on a number of occasions that the Government is acting in an undemocratic fashion by not setting a date for the by-election in Dublin South — a contention made again this evening.

There is a precedent for by-elections not being held within a set period after the death or departure of a colleague from the House. It was during the first coalition Government of the 27th Dáil in 1993 and 1994 that the seats of two departed Members of this House were left vacant for more than 12 months. This fact was curiously omitted in the litany that Deputy Gilmore recited to the House. In this context the Government believes that the setting of the by-election to fill the seat of our late colleague, Seamus Brennan, should be for a date which takes account of the state of the public finances. This is more important than ever in this particularly difficult economic climate.

Taking into account the upcoming local and European Parliament elections scheduled to take place this June, I would like to confirm that the Government intends to run the by-election for Dublin South on the same day. We will move the writ accordingly for that purpose. On a day such as this, when stark economic decisions have had to be taken, Deputies from all sides will understand the sense in minimising the cost to the Exchequer in running elections. The Government believes this is the prudent approach. We do this while fully accepting the right of the people of Dublin South to full and proper representation. I would refute any suggestion that the Government is motivated in any way to the contrary. Among those who serve that constituency is the Minister for Communications, Marine and Natural Resources, Deputy Eamon Ryan, who sits in front of me and who serves the constituency extremely well.

As the Minister of State with responsibility for active citizenship, I have a particular interest in achieving the highest voter turnout possible. In order to achieve this, it is important that we make voting easier and more convenient for more people. By holding the Dublin South by-election and local and European polls on the same day the Government is helping to promote voter participation while minimising the cost to the taxpayer. Fianna Fáil and the Government look forward to the opportunity to contest this by-election and any other elections we have to contest on that day. I hope the Deputies will agree that this is both a worthwhile and a correct approach.

Question put.

The Dáil divided: Tá, 70; Níl, 74.

Tá

Bannon, James.  
Barrett, Seán.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.

Burton, Joan.  
Byrne, Catherine.  
Carey, Joe.  
Clune, Deirdre.  
Connaughton, Paul.  
Coonan, Noel J.

## Tá—continued

Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 Creighton, Lucinda.  
 D'Arcy, Michael.  
 Deenihan, Jimmy.  
 Doyle, Andrew.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McHugh, Joe.

McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P.J.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.  
 Wall, Jack.

## Níl

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

Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Healy-Rae, Jackie.  
 Hctor, Máire.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Kennedy, Michael.  
 Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Michael P.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 Lowry, Michael.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Mansergh, Martin.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keeffe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.

Níl—*continued*

Power, Seán.

Roche, Dick.

Ryan, Eamon.

Sargent, Trevor.

Scanlon, Eamon.

Smith, Brendan.

White, Mary Alexandra.

Woods, Michael.

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

Question declared lost.

### **Private Members' Business.**

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### **Energy Prices: Motion.**

**Deputy Simon Coveney:** I move:

That Dáil Éireann:

- acknowledges that Irish households and businesses are burdened with some of the highest prices in the EU for electricity and gas;
- recognises that energy costs are a key component of Irish economic competitiveness and that Ireland's ability to develop and attract new business is suffering from high energy costs as reported by numerous business surveys by IDA Ireland, the Irish Management Institute and Forfás;
- notes that a discussion on reforming energy price regulation is currently ongoing between the social partners;
- notes the decision of the Commission for Energy Regulation (CER) during July 2008 to grant electricity and gas price increases of 17.5% and of 20% respectively, due to spiralling oil prices at \$147 a barrel;
- is disappointed at the failure to reduce energy prices in the most recent review of prices as oil has collapsed by over 80% to approximately \$40 a barrel;
- notes that approximately 10% of every electricity bill is directly attributable to energy companies being compelled by the regulator to factor in the cost of carbon (emitted during generation) into their electricity pricing, despite the fact that they themselves are not currently required to pay for carbon allowances for emissions (until 2013 when a carbon trading market will function across the EU);
- emphasises the fact that the regulator is required to set prices at a level that will not only take account of the cost of generation, transmission and supply but also at a level that will encourage new entrants into the market in an effort to promote competition and in doing so is keeping energy prices artificially high;
- is concerned that the current regulatory regime is now damaging Irish cost competitiveness and adding to the challenges of recession;

- is encouraged by the potential of reforming the energy regulatory environment to deliver price reductions and improve economic competitiveness, while incurring no additional cost on the Exchequer;
- recognises that the energy sector must be central to any economic recovery plan, in terms of more competitive pricing and the creation of significant numbers of sustainable job opportunities in an exciting and rapidly developing renewable energy industry; and
- recognises the importance of prioritising the case to maximise funding available to Ireland from the EU Commission Economic Stimulus Package, to subsidise the cost of upgrading Ireland's electricity grid and interconnection between Ireland, the UK and mainland Europe in the future;

calls on the Government to:

- instruct the energy regulator to conduct, without delay, an extraordinary energy price review, as allowed by section 10 of the Electricity Regulation Act 1999 and section 7 of the Energy (Miscellaneous Provisions) Act 2006;
- change the regulatory framework for at least a two year period, to prioritise achieving the lowest possible energy prices for households and businesses;
- either introduce a windfall profits tax to recoup unearned profits from energy companies, who earn up to €300 million a year from charging consumers for carbon emissions, or alternatively instruct the CER to remove the charge for carbon altogether from bills for the next two years;
- instruct the regulator to set a price ceiling for ESB and Bord Gáis prices and replace the current practice of setting a fixed actual price, in order to allow the ESB and Bord Gáis to supply cheaper energy;
- require the energy regulator to hold more comprehensive public hearings with oral submissions from interested parties, including consumer groups, in advance of any new proposed price review; and
- immediately introduce the promised legislation to transfer electricity transmission assets from ESB to EirGrid.

I wish to share time with Deputies Durkan, Breen, Connaughton, Deenihan and O'Dowd.

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

**Deputy Simon Coveney:** The scale of the challenges Ireland must face collectively have been brought into sharper focus today. After months of indecision, prevarication and failed attempts at consensus building with the social partners, this afternoon's announcements by the Government will further concentrate the public mind on the enormous difficulties we face in steering a course through recession and fiscal collapse.

Reductions in public spending are necessary, but they are only one element in a much broader series of challenges that require new thinking and brave choices. Cutting expenditure is painful but it is primarily a budgeting correction exercise due to blatant mistakes by the Government in the recent past. Cost cutting, however, will not create a single new job, improve competitiveness, boost consumer confidence or encourage much needed new economic activity.



[Deputy Simon Coveney.]

If we are to prevent unemployment levels climbing to 20%, not 10% as some are predicting, if we are to avoid serious political and social upheaval and an uncontrollable downward spiral in taxation revenue that leads to State bankruptcy, then we need to launch an anti-recession fight back, effective on many fronts.

Even today, with all the build-up and grandstanding in the Dáil, we have heard little from the Government on the urgent need for public sector reform, economic stimulus proposals tackling cost competitiveness and practical job protection measures to reassure those losing jobs, never mind job creation initiatives. All the energy and focus to date has been on saving €2 billion this year and little else.

That is not enough. Fine Gael's Private Members' motion is targeting a key policy change in the energy sector, that is to reduce energy prices for businesses and the consumer. Politically, this should be a much-needed good news story if the Government had the political will to support us. That, however, seems too much to hope for.

This motion is a clear statement by Fine Gael that not every policy response to counteract recession needs to involve pain for people. This is actually a pain-relieving measure and, after today's announcements, should be welcome. This is not a general motion on energy and should not be treated as such. We will have that debate another day. It is not about interconnection, grid development or long-term renewable targets or grant aid for energy conservation projects. This focused motion is about one matter — price. It is about the cost to home owners and businesses of electricity and gas and how it is regulated, as a response to recession hardship and job losses.

The motion recognises energy costs as a key component of economic competitiveness. Ireland's ability to develop and attract new business is suffering directly due to consistently high energy costs. It is not just Fine Gael that is saying this. Business leaders are saying it, along with the IDA, the Irish Management Institute, unions in the social partnership process and the latest Forfás report on competitiveness. That shows Ireland with the second-highest industrial electricity prices in the EU, with only Italy ahead of it. We are out of line in terms of energy costs and while people accepted that when times were good, it is no longer excusable in the times we now live.

Even before last summer's price hikes, energy prices here were not competitive compared to our neighbouring EU countries. We saw ESB and gas prices rocket by 17.5% and 20%, respectively, last September due to a price review in July when oil prices had spiked to \$147 a barrel. The collapse in international oil and gas prices since then, we are told, prevented a further price increase this month, which we are supposed to welcome. However, with oil prices today hovering at around \$40 a barrel, I do not accept that immediate energy price reductions are not justified, despite the fact that our latest energy price review was only two months ago.

Our motion is not simply a call for energy price reductions due to the international oil and gas prices, although that is contained in it. We are seeking a much more comprehensive restructuring of our energy price regulation model through the Commission for Energy Regulation to reflect new realities in Ireland.

I will address some of the specific proposals. The Minister regularly asks the Opposition for constructive suggestions. We are attempting this and the Minister will note there is no political reference to Government incompetence or an attempt to have a go at the Government in the motion. It contains suggestions that we want the Minister to take on board — I welcome his decision to take one on board already.

We call on the Minister to instruct the CER to conduct, without delay, an extraordinary energy price review as allowed by law. I understand the Minister has done that this evening, which I welcome. The reason for such a review would be clear to everybody. For many years electricity prices in Ireland have been set taking a number of considerations into account. One of the main factors has been to encourage new entrants and competition into the Irish energy market. The sole focus of the regulator for at least the next two years — which will be recessionary — should be to reduce the price as much as possible to boost Irish competitiveness with regard to costs in business and to try to bring some relief to hard-pressed consumers and home owners.

We want to change the regulatory process that switches the focus away, temporarily, from trying to facilitate and encourage competition by encouraging new entrants into Ireland by keeping prices artificially high to prioritising consumers and what they pay for energy. That may be a subtle shift in wording but it would be a major shift in the priorities considered by the CER when it calculates prices in its reviews.

Rather than setting an actual price for energy producers to charge its business and domestic customers, we want the Minister to instruct the regulator to set a price ceiling for ESB and Bord Gáis prices. Speaking to Bord Gáis and the ESB, as the Minister does, he would get the message that they could be supplying power more competitively and cheaply to business customers but they are not allowed to do so because their price is kept artificially high in order to protect competitors. That was an understandable policy when the ESB was in such a dominant position that we needed to keep prices high to attract competition to Ireland. The ESB now only produces 50% of all energy in Ireland and is in a far less dominant position, so we should encourage it to compete on price for the sake of businesses and consumers so we can bring prices down.

It is about time Ireland started to get the benefits of competition in the energy market as to date, consumers and businesses have been paying the cost of trying to introduce competition to the market, particularly the energy generation sector but also in the supply area. We have seen none of the benefits of that competition with regard to price. There has been an increase in choice and service and we have seen new entrants come to the market, which is welcome, but in the current economic climate we particularly need to see direct price benefits from competition.

The only way to do this is to allow Bord Gáis and the ESB to compete on a price basis. The competitors will not like that but it is about time we prioritise consumers and general business people across the country over competitors in the energy market. The Minister should seriously consider the matter.

The Minister must set some rules for the regulator in terms of how price reviews are assessed. There has been a sea change in the area over the last six months and the last price review had a public hearing. It did not go far enough in giving the consumer and consumer representatives a sufficient voice at the table for making the case for price reductions, particularly from the perspective of those least well off and suffering as a result of energy price inflation.

Speaking to people off the record, whether in the ESB or Bord Gáis, they are likely to tell us that they expect a double-digit percentage reduction in price at some stage later this year when there is a price review. That indicates both ESB and Bord Gáis could undertake an immediate price review without any difficulty or pressure on the bottom line. That is why we want such a review rather than having the usual line that we cannot have regular reviews as it will lead to the inability of businesses to plan ahead financially with their energy bills. There is not a business in the country that does not want a price review. It is nonsense that we should

[Deputy Simon Coveney.]

be waiting six or 12 months to have another review. I welcome the Minister's initiative in that area.

I wish to discuss a slightly more controversial for this Minister. I have repeatedly raised the matter of unearned profits made by energy generators on the back of businesses and consumers with this Minister. This comes from the fact that they are required through regulation to factor the price of carbon into electricity pricing. I do not mind how the Minister deals with this issue but it is unacceptable for him to continually not deal with it, which is what is happening.

On a voluntary basis, the ESB has voluntarily returned a €300 million rebate to try to keep energy prices down. It has not made much difference to its bottom line, which demonstrates how comfortable the company is. The other 50% of generators in the country have not given anything back. Let me be clear that everybody in the country is paying an extra 10% for their electricity bills currently because — although it is not shown on the bill — they are paying for the cost of the carbon produced when the energy is generated.

**Deputy Eamon Ryan:** On a point of clarification, the €300 million is a rebate, so bill payers are not paying it.

**An Leas-Cheann Comhairle:** The Minister will have an opportunity to respond.

**Deputy Simon Coveney:** For all of 2008, consumers and businesses in Ireland paid an extra 10% on top of their electricity bills, which amounts to between €200 million and €300 million. They did not even know they were paying it because they assumed that the price hike came from an increase in oil prices.

This is unacceptable because energy-generating companies do not have to pay anything for the purchase of carbon credits for the emissions they produce. After 2012, that will change, as they will have to pay for the cost of producing every tonne of carbon. They will have to charge the consumer for that cost at that stage. These companies are obtaining free allocations of carbon but consumers are obliged to pay the full cost in that regard. This adds a significant amount — approximately 10% — to people's electricity bills.

The Minister must either remove the cost of carbon from electricity, thereby immediately reducing people's bills by 10% — that is to say nothing of the price reduction that should be forthcoming in the aftermath of the fall in the price of oil — or recoup that money directly from energy generators and decide how best to spend it in the context of improving competitiveness, supporting people who are suffering as a result of the increase in the cost of energy or whatever. It is not acceptable, however, to leave that money in the pockets of those who run energy generating companies. Those companies are quietly creaming funds off the top while businesses are paying far too much in energy costs.

The Government amendment is not that dissimilar to Fine Gael's motion. We are somewhat more specific and ambitious in the context of what we want. It is a pity the Government did not at least attempt to try to achieve agreement in respect of the motion.

I understand the concern which gave rise to the Labour Party's amendment to the motion. There is a genuine policy difference between that party and mine in respect of the matter in question, but this does not really have anything to do with electricity prices. We will consider amending our motion in that regard and perhaps we could then have a debate on who should own the transmission assets at a later date. This would allow both parties to concentrate on the original motion, which relates to energy prices.

**Deputy Bernard J. Durkan:** I support the motion and I thank Deputy Coveney for bringing it forward at this time. It has become patently obvious to every consumer during the past three months that there is a need to reduce the price of energy, particularly as it relates to oil and gas, and also that charged at the pumps for petrol.

Just prior to the referendum on the Lisbon treaty, I drove into a filling station on the Ennis road and, for the first time ever, I was charged €1.40 per litre for petrol. At that stage, the prediction was that the cost of oil on the international market would rise to \$200 a barrel. Now, however, the price has fallen to \$35 or \$37 dollars a barrel. An amazing thing has happened recently. For a period of four weeks or so before Christmas, one could buy diesel and petrol for between 80 cent to 85 cent per litre. The price has risen again in the interim to almost €1 per litre. The reason put forward in respect of the recent increase relates to difficulties involving Russia and Ukraine and concerns with regard to energy prices internationally. That is a whole lot of rubbish. Any excuse is being offered in order to jack up the prices. During the past ten years, market speculators have used a variety of such excuses to increase the price.

International market speculators have created a situation where energy prices are controlled by a chosen few. The truth regarding this matter was brought home to me two months ago at a meeting I attended in Brussels. It was suggested that the Organisation of Petroleum Exporting Countries, OPEC, was creating problems and would not produce adequate supplies of oil, and that this would have a knock-on effect on the market. One of the people at the meeting to which I refer stated that this was rubbish. He stated that OPEC could produce as much oil as people required. However, he also indicated that the market is being cornered because supplies of oil are being bought while being transported by sea and that these supplies are brought into particular ports and then hoarded.

Transport costs in Ireland are quite high and the sooner the Minister realises he has a responsibility in this regard the better. Apart from examining the position in respect of carbon emissions, he must also consider the position of the economy, which is currently in dire straits. He may say that we cannot abandon our carbon emissions targets, but our first responsibility is to ensure that people in this country remain in employment and can afford to meet the cost of living imposed upon them.

The Minister and his predecessors have all stated that the energy regulator is independent. That is not the case. The regulator is subject to Government policy and ministerial directive at all times. The Minister should use his influence — it is not so long ago that he was on this side of the House and would have said the same — to ensure that the benefit of falling energy prices in respect of oil and gas on the international markets are reflected in the costs imposed on Irish consumers and those operating in the areas of industry and transport.

**Deputy Pat Breen:** I commend Deputy Coveney on tabling this genuine, timely and positive motion. Small businesses are sinking on a daily basis, while others are barely remaining afloat. Many business interests are being crippled as a result of high costs. The high price of energy is a major factor in this regard. As Deputy Coveney stated, Ireland dropped from fourth to 22nd on the global competitiveness league table in recent years. However, businesses are not the only ones affected by what is happening. Ordinary people have also been affected.

Last July, the price of oil reached an all-time high of \$150 a barrel. In the interim, it has decreased to somewhere in the region of \$40 a barrel. Unfortunately, this decrease has not been reflected in householders' ESB or gas bills. Motorists are complaining that the reduction in fuel prices has not been passed on at the pumps. When the price of crude oil decreased in the autumn of last year, there was a gradual drop in the price of petrol and diesel. However, the price soon rose again. There was a high of €1.43 per litre of petrol in July of last year. The

[Deputy Pat Breen.]

price now is just under €1. In light of widespread dissatisfaction with what has happened and claims that motorists are not receiving the benefit of reductions in the price of crude oil, the National Consumer Agency undertook an investigation into petrol and diesel prices which indicated that there is little evidence to suggest unwarranted delays in the passing on of wholesale price reductions to consumers.

Tight profit margins in this country have already forced many petrol retailers in rural areas out of business. A large number of petrol stations throughout the country have closed. Many of these were small businesses which had shops on the forecourt at which bottled gas and other things were sold. The majority of those who operated these concerns will inform one that there was very little margin to be gained in respect of selling diesel and that they could no longer remain in business.

There is a concern that the bigger players entering the market will close further stations in rural areas. The retention of competition in respect of prices is vital. The national consumer survey found that Ireland compares quite favourably in the context of the density of petrol stations. Ireland has one outlet per 2,020 people, whereas in Northern Ireland it is one per 3,100. In Britain, the figure is one station per 10,000 people. Competition is the key towards ensuring that there is some level of variation in prices.

Petrol and diesel prices in this country are high. I trawled the Internet earlier this evening to try to discover the price of diesel in Poland. Many manufacturing jobs are moving from this country to Poland at present. Last month, some 1,900 jobs at the Dell plant in Limerick were lost to Lodz. The price of diesel in Poland is 82 cent per litre. This compares to a price of approximately €1 in Ireland. That speaks volumes about the price of diesel and petrol here and the fact that it is affecting many of our manufacturing businesses.

There is enormous potential in the mid-west region in terms of renewable energy resources, particularly in the area of wave and wind energy. If the wave and wind energy in the Shannon Estuary was captured it could make a major contribution to regional and national electricity demand. We are fortunate that the University of Limerick is located in the area and we should examine the importance of the University of Limerick, which could become a centre of excellence in this area. A programme of investment is already under way in Moneypoint, which I hope continues.

I commend Deputy Coveney. He pointed out what must be done to address these issues and I appeal to the Minister to take on board his proposals.

**Deputy Paul Connaughton:** I congratulate my colleague, Deputy Coveney, who has a great personal interest in this topic.

I consider this country's lack of competitiveness in the economy to be the ruination of the State. I recall the 1990s when our competitiveness in terms of industrial development and output was as good as that in the best of countries. The products we exported abroad were at a premium but then what can only be termed the curse of the building boom camouflaged the system of Government and the entire economy. The Government took its eye off the ball because it did not have to look for money. If anything was wrong with the economy the money was available to spend on it. I do not have time to outline all the daft things the Government paid for on which we did not get any return. If the money was not available, no sane Government would get involved with PPARS, electronic voting machines and so on. If a government was short of money, those are the areas in which it would not get involved but this Government did because it knew the money would be coming into the coffers the next month.

8 o'clock



The Government's big sin, and what a sin it was in terms of what we heard earlier in this House, is that it never thought the day would come when somebody would have to pay for that foolishness. As Members are aware, on the floor of this House a few hours ago the Taoiseach let it be known that the hardest working couples in the country, two people working and bringing in approximately €45,000 each, are now €10,000 worse off. That is the penalty they will pay for what the Government did wrong in the past ten years. We must now get back to competition. That is the reason this motion is so important. There is no other way for this country to proceed other than to trade and market our way out of the problem we now face.

I will make two points to the Minister, Deputy Ryan, who, in fairness, handles some aspects of his Ministry very well. There are aspects I cannot grasp, however, and if I cannot grasp them 3.5 million other people in the country cannot grasp them either. Several of my colleagues referred to this issue. I will refer briefly to petrol and diesel prices before I deal with the price of gas and electricity.

I recall when crude oil was \$147 a barrel. Everyone remembers that, as we all remember where we were when President John F. Kennedy was shot. We will always remember the price of a barrel of crude oil on that day because we had never seen anything like it. The price displayed at my filling station on that day was €1.35, and I took that to mean that €1.35 equated to a crude oil barrel price of \$147. When the price of a barrel of crude oil reduced to \$40 I assumed the basic price of petrol and diesel would have reduced below 80 cent.

Increasingly, I have very little time for regulators. There was a time I thought they were a good idea but for whatever reason bank regulators and energy regulators do not appear to be keeping pace with what we want in the economy. That is an area the Minister must deal with quickly. Regardless of what the Russians or anybody else does, when the price of crude oil is \$40 or \$50 a barrel, nobody should be paying more than 80 or 85 cent at the pumps.

The ESB needs a major dose of reality. It is a great company but at this stage it is just too costly. We cannot afford it and whatever has to be done must be done.

**Deputy Jimmy Deenihan:** I join with previous speakers in acknowledging this motion in the name of Deputy Coveney and compliment him on bringing it forward. It has achieved results already because I am sure it is not a coincidence that because of this motion the Minister has ordered this evening a review of electricity and gas prices. That is good politics and it is good for the Dáil in that we are seen to be gaining something by putting down a motion. I acknowledge that contribution by Deputy Coveney.

The Taoiseach outlined earlier the areas in which he would like to see Ireland gaining competitiveness, and singled out our energy costs. Obviously, that aspect has struck home with the Government.

Ireland has dropped from 4th to 22nd in the global competitiveness league. In 1991, I was in America on an industrial promotion visit. At that time Ireland, along with Portugal, had the lowest energy prices in all of Europe but at the same time our hourly rate was a little over \$6 an hour, which was approximately £5. We were very competitive, and there was a price freeze on electricity charges for a number of years. As a result we went from being one of the most expensive countries to the least expensive at that time in terms of energy costs, and it made Ireland very competitive.

All the surveys being done, including the recent survey by Forfás with business people, are identifying energy prices as one of the main disincentives for companies in terms of staying in Ireland and setting up in Ireland.



[Deputy Jimmy Deenihan.]

As regards wages, and I have mentioned these figures on previous occasions, I was in Silicon Valley last March. The dollar was fairly weak against the euro at that time but a senior IDA official told the members of the delegation who were with me that it cost \$26 to employ somebody in Silicon Valley, \$6 in Poland and \$28 in Ireland. He said it was very difficult to explain that cost differential to people when they have much lower energy and wage costs in those countries, and we expect companies to set up in Ireland. As regards competitiveness, apart from the social cost the other increased costs are an additional burden on all domestic users throughout the country.

I understand approximately 95% of our gas is imported; only 5% now comes from Kinsale. It is hoped that a project in the Shannon Estuary will provide a liquid natural gas terminal. Around the Shannon Estuary, in Tarbert we generate electricity from oil. In Moneypoint, we generate approximately 20% of the nation's electricity from coal and we will now have gas on the same site in the general area. There are more wind turbines on the Stacks Mountains and in west Limerick than in any other part of the country. There is an ideal energy mix in that area. The Minister should consider a proposal I have made in the House on several occasions to designate the area a national energy park. This region has the potential to supply energy to most of the country. The IDA may communicate with the Minister on the matter, while Shannon Development will definitely be in touch with him. I ask him to support the concept when it comes before him shortly.

We are examining potential opportunities to create employment. While it may not be a panacea, the green technology revolution offers major employment opportunities. Green energy technology companies are being spawned throughout Silicon Valley, which now has around 400 such firms. There is no reason a number of similar companies cannot be created here. We should grasp the nettle and exploit our natural advantages.

**Deputy Fergus O'Dowd:** I congratulate my colleague, Deputy Coveney, on tabling the motion. I will touch on some of the issues Deputies have addressed and raise several others in the short time available to me.

Jobs, productivity and competition are the key points raised at national and international level in the context of energy. Energy prices are not as low as they should be. Forfás published a report around Christmas which examined the costs of goods and doing business. It found that energy costs are cheaper in the North and the United Kingdom than in the South. As a Deputy from a Border county, it is clear to me that we must do more to drive down prices and become competitive. Those of us who live in Border counties, including County Louth and towns such as Drogheda and Dundalk, are fearful owing to the number of shops that are closing. One sees "For Sale", "For Lease" and "For Rent" signs all along the Border. One of the reasons for this trend, albeit not the only one, is that businesses cannot compete and we are not doing enough to make them more competitive.

We cannot continue to live as we have done. We must change our ways and address the issue of energy conservation, in other words, using less energy and using it more wisely. This should be done on a local and regional basis. A climate change committee established in counties Limerick and Clare has brought together representatives of local authorities and other groups to plan energy use for the region. Co-operation among counties is constructive development and we must do more to develop plans to reduce energy consumption in an efficient and effective manner.

The energy officers appointed in a number of county councils should be given a more useful role. While the Power of One campaign gives advice to members of the public, we are not focusing sufficiently on households, schools, hospitals and industry. We must examine how energy is and can be used more wisely and effectively to reduce costs and to achieve a better return. The Minister should address this issue. Many people would be pleased to assist and advise him but he must adopt a constructive and focused approach to addressing this issue. The message must be driven home in local authorities through one-stop-shops and the provision of a 1890 number to inform people how they can reduce their costs. Advice on reducing energy consumption must be available to industry on site.

We must also insist that all new appliances feature the latest technology. Washing machines, for example, should not have a stand-by function and should be activated only by users. We must think and act smartly.

It is astonishing that the Government, which allegedly has a green component, is cutting back on public transport by reducing funding to Dublin Bus. At a time when we want to increase the number of people using buses in the capital the Government is cutting 270 jobs and reducing the number of bus routes. It has failed to open up competition in the bus market with a view to increasing rather than decreasing the number of buses on the roads. It must open up the market to private bus operators to allow them to price route and supply more public transport cheaply and effectively. The Government is asleep in that regard. I understand Bus Éireann drivers are protesting outside the Minister's office this week.

According to a *Time* magazine analysis published a couple of years ago, Nantes in France is one of the best places to live in Europe. The reason is that the city has an integrated public transport system featuring buses, trams and even boats on the river. I visited the city and saw its fantastic public transport network. A target of halving the number of cars entering the city was achieved by closing down road space while at the same providing adequate, efficient and effective public transport alternatives. This is the way of the future. We must reduce energy consumption, secure greater efficiency, improve our cost basis and enhance public transport.

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I move amendment No. 1:

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

- recognises:
  - the global energy challenges faced by all countries in providing a competitive, secure and sustainable energy supply;
  - that Ireland faces particular acute challenges as an island nation on the periphery of the EU, which has a 90% energy import dependency and limited indigenous fossil fuel resources;
  - that global fossil fuel prices, especially for natural gas, are the single largest cost component in determining electricity prices in Ireland;
  - that the analysis published in January 2009, by the Commission for Energy Regulation (CER) shows how meeting the Government's long-term renewable electricity targets will put downward pressure on energy prices;

[Deputy Eamon Ryan.]

- that Ireland has developed a robust energy regulatory framework, which is bringing new entrants into a competitive electricity market and will also serve to help lower energy prices;
- the actions taken by the CER and the ESB to cushion the impact on consumers of continuing volatility in international fuel prices; these actions included the adoption of a two-phase approach to tariffs in 2008 and the unprecedented rebate of almost €400 million from the ESB for the benefit of all electricity customers;
- that the recently falling market price of gas and coal was integrated into the CER tariff decision effective from 1st January 2009, resulting in a small average reduction in electricity prices; and
- that most large energy users are already offered fuel variation tariffs which track either natural gas prices or single electricity market prices and have therefore experienced significant recent reductions in electricity prices;
- commends the Government for:
  - its commitment to accelerated delivery on its energy policy priorities, including ongoing investment in energy infrastructure, ambitious targets for renewable energy to ensure diversity, a radical improvement in energy efficiency, and the continued focus on ensuring a competitive, transparent energy market which works for consumers;
- tasking the CER to immediately review options for a possible early reduction in electricity and gas prices for businesses and domestic customers;
- its prioritisation of electricity interconnection and grid development including the East-West Interconnector and the inclusion of the Interconnector in the list of projects under the proposed EU Economic recovery package;
- its committed work in Europe in support of an open EU energy market ensuring that Ireland's energy policy interests are protected and reflected in EU energy policy developments;
- its work in partnership with the NI authorities on the development of an all-island single electricity market and common arrangements for gas;
- its commitment to begin an equitable and transparent process involving all stakeholders to transfer the electricity transmission assets from ESB to EirGrid, the independent State owned Transmission System Operator;
- its provision in the Finance Act 2008 of energy efficiency tax incentives which were significantly expanded this year, its provision of significant budgets for the Home Energy Savings Scheme and Warmer Homes programmes, and a range of energy efficiency programmes for large industry users, SMEs and the public sector; and

- continuing its range of policy measures that will provide job creation, investment opportunities and more competitive energy supplies for the wider economy.”

I propose to share time with the Minister of State at the Department of Communications, Energy and Natural Resources, Deputy Seán Power. I welcome the opportunity to have this debate on a crucial issue for the economic development of our country. I was taken with Deputy Connaughton's point that we must get ourselves out of the current economic crisis through enterprise and exports. We have a young population with skills which can be used to trade, produce, grow and export. This is fundamentally the only route out of our current economic difficulty.

My Department and the Government will do all in our power to ensure Ireland is competitive. In energy and communications, the areas for which my Department has responsibility, infrastructure and competitiveness are crucial. We must approach energy policy cleverly and in the proper manner. When one considers who are the leading thinkers in this area and what are the best plans and strategies, the central point to emerge is that one must try to balance three competing but mutually reinforcing objectives, namely, to have a competitive, secure and clean energy supply. One must balance policy decisions to ensure one meets all three objectives. I want to show that in doing so, we will bring down prices and make Ireland one of the most competitive, effective, secure and clean energy countries in the world.

According to the latest figures available to us, which are for the first half of 2008, energy prices here are roughly 8% above the European average. There are a number of different reasons for this. Key among them is our reliance on imported fossil fuels. The percentage of imported fossil fuels, particularly gas, on which we rely for electricity generation is much higher than in other countries. This reliance left us exposed when fossil fuel prices were rocketing, although they have declined recently. Oil prices are not the issue at stake in the context of the motion because oil accounts for only 1% of power generation here. As such the decline in the price of oil to approximately \$40 per barrel is not relevant.

**Deputy Simon Coveney:** The oil price sets the gas price.

**Deputy Eamon Ryan:** In the past year, gas prices have not followed oil prices, which have fallen from \$147 per barrel to \$40 per barrel. While gas prices have also declined, the fall has not been on the same scale as the fall in the oil price. I will address the reasons electricity prices will decline this year in a moment.

The first reason for higher energy prices in Ireland is, therefore, the lack of diversity of supply and our reliance on fossil fuels. The second reason is the poor availability of certain plant at one time and the tight situation between supply and demand. In 2003 and 2004, during a period of rapid economic growth when new data centres were coming on stream, we did not have sufficient power to meet demand. This helped drive up prices and the problem was exacerbated by the fact that a small number of older and difficult to run plants were not available. It had a significant effect in driving prices higher because we were forced to turn on emergency generators to cover those plants which were not available. That is the background to understanding an analysis as to what was happening and why our prices were higher.

I believe we will be able to lower prices. It is happening and will continue to happen in a steady, progressive manner. We will see lower prices this year because of forward projections. In this market one has to look forward because companies, contractors and power generators buy forward and contract forward for their customers, so one has a fairly clear idea when

[Deputy Eamon Ryan.]

looking forward at to what the future price of gas will be. Looking at prices at the moment, unless they shift radically within a short period of time, we can expect to see a double digit reduction this year, which would be very welcome.

We will see the problem of supply and demand being addressed. We will see additional plants come on board, such as large gas fired plants in Cork developed by the ESB and Bord Gáis. There will be a welcome number of new competitors coming into the country, which will make significant investment and are taking some of the older plants and investing in them to upgrade them and have them available for use. This is significant.

People will have read in the newspapers about the introduction of new competitors, such as Endesa, which is a large, international, experienced, well-capitalised utility, to Ireland. There was a fundamental shift in the Irish electricity market when it signed a contract two or three weeks ago, and signed up its willingness to invest more than €800 million in this economy and invest further as we progress as a fair, well-regulated market. It was a significant development.

We have seen the arrival of Viridian, Bord Gáis, Bord na Móna, Airtricity, Mainstream Renewable Power and a number of other electricity providers. We have achieved the objective, set for many years, of delivering a competitive market. We are at the point of achieving a competitive market in the mainstream public supply market, where the average householder has seen high electricity prices.

The introduction of competition and the successful development of a policy which has come to fruition in recent weeks with the introduction of major new international competitors into the Irish market gives great hope and succour to Irish industry that it is now dealing with an industry where there are a number of major player who are well capitalised and will compete for business. That will bring prices down, not just this year but next year and the year after. We must make sure we stick to the correct policy approach and the regulated system we have, which is the best way to manage a competitive market.

There was an interesting report presented by the regulator last week which backed up the analysis done by Government. It indicated that the higher renewables target set, which is 40% of renewable power generation, will have a significant further dampening effect in bringing down prices. Every wind turbine we can put up will have an immediate effect on diversifying our supply and helping bring down prices. In 2020 with the higher level of 40%, we could see a reduction of approximately 15% in prices compared to what a low wind scenario would be.

The fundamental analysis and policy approach is working and will bring an immediate reduction in gas prices. In energy policy one must always have a long term direction because it brings immediate returns. The long term success we are now having in bringing in competition and diversifying supply will continue to bring prices down and make our country competitive. There is an equation between getting a clean supply and a secure supply because competitive forces and environmental aspects of developing renewables will complement our competitive approach.

I will address a number of the points made by Deputy Coveney. The review mentioned was signalled in a Government economic policy paper before Christmas. It complements the ongoing review work the regulator must do on tariffs. I have asked the regulator, in conjunction with the energy companies, to see if there are ways we can fast track some of the changes coming and bring forward some of the price reductions expected through proper regulatory systems. We do not want to undo that good policy and create false and unfair market which, more than anything else, keep electricity prices here high.

There are a number of options we can look at to bring prices down more quickly. We know prices will fall but perhaps we can bring it forward more quickly. One option we should be careful of and avoid is a unilateral reduction, which Deputy Coveney might argue for, that the ESB could favour or introduce. The reason it should be avoided is that it could easily be used as a competitor tool to ensure nobody enters the public supply business, which is not easily profitable or easy to get into. If a company comes into this country, spends significant amounts of money and has a sense that it was effectively locked out because there would always be a pricing mechanism to keep it out, it is a real risk.

**Deputy Simon Coveney:** How would it be locked out?

**Deputy Eamon Ryan:** I would prefer a proper regulated approach to that market until we have such competition in public supply. It can then be opened up in the same way as the business market.

The ESB can operate in the business market on a free and flexible pricing basis. It has no pricing restriction in the crucial economic market——

**Deputy Simon Coveney:** Bord Gáis cannot.

**Deputy Eamon Ryan:** We are talking about electricity. There is no restriction on the entry of the ESB to a market because it is competitive and open. In that market, because it is competitive and we have followed the correct policy approach, we have seen that the large energy use companies which have more detailed and complex contracts have already seen, because of the prices in the gas markets coming down, their prices coming down by some 25% this year. It is different to the public contract and is more complex. It is working in that area. The price drop of a quarter that has occurred on the back of the drop in gas prices is happening. When we are looking at how we make these changes, we recognise where it has already happened and do not introduce flawed changes to the regulatory system that would fundamentally undermine our ability to bring down prices further, particularly in the consumer market.

The ESB could say we should be careful if we are looking for it to subsidise a price reduction across the board. I interrupted Deputy Coveney earlier because I think the ESB and the regulator have gotten a raw deal. They did the work collectively to come up with a mechanism whereby a €300 million rebate from the ESB could reduce electricity prices across the State, for other suppliers and its own customers.

It was an incredibly generous act——

**Deputy Simon Coveney:** The regulator is very unhappy with that model and said so before an Oireachtas committee.

**Deputy Eamon Ryan:** The regulator may be unhappy, but I want to recognise the contribution of the ESB in agreeing to do it in the national interest, wearing a green jersey and handing over money to the private sector. It was not compelled to act in this way as, fundamentally, it is not regulated or owned by the State.

**Deputy Simon Coveney:** How can the ESB afford it?

**Deputy Eamon Ryan:** I would love to have a mechanism where there is an easy way to compel companies to do it. However, European law must be followed and there is no country



[Deputy Eamon Ryan.]

where this policy has been applied because it is not legally possible to do so, or there is a high risk, legally, in doing so.

That second option of bringing the price forward is passible but has certain risks and difficulties attached to it. We are asking the regulator to look at the options, but also to see what other ways in the review of tariffs does not distort a market and maintains the regulatory control and independence of a proper functioning market. That is the way for us to bring prices down consistently, year in and year out, and to bring forward the reduction we expect. It must be recognised that reduction will come primarily because of the market changes that are occurring and will be backed up with the benefits we will see as we switch to renewables and as competition kicks in across our market and country.

One issue in our amendment to the motion was to highlight some of the broader electricity changes we are making. Deputy Coveney raised the issue of a stimulus. He is correct. When I say one must look at a three-way equation we must also look at the competitive interests for the wider economy in having low electricity prices. At this time, when it is difficult to attract investment in any area because of the credit market freeze, we must examine what the electricity sector can do to lift the economy. In that regard, it is vital for us to support the various measures that have a big stimulus effect. The ESB and Bord Gáis, to name but two semi-State companies, have a €30 billion investment package to lead us in this more renewable, zero-carbon emissions future, which is a massive stimulus. EirGrid has a crucial €4 billion grid upgrade programme, which we must support if we are going to develop renewables and bring prices down.

**Deputy Liz McManus:** The consumers are paying for it.

**Deputy Simon Coveney:** Let us be clear, the consumers and business people pay for it. Let us not pretend that these companies are producing the money out of thin air because they are not.

**Deputy Eamon Ryan:** No, but the Government is using investment in this area to stimulate our economy and create jobs.

**Deputy Liz McManus:** They are not even paying for it.

**Deputy Simon Coveney:** By charging the consumers.

**Deputy Eamon Ryan:** The strategy will also bring down prices because that grid development will allow us to tap into the renewables that bring prices down. That is the right policy to follow for economic growth prospects and lower prices. Today we have seen a further allocation of funding towards energy insulation. It is an example of where we can leverage State aid and work with banks and householders to make the best possible investment to help people cut their fuel bills, save the money they spend on energy and at the same time create thousands of new jobs. When we look at this equation in energy policy in terms of competitiveness, sustainability and supply, we must also examine the prospects of directing funding and support to job protection and creation, which both the Government and energy companies can do. In the long run, it should also help us to protect our economy from future volatility in electricity prices by spending on energy efficiency, grid connection and experimental research and development in power generation supplies.

**Deputy Simon Coveney:** What about spending on salaries in the ESB? Is the Minister happy with that?

**Deputy Eamon Ryan:** That is what this Government is concentrating on. The policy approach has taken a long time to reach fruition. I can understand Deputy Connaughton when he says he is unhappy with the regulatory system and is worried that it is not working through to prices at the petrol pump. I must say that we have the right policy framework in the area of electricity generation and supply, which has evolved over a long period. It is not easy because people see immediate difficulties with prices and so on. However, if we maintain our course — and do not jump in with jackboots, trying to achieve an easy, short-term solution that will not deliver the policy terms we want — we will bring down prices and carbon emissions, as well as having a more secure electricity supply. I am determined to maintain this course and support the regulator to ensure that we have an absolutely fair and transparent market. It must be competitive and welcome outside companies with which we can collaborate.

I can say to the ESB or any other company operating in the electricity sector in this country that this market will grow exponentially in future. As we electrify our transport system and generate new renewable electricity supplies we can be world leaders. We should be welcoming international companies here to make seed investments on the basis that if only one of those projects takes off and we become, for example, a centre for wave development, there would be enough business in it for every company in order for this country to take off economically. We are at a similar point in the electricity industry, where it is testing new technologies in the grid and in renewables, to that which existed when Intel first came here to establish a small factory to test the market.

**Deputy Simon Coveney:** I agree with the Minister on that, but the motion is about prices.

**Deputy Eamon Ryan:** The way we protect that is by having a fair, regulated price market through which we are seen as an innovative, straight and cutting-edge country for electricity policy. We are there and shall stay there if we bring prices down, more than anything else.

**Deputy Simon Coveney:** The prices are not there.

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power):** My ministerial colleague, Deputy Eamon Ryan, has highlighted some of the measures the Government is taking to improve the competitiveness of the energy sector that will ultimately deliver lower electricity prices to consumers. I am sure that is something we will all work towards and can all agree with. It is important to examine some of the measures we are participating in at European level, which will also contribute to the competitiveness of our electricity supply. Deputy Deenihan and other Members referred to the importance of energy costs. We are very much aware of that and for that reason we have set some high targets for the renewable energy area. We have surprised many people with the progress and success we have achieved so far in that regard.

The integration of energy policy at European level will involve a drive towards further inter-connection and ultimately the development of regional energy markets. These are policies that will deliver more competition and greater security of supply to our electricity system. They can only help to lower energy costs for hard pressed electricity consumers and we are actively promoting their development in Europe as committed members of the European Union. Many business sectors find themselves challenged by the change in our financial circumstances. These challenges were not envisaged 12 or 24 months ago. Those working in the renewable energy

[Deputy Seán Power.]

sector, however, can feel sure of the future because we will see much greater activity and investment there.

We should acknowledge the measures the Government has put in place to empower ordinary consumers better to manage and ultimately reduce their electricity usage, and to protect the most vulnerable in society from the effects of high and volatile energy prices.

Even before the recent dispute between Russia and the Ukraine, energy policy and climate change had risen to the top of the EU agenda. This reflects the ongoing concern for energy security and competitiveness, and the central linkage between energy policy and the climate change challenge.

The energy policy for Europe, adopted by Heads of State and Government in 2007, together with the internal market and energy climate change packages, form the framework for an intensive work programme on energy policy over the next five years. Part of that policy involves EU commitments to achieving 20% of energy from renewable sources and a unilateral commitment to a 20% reduction in greenhouse gas emissions by 2020. The EU has also committed to a 30% reduction in emissions in the same timeframe, in the context of an international agreement to follow the Kyoto Protocol.

The recently announced draft European economic recovery programme reinforces this commitment. The package includes the welcome proposal of €100 million in financial aid to develop the east-west interconnector. The Government will work to ensure that this aid is retained in negotiations on the package. We will also work to ensure that the aid, if forthcoming together with financing from the European Investment Bank, is used in a manner that benefits Irish energy consumers. We will also continue to seek assistance from Europe on the further development of our infrastructure where any such aid can be obtained.

EirGrid, the national transmission system operator, is currently reviewing the potential for further interconnection with European energy markets on completion of the east-west interconnector. The single electricity market committee, which governs the operation of the all-island market, has also recently commenced a project to study how best to achieve the harmonisation of markets.

Consumers have experienced increases in electricity and gas bills under last year's unavoidable price increases. Much has been said about the regulator in this debate but last year the regulator was faced with a difficult decision, given the large oil and gas price increases globally, as well as the increases that were sought nationally. A decision was made towards the end of last summer to provide increases in both the price of electricity and gas. However, the regulator decided that, rather than sanctioning the large increases sought, the matter would be reviewed towards the end of the year. That proved to be a wise decision which resulted in a reduction in the price of electricity and gas towards the end of last year. I acknowledge the welcome decision of the regulator at that time.

**Deputy Liz McManus:** That was thanks to Bord Gáis Éireann.

**Deputy Seán Power:** There were a number of factors at play.

**Deputy Liz McManus:** I disagree, but I will not argue with the Minister of State.

**Deputy Seán Power:** The regulator took a decision that was in the interest of consumers. There was much hype at the time and there was talk of oil going to \$147 a barrel. People were

tripping over themselves telling us how they predicted it would be €200 before the year was out. We all know what happened.

We are hopeful that the downward trend in global fuel prices will be reflected in decreases this year. To address concerns of consumers, we are adopting an integrated cross-Government approach to tackling the issues of energy affordability and fuel poverty. One of the root causes of fuel poverty is the legacy of older housing with poor energy efficiency standards, an issue that was discussed in the House recently. In order to address this, the Minister will shortly announce the launch of the national home energy saving scheme, with a multimillion euro budget, in 2009. This will support those with inefficient houses to upgrade their homes, making them warmer and more comfortable. This is a scheme that makes sense and is one that has been sought by Members on all sides.

Government policy in recent years has also focused on increasing primary social welfare rates significantly, to ensure that people on social welfare can meet their basic living costs, including heating costs, throughout the year. In addition to improved basic payments, expenditure by the Department of Social and Family Affairs on the fuel allowance and electricity or gas allowance is expected to be more than €426 million this year.

Sustainable Energy Ireland's low income housing programme was also established by the Government to systematically address the underlying causes of fuel poverty. The programme's primary focus is the warmer homes scheme, which provides attic insulation, draught proofing, lagging jackets, energy efficient lighting, cavity wall insulation and energy advice at little or no cost to eligible households. The warmer homes scheme allocation for 2009 is €5 million, with a further €5 million being leveraged from ESB and BGE. This means over 8,000 low income homes are being made more energy efficient this year.

The roll-out of smart meters nationally will allow people make choices with regard to how they use and how much electricity they use.

**Deputy Simon Coveney:** People cannot get smart meters even if they want them. Only the chosen people on the pilot project are getting them in the next three years.

**Deputy Seán Power:** We are planning the roll-out of smart meters nationally. These meters are a tool that put the control of electricity demand directly into the hands of consumers. They will provide consumers with a means of monitoring and managing their demand. The programme also has the potential to change significantly the way in which many of the activities of the energy supply are undertaken, therefore improving the efficiency with which energy is produced, transported and used. Smart meters have been a wonderful success as those who have used them would agree.

The roll-out of a national smart meter programme is progressing in line with the commitment in the Government's energy policy framework and in the programme for Government. A pilot phase, involving the installation of 20,000 smart meters, is already under way and is expected to be completed by the end of 2010. The pilot phase will also test the capability of advanced meters to distinguish between the import and export of electricity. This capacity will facilitate the development of micro-generation, where consumers are able to generate their own electricity and even to sell their surplus electricity back to the grid. This measure has enormous potential for changing the relationship between electricity supplier and customer, as innovative new products and tariffs are facilitated and supplier switching becomes commonplace. Smart metering makes sense and saves energy and money.

[Deputy Seán Power.]

The Opposition has reflected the legitimate concerns of enterprise about energy costs, but we all share those concerns. All our efforts are focused on trying to reduce energy costs, whether for business or households. However, I share the concern of the Minister, Deputy Eamon Ryan, that ill-warranted Government interventions in the market could hinder rather than promote reform and undermine investor confidence in the energy market at this time.

Ultimately, it is only a transparent and a credible energy regulatory and policy regime that can deliver the effective changes and energy competitiveness that we need to drive down our electricity costs. The imposition of artificial prices for energy simply means putting off until tomorrow the bills that we should be paying today. This runs counter to the plans announced earlier today by the Taoiseach, which aim to place our economy on a sound footing.

As Members said earlier, we are an island nation with a 90% dependency on imported energy. This is something that cannot continue. For that reason we have been engaging with the private sector and investing our own money in seeking alternatives. We have made great strides in recent years, particularly with regard to wind-generated electricity. We will continue to see this area develop. Our dependence on fossil fuels cannot be tolerated much longer and we must continue to provide incentives to people to develop alternatives. The time has come for cleaner energy.

I compliment Deputy Coveney on the contribution he has made in this area, which has long been neglected in this country and has not got the priority it deserves. We now realise the importance of this area and I thank the Deputy for giving us all the opportunity to speak on the subject this evening.

**Deputy Liz McManus:** I wish to share time with Deputies Martin Ferris and Joe Costello.

**Acting Chairman (Deputy Jack Wall):** Is that agreed? Agreed.

**Deputy Liz McManus:** I welcome the introduction of this motion and congratulate Deputy Coveney on raising it. It is a thoughtful and strategic approach to the issue and highlights a central aspect of the current economic crisis that needs urgent attention. The cost of energy in Ireland must be tackled and the future security of energy must be ensured if we are to ride out the storm.

I was thinking as I was waiting to speak about families and individuals who have heard the news about the inroads the Government is about to make into their family incomes. Many of them will now be trying to figure out how they can meet their household bills. Judging from what the Minister and Minister of State have said, I am not sure they are conscious of how difficult it is, both for employers and householders, to meet those high prices.

There is a pressing case for reform in the regulatory framework on initial pricing. The measures outlined in the motion can and should be taken up by the Government. Currently, we have some of the highest energy costs in Europe. Irish industrial electricity costs are the second highest in the European Union. It is interesting that Irish prices have increased at more than twice the average rate of increase across the European Union.

On account of our dependence on fossil fuels, electricity is particularly exposed to global price rises, and it is very easy to blame external factors. In 2004, it was estimated that domestic controllable costs account for 30% of the difference between our prices and EU prices. This arises from higher generation distribution charges. It is clear that the capacity to reduce costs



lies, to a significant extent, here at home, with the Minister, Deputy Ryan, having a direct responsibility in reducing the costs to businesses, employers and householders.

In the economic crisis we are now trying to weather, it is vital that the Minister adopts the priority of the issue of prices and their impact on consumers. For too long, the Government has presided over a regime in which competitiveness has been sacrificed on the altar of competition. I listened to the Minister's contribution, but found it slightly muddled. On the one hand, he said, we must make all these sacrifices in order to have a competitive market, but on the other, we have not reached the point at which we can, in his words, "distort the market" in the interest of the consumer and bring down prices.

Frankly, the undue emphasis on competition means the market has been distorted for quite a while. It has been engineered to attract in operators and the end result is higher prices, which negate the purpose of the exercise. At present, we have a great deal of competition in the electricity market and none in the gas market. However, we still have high prices.

We also have the issue of the change required due to climate change. The cost of carbon allowance is already charged by the Government to consumers. It is worth noting that the Government has not reached its own targets. It has failed abysmally to meet the 3% reduction in carbon emissions in the Government programme. It would make sense on a temporary basis to withdraw the charges or, preferable, to put them into a carbon fund.

For a long time, the Minister has avoided the central issue of price. As far as he was concerned, the cost to businesses and householders was a matter for the regulator and the issue of fuel poverty was something he could ignore. As it turns out this was an untenable position and some type of response has been cobbled together in recognition of the need to reform.

It is not up to the Opposition to drive Government policy. However, it appears that this Private Members' motion has been helpful in serving as a stimulus for this much needed change. I welcome the response from the Government, albeit a modest one, in terms of a fast-track review of prices. This is an obvious recognition and admission that the *status quo* is not working.

We have seen the price of gas and electricity being fixed in an extremely rigid way over a considerable period of time. The consumer has suffered as has the national interest in terms of our competitiveness. All one has to do is examine the National Competitiveness Council's report on the difficulties which have arisen. We had a 17.5% increase in the price of electricity and a 20% increase in the price of gas. This locked consumers into higher bills during a time of growing economic crisis. As has been pointed out, since then oil prices have plummeted and the price of petrol at the pumps also dropped although it is rising again. However, the bulk of increases people pay for utilities are still in place.

The motion proposes that the Government instruct the regulator towards a price ceiling rather than a fixed price and Deputy Coveney has raised this point on a number of occasions. It would be welcomed by providers as well as consumers and it is coherent and responsive.

Deputy Coveney's motion includes a paragraph relating to the transfer of assets from the ESB to EirGrid and I acknowledge that Deputy Coveney recognised the difficulty I have with this. The Government and Fine Gael have an agreement on this point. I do not believe it is necessary. It would be a diversion. I was interested to hear the chairman of the ESB, Lochlann Quinn, make the point that it was not necessary for this to take place. It would cause a certain amount of difficulties and it would mean the focus of the two organisations would be diverted at a time when their sole focus should be on developing the grid and ensuring the development of renewables is going to plan.



[Deputy Liz McManus.]

We all think renewables are lovely and we all want to support the Minister but let us not fool ourselves. The track record is not all that great. For example, a year after the €26 million ocean energy programme was announced apparently no grants have been given out. All the private investment to match it has been lost. This is extremely concerning. The system does not operate quickly enough. We have seen wind power develop. We are not in any way advanced but we are making good progress. However, offshore wind requires legislation. When will we see this?

The Minister and the Minister of State, Deputy Seán Power, speak about various schemes with regard to insulation, such as the warmer homes scheme and the energy efficiency scheme. Let me tell them that a long list of people is trying to find out when these grants will be available. With regard to the warmer homes scheme, there is a long waiting list of hundreds of people living in cold substandard housing who cannot access this fund because the system is not flexible or quick enough to respond to their needs. I represent some of them. We all represent people who would like to be able to avail of this scheme but it is not happening.

The national insulation scheme was the subject of discussion on RTE radio this morning. The Government could introduce a national insulation scheme next week based on tax breaks. It would be cost neutral and would unleash funding through savings which people have and which are giving an extremely poor return at present. It would put people back to work and ensure our energy bill is reduced. It would have a major positive impact in terms of the employment of construction workers. However, it is not mentioned. Why is this?

**Deputy Martin Ferris:** I thank Deputy McManus for sharing time. I commend Deputy for tabling this motion, the main points of which I support. However, I would also like to indicate that Sinn Féin supports the Labour Party amendment regarding the transfer of ESB assets to EirGrid. As I stated on previous occasions when this matter has arisen, there appears to be no argument for this other than to prepare the ground for privatisation and the entry of people into the electricity generation market who will cherry pick areas where they believe they can make a profit at the expense of the overall service. It is also worth reminding ourselves that the ESB was established under public control in the first instance only because private enterprise was unable or unwilling to invest in it.

Obviously, energy costs are crucial to domestic and commercial users. As the motion points out, last July's steep increases of 17.5% on electricity prices and 20% on gas prices charged to consumers were justified on the basis of previous increases in the global price for oil. However, the even greater fall in the price of oil per barrel since the summer has not been passed on to the consumer and neither has there been any indication that it will be.

In our travels throughout the country coming to and from here each week, we cannot but be alarmed at the price difference from one petrol station to another, including those operated by the same company. One company in Tralee operates three petrol stations within a 500 m radius of each other and charges a different price at each station.

We cannot escape the effect that energy costs for commercial users is having on job losses at present. Just over two weeks ago, 200 jobs were lost at the Amann plant in Tralee. One of the reasons put forward by the company for this was that energy costs had soared from €1.2 million to €3.4 million in the space of 18 months.

In many instances, the impact of the increases for domestic consumers has been particularly severe. A 2007 study by the Institute of Public Health in Ireland stated that fuel poverty in this

country was at an unacceptably high level by international standards. This situation has been exacerbated by last year's price increases. Families on marginal incomes, and particularly elderly people, are most affected, sometimes to the extent of having to go into further debt to heat their homes.

It was estimated that approximately 2,800 deaths per annum in the island of Ireland were due to deficiencies in households being able to meet their energy needs. In my constituency, elderly people in particular seek support to install solid fuel ranges in place of storage heaters. This is because of their belief that due to the increase in energy costs it would be easier for them to heat their homes and survive with fireplaces or solid fuel ranges.

The most alarming aspect of studies on fuel poverty here is that rates of fuel poverty increased during the years of highest economic growth and the level of household income below which families were finding it hard to meet their energy needs also rose steeply. This is an indication that energy prices and the relative proportion of household income required to meet householders' needs were rising at a faster rate than that pertaining to most other essentials. Therefore, I support the proposal that the energy regulator should conduct an immediate review of the prices being charged by the electricity and gas suppliers with a view to passing on, to domestic and commercial consumers, the reductions that should accrue as a result of the decrease in global energy prices.

More emphasis should be placed on the sources of alternative renewable energy, particularly if 15% of our energy demand is to be met from renewable sources by 2010. There is massive scope for wind and wave energy production, which would not only help to meet that target but, more important, contribute to the economy at a time of severe downturn. In spite of this, there is little indication that sufficient attention is being paid to these areas.

Tidal energy also offers considerable potential and efforts are being made to exploit it. I have no doubt about its potential and would like to see it advanced. The same applies to the production of energy crops, in which very few farmers are involved although production has increased from a low base in recent years given the ambitious targets for wood energy tied to local processing. This sector also requires further investment and development but progress will be hindered by the recent budget cuts affecting Teagasc. Incentives are required so those on marginal incomes, farmers in particular, will be able to exploit the potential in this area with a view to producing alternative energy.

The Minister for Foreign Affairs, Deputy Martin, referred recently to the ongoing delay in bringing ashore the gas from the Corrib field and pointed to the boost it would have for the economy at a time of global uncertainty regarding supply and pricing. Undoubtedly, the bringing ashore of the Corrib gas, which has an estimated value of billions of euro, would be beneficial but there are major questions over whether this would be the case given the current licensing terms that apply. Furthermore, at present only 18 of the Twenty-six Counties in the State are connected to the natural gas network. The Corrib pipeline, as currently projected, will not supply most of those living in the immediate area.

Apart from these facts, one must consider the taxation and royalties and the fact that this State will gain little or nothing in real terms by comparison with the revenue flow that plays such a big part in sustaining a successful economy like that of Norway. The Norwegians, for example, have a state pension fund of \$240 billion, largely built from oil and gas revenue. During the first nine months of 2008, while the rest of the world's economies were reeling under the impact of the stock market decline and bank crisis, the Norwegian Government earned \$18 billion in royalties from its oil and gas. This is an example of good management and a negotiated deal in the interest of the people of the country. It has contributed to a public

[Deputy Martin Ferris.]

service envied by most other countries. However, there has been little indication that the Irish Government or its predecessors have had any intention of seriously addressing this matter with specific regard to the Corrib field.

Aside from the Corrib field, there is considerable potential in other areas off the Irish coast. Estimates, including one from the petroleum affairs division of the Minister's Department, suggest there are 10 billion barrels of oil lying off the west coast of Ireland, valued at over \$500 billion at current prices. That is in addition to a natural gas reserve estimated to amount to 50 trillion cu. ft., which is sufficient to supply the whole of western Europe for some time. Some 200 km off the coast of Kerry is the Dunquin gas field, which is estimated to contain 25 trillion cu. ft. of natural gas and 4,130 million barrels of oil.

**Deputy Eamon Ryan:** The Minister for Finance will be out after it tomorrow to pay off our debt.

**Deputy Martin Ferris:** The gas alone would meet our gas needs, at present consumption levels, for the next 62 years. Exploration rights for Dunquin are licensed to Exxon and its partners, which estimate that the supply will come on stream after 2013.

Off the coast of Clare is the Spanish Point field, with known gas reserves of 1.25 trillion cu. ft. and 206 million barrels of oil, valued at €30 billion. It is hoped that production will begin in 2011. Again, as with the Corrib field, this State would only benefit fully if the taxation and royalty regime were changed to undo the terrible deal made, for whatever reason, in 1992. Tax rates are extremely low and most of the current 25% tax on profits can be written off against exploration and operation costs.

I appreciate that the Minister was successful in having a new rate of 40% introduced but this only applies to new exploration licences and does not cover the existing oil and gas licences. It should be extended to all licences to ensure that when the gas and oil come on stream, they will provide, as they can, a considerable boost to the country in terms of meeting energy needs and generating revenue. One should bear in mind all the benefits of the revenue during an international economic downturn.

Consider the potential of using our oil and gas to establish security of supply. At present, we import 85% of our fuel. We are also at the end of a supply line that extends from Russia all the way across Europe to Britain and, finally, Ireland. The dangers of being dependent on this supply were highlighted recently during the stand-off between Russia and the Ukraine.

I support the motion along with the Labour Party amendment. Support for an alternative energy initiative involving the creation of green, clean energy must come from the Government if it is to have any success.

Debate adjourned.

### **Adjournment Debate.**

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### **Employment Regulation Orders.**

**Deputy Paul Kehoe:** I very much appreciate the opportunity to raise this matter in the House. While I having nothing against the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Kelleher, I am very disappointed the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, is not present. The issue I wish

to raise is serious and the Government is not addressing it in the manner it should, especially given that we should be retaining jobs in various sectors. I have no doubt the Minister of State is well aware of the matter I am raising because many of my colleagues have raised it before. I raise it because many people have asked me to make representations on their behalf, particularly those involved in the restaurant, hotel and security businesses.

In recent days, it has come to light that hotels, restaurants and security firms are being forced to close shop and let go employees. They do not want to have to do this. The current circumstances are extremely difficult and should not be allowed to obtain in view of the current economic climate, in which businesses are struggling to survive and in which every attempt is being made to reduce costs across the board. I call on the Minister to address immediately the problem and use her clout to make changes in this area.

Employment regulation orders were introduced some years ago and force the paying of workers double time on Sundays. There are a number of small restaurants in County Wexford in which the workers are quite happy with their current terms and conditions. However, NERA has been using bully-boy tactics to address issues in respect of the restaurants, sometimes at the busiest of times, such as when they are full on a Saturday night. NERA representatives force the managers to address what is happening. NERA was not set up to use bully-boy tactics where genuine people are doing genuine business and doing their best. It is totally impractical for NERA to continue with the bully-boy tactics it has shown in recent times. I urge the Minister of State to use his good offices to reverse what is happening in terms of how NERA is doing its job. In many instances NERA is acting against the wishes of employees, who have the foresight to recognise that any attempt to introduce wage increases in the current economic climate would be completely counter-productive and, ultimately, would be more likely to result in job losses than anything else.

The situation is completely at odds with what we are led to believe is current Government policy. Government officials are involved in protracted negotiations on the implementation of a pay freeze in the public sector, yet a Government agency is tasked with ensuring private sector employers meet obligations drawn up against the backdrop of a starkly different economic environment.

The catering and security industries are two sectors in particular where difficulties have come to light in the recent past. I have been given detailed examples of a security company's contract to a Government body, namely, the Health Service Executive, for the past three years. As part of the contract the security company must meet increases agreed by the joint labour committees. However, the HSE has written to the security firm in recent weeks to say it will not pay any increases in 2009, yet the security firm is expected to pay increases in 2009. The Minister of State is a very level-headed man and he will understand the difficulties involved for a company that is being forced by one arm of the Government to pay increases while another arm of the Government has stated its intention not to pay increases. I hope the Minister of State can understand the difficulty this business is experiencing. What will happen is the business in question will go to the wall because of the increases it is being forced to pay its employees.

The very same thing is happening in the catering industry. I am aware of many small restaurants in my county and elsewhere in the country that are being forced to close. Many hotels have been forced to close also because of the bully-boy tactics employed by NERA. I urge the Minister of State to use his good offices to change the regulations in place to reverse what is happening and to accept the common-sense approach these ordinary business people wish to adopt.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I wish to convey the Tánaiste's apologies for being unable to address the House tonight. It is important at the outset to acknowledge on behalf of the Tánaiste and on my own behalf the difficulties facing small businesses in the current economic climate. However, we must balance that with the need to ensure the rights of workers are respected at all times. I do not think any of us would be comfortable with those rights being compromised, even in times of economic downturn.

Previously, Deputies from all sides of the House were tabling questions on why I was not honouring the commitments in Towards 2016 on the appointment of 90 labour inspectors. I note those questions are no longer tabled as frequently.

**Deputy Paul Kehoe:** The Government is not honouring the deal on pay now.

**Acting Chairman:** The Deputy should allow the Minister of State to conclude.

**Deputy Billy Kelleher:** By way of background, joint labour committees, JLCs, are statutory bodies established by the Labour Court under the Industrial Relations Acts 1946 to 2004 to provide machinery for the fixing of statutory minimum rates of pay and conditions of employment in particular sectors. A JLC is composed of equal numbers of representatives of employers and workers in the sector and it meets regularly, under an independent chairman, to discuss and agree terms and conditions to apply to specified grades or categories of worker in the sector. When it reaches agreement on terms and conditions, the JLC publishes details and invites submissions. Following consideration of any submissions, the committee may make proposals to the Labour Court to make an employment regulation order, an ERO. The making of an ERO has the effect of making the pay rates and conditions contained in it legally enforceable. Various EROs have been developed on a sectoral and industry-wide basis, and each provide for different rates. In general, the EROs apply in the lower-paid sectors of the economy, for example, hairdressing and catering.

I am conscious of the difficulties being experienced currently by many firms operating in sectors covered by EROs. In recent months I have met representatives of employer organisations and I have heard at first hand of the difficulties with wage costs. I have consistently advised employers to make their concerns known through their representatives at the social partnership table and to pursue the issues actively through the established mechanism of the relevant joint labour committee.

In that context, I was pleased to welcome two timely initiatives by the social partners to tackle current competitiveness challenges in the hospitality sector. The social partners have agreed to establish a forum for the hotel sector to contribute to the development of a sustainable industry providing high quality employment. The forum consists of representatives of IBEC and the Irish Hotels Federation, IHF, on behalf of employers in the industry, and SIPTU. The forum will have regard to a wide range of employment and industrial relations issues arising from the current challenges facing the hotel sector, with priority attention to be given to the current difficulties cited by employers in the sector as a result of the operation of the JLC system, with particular reference to the payment of Sunday premia.

In recent years, the catering sector has been covered by two separate JLCs, one covering the Dublin region and the second the rest of the country. Over the years, each of the JLCs in the catering sector has agreed a set of terms and conditions to apply to the workers covered by its remit. In circumstances where both committees have operated independently of each other, the



terms agreed by the two committees have differed in various respects. The social partnership agreement, Towards 2016, contained commitments for the modernisation of the joint labour committee system, including the amalgamation of certain committees. I am pleased to note, therefore, that agreement has been reached recently by the social partners to an amalgamation of the two JLCs. In advance of the amalgamation, the parties to the two JLCs have now agreed on a uniform set of terms and conditions to apply throughout the country, including pay rates and Sunday premia. I understand the parties intend to give effect to those uniform terms and conditions as soon as possible. Those welcome developments from the employer and trade union representatives in the hospitality sector demonstrate their responsiveness to the need to take account of the economic, commercial and employment circumstances in the sector.

Employment regulation orders, EROs, and a range of employment rights legislation, including primary law and registered employment agreements, are enforced by the National Employment Rights Authority, NERA. Against a backdrop of much disquiet about the inadequacy of the policing and enforcement of employment law standards nationally, NERA was established under the aegis of the Department in March 2007 in accordance with commitments set out in Towards 2016. That agreement promised to introduce a fully resourced employment compliance authority to monitor effectively and enforce established standards of employment law in the workplace.

Since its inception, NERA has been active in implementing its remit, seeking to foster and enforce a national culture of employment rights compliance in the State. In this regard, NERA undertakes a range of functions, including information, inspection, prosecution and enforcement. In the course of conducting inspections, NERA's inspectors continue to come across employers who have failed to pay their staff in line with the rates set down in legislation. When discovered, the inspectors are obliged to ensure employers who are not paying the correct rate adjust wages for workers in accordance with the rate established in the employment regulation order.

I acknowledge and am aware that colleagues in both Houses have expressed concerns that the findings of NERA's inspectors are presenting difficulties for small companies in certain sectors. I appreciate that for some employers, especially in these challenging economic times, payment of arrears may be a problem where wage rates have been out of kilter for some time. It is important to remember, however, that payment of the correct rate is, in effect, the law of the land and applies equally to everyone. If the rates were not enforced, it would be most unfair on those employers who are fully compliant and have been paying wages at the correct rate all along and it could be tantamount to unfair competition.

Everyone on this side of the House has been raising the issue of NERA and labour inspections. The fact is they are enforcing the law of the land. What I would say to JLCs and employer and employee representatives on joint industrial councils is that they should meet to discuss the issue and having reflected on matters, strike a rate of pay and conditions that reflects the commercial realities confronting business in these challenging times. I am sure the social partners represented on the JLCs and joint industrial councils will reach a consensus on that issue.

### **Company Closure.**

**Deputy Brian O'Shea:** I call on the Tánaiste and Minister for Enterprise and Employment to make sure that she and the Government pursue every avenue to ensure the continuation of Waterford Crystal as a complete entity, to include manufacturing, to resolve all issues surround-



[Deputy Brian O'Shea.]

ing the pension fund and to deal with the difficulties that have arisen with regard to severance payments for former employees of Waterford Crystal.

The uncertainty surrounding Waterford Crystal is precarious for the city, the county, the entire region, and the Government and the various public agencies must pull out all the stops to ensure that company remains in business and the maximum number of jobs are retained. The problems that have come to light in recent times at Waterford Crystal are as complex as they are manifold. I am greatly concerned for the plight of the hundreds of workers who accepted voluntary redundancy from the company late last year. Under the arrangement, their redundancy payment was to be paid in instalments, but since the closure of the plant, those payments were first reduced and then stopped, which is completely unacceptable. These workers entered into this agreement in good faith on the understanding that payment would be made in full. Now, just a few short months later, they have been left high and dry. The Minister must reassure them that their redundancy payments will be honoured in full. A way needs to be found to make sure these people will not be left out of pocket as a result of a set of circumstances that was completely out of their control.

There are also major concerns regarding the pensions of current and some former Waterford Crystal employees. People with decades of service to the company, who made pension contributions, have been told that they may not receive their entitlements. Employees left the company last year when reaching 58 years of age on the agreement that a bond would be purchased by the company to provide them with pensions for three and three quarter years until their 63rd birthdays when their company pension scheme payments would commence, but they found out the bonds had not been purchased. This commitment must be honoured in full. The Minister must ensure workers and retired employees are fully protected in order that people who have an entitlement obtain it.

Last year, the Government guaranteed the banks with the backing of the public sector pension fund, but it refused to implement a guarantee for pension schemes, as recommended. Had it done so, the Waterford Crystal pensions would be secured. In these circumstances, it is unconscionable that people who paid into a scheme may lose the benefits due because of Government inaction. The failure to guarantee the Waterford scheme will add to the devastating consequences of the company going into receivership. Retired workers also contribute to the regional economy and their incomes are also under threat. This must be a cause of great distress to them. There is no good reason the safety of their pensions cannot be confirmed.

While the closure of the plant last week was a huge blow to all involved with the company, every effort must now be made to recover the company from receivership with as much employment as possible intact. Waterford Crystal has been through a great deal during the 20 years or so. It was a terrible shock for employees to learn last week that the doors would be shut and they would not return to work this week. Nothing prepares people for such a development and they rightly hoped this turn of events could be avoided.

However, there remains some prospect of securing a future for the company, which involves retaining the visitor centre, manufacturing and office employment at Kilbarry. To this end, when I was informed about the closure, I made contact with the receiver to urge him to continue efforts to sell the operation as a single entity in order that maximum employment can be retained in Waterford. Tremendous value remains in the Waterford Crystal brand worldwide and the skills base and manufacturing infrastructure built up over many years at Waterford is also of considerable value.

The Labour Party once again pledges its full support in securing full political support for any effort to safeguard the future of Waterford Crystal. I have fully briefed my own party leader, Deputy Gilmore, in this regard and I have contacted the offices of the Taoiseach and the Tánaiste and Minister for Enterprise, Trade and Employment to urge them to input positively to the recovery process. After all, Waterford Crystal is an important Irish company, which has contributed hugely to the economy, both in direct taxation and in generating tourism visitor numbers.

When I was first elected to the House 20 years ago, 3,300 people were employed by Waterford Crystal at three locations. To see the company reach its current low point is deeply upsetting for everyone who cares about Waterford, but I remain convinced that efforts to save employment at Kilbarry will not be time wasted. The symbolism of Waterford Crystal for the people of the Waterford area and beyond is huge. It is an iconic and international brand, which must be saved with maximum job retention for Waterford, the full securing of pension rights and full honouring of severance agreements.

**Deputy Billy Kelleher:** I thank the Deputy for raising the matter. Every Deputy has faced similar sad situations where iconic companies such as Waterford Crystal face closure or liquidation because of a changed economic environment. I understand the concerns of the Deputy, the workers and their families and everyone in the south-east region. The Tánaiste and Minister for Enterprise, Trade and Employment apologises as she is unable to be present but she has been directly involved in the ongoing situation in Waterford for some time. Both the Minister and her senior officials have engaged in a number of meetings in this regard. We are all extremely anxious to ensure a satisfactory outcome to the current scenario.

The company went into receivership recently. Mr. David Carson was appointed as the receiver and the Minister has met him on a number of occasions over the past month. Due to a lack of funds, he felt he had no option but to cease production last Friday. It is important to emphasise that the company is in receivership but not liquidation. Mr. Carson is in discussions with a number of parties who have expressed interest in becoming involved in the future of the company. He is making every effort to negotiate a sale that would secure the maximum number of jobs in Waterford and the continuation of Waterford Crystal as a going concern. It is essential that his negotiations with interested parties can be brought to a conclusion at the earliest opportunity, as time is not on our side in resolving this situation.

Waterford Crystal Limited is a subsidiary of Waterford Wedgwood plc and employed several thousand people at its peak. The group engaged in several rounds of raising finance in recent years to recapitalise the loss-making operations in the group, which included Waterford Crystal. However, insufficient earnings due to changing market conditions, a weak US dollar and the economic downturn in the company's largest market — the US — resulted in defaults in debt servicing and repayments. On 5 January 2009, the company asked that its shares be suspended from trading on the Irish Stock Exchange and it said some of the group's Irish and UK subsidiaries had to go into receivership and administration. On 30 January, the receiver concluded that the company was not in a position to continue meeting the current payroll cost in respect of the workforce. Accordingly, Mr. Carson decided that he was left with no option but to immediately commence giving notice of redundancy to a large portion of the workforce.

Every effort is being made, and will continue to be made, to ensure that the company continues to operate as a trading entity. Should this not prove possible and redundancies arise, I assure Deputies that my Department will be ready to assist the employees of Waterford Crystal in accessing their statutory employment entitlements under the redundancy and insolvency

[Deputy Billy Kelleher.]

payments schemes. The purpose of the redundancy payments scheme is to compensate workers under the Redundancy Payments Acts 1967 to 2007 for the loss of their jobs by reason of redundancy. Insolvency legislation is also administered by my Department and provides for the payment of certain wage-related entitlements owed to employees such as arrears of wages-salaries, sick pay, holiday pay, pension contributions and minimum notice. In the context of pension contributions, the scheme provides for payment of contributions deducted from an employee in the 12 months prior to insolvency, which remain unpaid, and any contributions due to be paid by the employer into the scheme in the 12 months prior to the insolvency but which were not paid. That is the sole purpose of the insolvency payments scheme as regards pension contributions, which contrasts with the more general issue of pension funds.

Regulatory responsibility for the oversight of pensions funding lies with the Department of Social and Family Affairs under the auspices of the Pensions Board. The Government is conscious of the pressures on employers sponsoring pension schemes and scheme trustees, arising from the significant losses incurred by pension funds over the past year. While measures were announced last December to ease the funding pressures on pension schemes, the Government is considering a comprehensive framework for future pensions, which will set out a new model that will aim to secure the future of social welfare, private, occupational and public service pensions.

These are difficult and uncertain times for the workers at Waterford Crystal. We all cling to hope in these challenging times. However, Waterford Crystal is an iconic brand worldwide and, at its peak, it provided gainful employment for up to 3,000 people. I am hopeful a satisfactory solution will emerge from the ongoing discussions in the coming days.

### **Garda Equipment.**

**Deputy Charles Flanagan:** I am very pleased the Ceann Comhairle consented to my application to have this matter discussed. I would like to send a message to the Minister for Justice, Equality and Law Reform that the Garda is trapped in a technological stone age with the failure to introduce a national digital radio scheme, which has been promised for more than ten years, and now serious shortcomings with the PULSE computer system placing gardaí in the fight against crime in a position of great disadvantage. Gardaí are fighting crime with one hand tied behind their backs. Official Government figures show that the PULSE database system is available in fewer than half the Garda stations. There are 703 Garda stations in the State of which only 319 have access to the PULSE computer system. This is after 15 years and €61.3 million of taxpayers' money spent on a project that is less than satisfactory.

The PULSE system is not available in the Garda College in Templemore resulting in trainee gardaí not gaining the appropriate level of expertise in the system. This matter is a joke. After the amount of money that has been poured into PULSE it is much less than satisfactory that it is not available in the Garda College or in the majority of Garda stations. The cumbersome nature of the system prevents gardaí from accessing real-time information, which in effect is an advantage for criminals as well as being a major handicap for members of the Garda Síochána.

We are told that PULSE suffers from "unplanned downtime". We have heard many euphemisms in recent times for various faults in the system. However, "unplanned downtime" as a euphemism for a cock-up is a new one. This situation is entirely unsatisfactory. The Department of Justice, Equality and Law Reform claims that there has been "virtually no unplanned downtime". What exactly does this mean? How much unplanned downtime has occurred since 2007? Chief Inspector Kathleen O'Toole recently told an Oireachtas committee that despite the vast

amount of money spent upgrading the system, it is still not user-friendly and is holding the Garda back in its efforts to prevent crime.

It is not just the PULSE that is causing the Garda problems. After 11 years of promises, gardaí and their colleagues in the emergency services are still denied access to a digital radio system. Instead they are stuck with the old analogue system, which is totally outdated and unreliable, and can easily be intercepted by criminals and their associates. The criminals that gardaí are confronting on a daily basis are armed with far better technological advances than our police force.

In times of the credit crunch we are faced with what can be described as a new form of crime, credit crunch crime. We in the Houses of the Oireachtas and the Minister for Justice, Equality and Law Reform in particular should ensure that appropriate resources are made available to allow gardaí engage in front-line activity. If the Minister for Justice, Equality and Law Reform is serious about preventing crime he needs to bring Garda technology out of the stone age and into the 21st century. This means adopting international best practice and delivering on promises that have been parked for many years.

Only two weeks ago a Circuit Court judge was forced to apologise after it emerged that a suspended sentence had not been properly logged on the Garda computer system, which could have resulted in a major embarrassment in our criminal justice system. How much has PULSE cost to date? The figure I have suggests €61.3 million. However, this does not include in excess of €10 million spent on improving and maintaining the system between 2001 and 2006. If the system is flawed, why does it require such massive expenditure to deal with the ordinary day-to-day maintenance of the system?

As the Minister continues to deny the emergency service access to digital radio and a properly functioning PULSE database system, we are in effect playing straight into the hands of criminals and I would like to see a programme of action once and for all on this important issue.

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt):** I thank the Deputy for affording me an opportunity to update the House on the use of modern technology by the Garda Síochána, in particular the PULSE system. I am replying on behalf of the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern.

PULSE is the primary Garda operational IT system supporting operational members doing their day-to-day policing tasks and is now available on more than 2,000 personal computers in 342 Garda locations nationwide, including all divisional and district headquarters. Decisions to extend the PULSE system to other locations takes into account factors such as the volume of business, the amount of Garda time spent at the station and, of course, the investment cost in the installation and ongoing maintenance of the system. It was never the intention of the Garda authorities to provide PULSE in every single Garda location and requirements are kept under constant review. Additional Garda stations are added to the network on a case-by-case basis. That said, with the current level of coverage, approximately 85% of incidents originate from locations where PULSE is available, which is indicative of the real level of coverage.

With regard to the availability of the PULSE system in the Garda College in Templemore, I am informed by the Garda authorities that in addition to access to the PULSE system itself, a PULSE training database for educational purposes is in use in a dedicated facility in the Garda College and in other training facilities at other locations nationwide.

[Deputy Michael P. Kitt.]

A number of major initiatives have taken place in recent years that have resulted in the further release of Garda resources for operational duties. The Garda information services centre, GISC, which is based in Castlebar, provides a service whereby gardaí who would otherwise need to return to the nearest station to input or update incident data, now do so over the telephone via civilian staff at the centre. Approximately 13,000 calls per week are handled by the centre thus releasing Garda resources for visible, front-line policing across our communities. Quality control and review of data are also managed by dedicated civilian staff at the GISC, thereby relieving sergeants of this administrative task and allowing further deployment for more operational duties.

The functionality of the PULSE system is continually upgraded and enhanced to accommodate new business requirements, policies and procedures as well as updates to reflect new legislation. In November last year a new release of PULSE was deployed. A key aspect of this release provides for electronic integration with the Courts Service whereby applications for summonses by the Garda are electronically routed to the courts criminal case tracking system, which will in return issue the summons and electronically notify the Garda through PULSE of the court date and outcome of the case in due course. This has led to direct efficiency savings for both organisations and increased Garda visibility through minimising court-related administrative work.

Further enhancements to PULSE functionality are scheduled for this year including supports for missing persons inquiries, a system to support the operation of the sex offenders register and support for firearms registration and licensing. PULSE has also been integrated with other niche systems such as the automated fingerprint identification system thereby providing access to more specialised data through a single point of entry. The Garda PULSE system is not only core to the work of every garda but will continue to be a vital tool in the detection and recording of crime in the future.

### **Court Accommodation.**

**Deputy Margaret Conlon:** Gabhaim buíochas leis an gCathaoirleach as an deis an t-ábhar tábhachtach seo a phlé. I am grateful for the opportunity to raise this important matter. The courthouse in Castleblayney is a mid-19th century Italianate building which occupies an important island site in the town centre. Its unique design means it can be viewed from all sides. However, following neglect and abandonment over the years the building is now in a state of disrepair. There is a serious outbreak of dry rot on the east side of the building. This building offers significant potential for development and Castleblayney's courthouse site needs to be developed as a civic facility. Like most towns in County Monaghan, Castleblayney suffered from being in a Border county. The Troubles lasted for more than 40 years and were a scourge on the county. Businesses were either afraid, unable or unwilling to invest further in Castleblayney and its surrounding areas while investment opportunities were being availed of in non-Border counties. In neighbouring County Louth a new courthouse and civic facility was opened in Ardee in June 2008. This is a fine model of what could be done with Castleblayney courthouse. We have the site in the centre of the town and we have significant potential for development but as it stands in its current state, it portrays a very negative image of our town.

The Courts Service no longer has a proper long-term home and is currently seeking temporary premises. The Judiciary is unhappy with the current arrangements and it would be a dreadful outcome if the Courts Service were to cease sitting in the town.



The Courts Service and the library are both using rented accommodation. The town council and county council both require new office accommodation. They could all be housed in this building and there is potential for the inclusion of a tourist office. The cost of this investment is reportedly in the region of €5 million but in the current climate I would expect that if this project were to be put out to tender, there would be a reduction in the figure as today's capital contracts are tendering at up to 30% below last year's figure. I am convinced we have a golden opportunity now for capital investment in the town and we should seize it while also obtaining good value for money.

It is my firm belief this building can be made the centrepiece of the town and could be turned into an expression of confidence in a Border county. It would also be a great way of drawing people into the centre of our town thus helping businesses, restaurants and shops especially if this tough economic climate continues in the medium to long term.

The work needed on this building would create construction and other related work. It could create in excess of 50 jobs for the next two years and as a preserved building it would require specialist work.

The courthouse building, if left as it is, will continue to be a health and safety problem and an eyesore. This iconic building has great potential. I have been in regular contact with the Courts Service and the local authority on this issue and I would like to see some progress this year. There is a great need for the work to begin immediately in order to seal the building and the restoration and development would prevent further decay and deterioration. This is an important historic building in Castleblayney and investment in its renovation would not only generate much-needed employment and income but would also give the Border town a much-needed confidence boost. I look forward to the Minister of State's reply.

**Deputy Michael P. Kitt:** Monaghan County Council submitted an application to the Department in June 2006 for sanction to take out a loan to fund essential repairs to Castleblayney Courthouse. At the time the county council wished to secure the building's external fabric and prevent further deterioration. However, the county council subsequently decided to re-examine its proposals for the courthouse and engaged consultants to prepare a feasibility study on the cost of refurbishing it as a civic centre to provide accommodation for the existing courthouse, offices for Castleblayney Town Council and possibly a branch library for the town.

Having regard to the requirements of the Courts Service, the consultants noted that the floor area available in the building would be entirely taken up by the needs of the court and that it would not be possible to accommodate the town council in the same building. As a result of this finding, I understand that the county manager wrote directly to the Courts Service seeking to have Castleblayney courthouse included in the national courthouse renovation programme. The Courts Service responded to the effect that the cost of restoring the courthouse solely for court use would be prohibitive. In its current capital building programme, the Courts Service is prioritising the refurbishment of county town venues and in this regard, Monaghan courthouse is currently under refurbishment. In the view of the Courts Service, it would be substantially cheaper to provide the necessary court accommodation in Castleblayney on a greenfield site which would cost approximately half the cost of renovation of the existing courthouse. The Courts Service has indicated that on this basis and when funds become available, provision of the necessary court facilities on a greenfield site is most likely to be the option pursued in this regard.

Should Monaghan County Council wish to pursue further its application to take out a loan to fund the reconstruction of the courthouse, the Department will consider the application in



[Deputy Michael P. Kitt.]

due course, having regard to Monaghan County Council's own financial position and the national position with respect to the general Government balance. In this context, all loan applications received from local authorities must be considered according to their priority. It is of paramount importance that Ireland adheres to the rules set out in the EU Stability and Growth Pact and in this regard there are limitations on the overall scale of local government borrowing in any single year. Within those terms I must prioritise the most crucial projects and investments across the local government sector. Any renewed application by Monaghan County Council in respect of Castleblayney courthouse will be considered by the Department within these parameters.

The Dáil adjourned at 9.45 p.m. until 10.30 a.m. on Wednesday, 4 February 2009.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 and 2, answered orally.*

*Questions Nos. 3 to 100, inclusive, resubmitted.*

*Questions Nos. 101 to 109, inclusive, answered orally.*

### **Pension Provisions.**

110. **Deputy Catherine Byrne** asked the Minister for Social and Family Affairs the date the long-term pension framework will be published; and if she will make a statement on the matter. [3246/09]

162. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs her target date for completion of the White Paper on Pensions. [3224/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 110 and 162 together.

As the House is aware, the Green Paper on pensions was published in October 2007 and this was followed by a lengthy consultation process which concluded at the end of May 2008. The consultation was very successful as it showed that there is a great demand for pensions reform. Unfortunately, there was little consensus on the type of reform required. The views expressed ranged from a continuation of the existing voluntary arrangement to a State run earnings-related pension system operated through the PRSI system.

The Government is faced with very difficult decisions in this area. A good pensions system is costly no matter how it is organised. The challenge faced by Government is to strike the appropriate balance between those involved, including employers, people in employment and the State.

Recent market difficulties have also highlighted issues in relation to security of pensions and this must also be considered in the development of our long-term approach.

Our objective must be a pension system which will deliver an adequate retirement income for all which is, at the same time affordable and sustainable for the State, and those who sponsor and provide occupational pensions systems.

[Deputy Mary Hanafin.]

It had been hoped to finalise our approach on all aspects of the pensions system by the end of 2008 but this did not prove possible. Discussions with my Government colleagues on the final framework are on-going, and I expect that the framework will be ready for publication shortly.

### **Carers Strategy.**

111. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the date the National Carers Strategy will be published; and if she will make a statement on the matter. [3259/09]

119. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs when she will publish a National Carers Strategy. [3219/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 111 and 119 together.

In January 2008 a working group, chaired by the Department of An Taoiseach, was established to develop the National Carers Strategy. My Department provides the secretariat to the working group which also includes representatives of the Departments of Finance, Health and Children and Enterprise, Trade and Employment as well as FÁS and the Health Service Executive. Considerable work was undertaken in developing the strategy during 2008.

The Department met with a wide range of organisations including the Equality Authority, Combat Poverty Agency, Citizen's Information Board, the National Council on Ageing and Older People, the Office of the Revenue Commissioners, the Department of Environment, Heritage and Local Government and the National Disability Authority.

In addition, a request for submissions from the public was published in regional and national newspapers in March 2008 which yielded a good response from both individuals and organisations.

The commitment to the development of a National Carers Strategy also includes a commitment to appropriate consultation with the social partners. An update in relation to the strategy was provided to the social partners plenary session in February. A consultation meeting with the social partners was held on 8 May 2008.

However, despite the work undertaken by the group, the context in which the strategy is being developed has been severely constrained by the immediate fiscal difficulties facing the economy. These difficulties have led to uncertainty not just within the Department of Social and Family Affairs but also the health service and the range of organisations represented on the working group which made it impossible to bring the strategy to a satisfactory completion last year.

Officials from the Department and members of the working group met with carer representative groups in December 2008 in the second of two agreed meetings on the strategy. At this meeting the difficulties facing the working group as a result of the current economic situation were outlined. The groups were also informed that the strategy would not be published by the end of 2008 as had been anticipated. The draft document produced by the working group is currently being considered.

### **Pension Provisions.**

112. **Deputy Pat Breen** asked the Minister for Social and Family Affairs if, in the context of the growing number of company failures, she intends to protect employees who have contributed to insolvent pension schemes; and if she will make a statement on the matter. [3240/09]

116. **Deputy Joe Costello** asked the Minister for Social and Family Affairs the number of defined benefit pension schemes which currently fail the minimum funding standard; and the number of these which are below 24% of the standard, 50% of the standard, and 75% of the standard respectively. [3211/09]

122. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs if she is satisfied that Directive 80/987/EEC is being complied with here; and her plans to amend legislation arising from a Court of Justice judgement (details supplied). [3216/09]

140. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the new measures being taken or the proposals being considered to address the crisis in private pension funds; and if she will make a statement on the matter. [3201/09]

143. **Deputy Thomas P. Broughan** asked the Minister for Social and Family Affairs if she is satisfied with the level of enforcement of the minimum funding standard in respect of defined benefit pensions. [3213/09]

144. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs her views on applying any shortfall from the minimum funding standard in respect of a defined benefit pension scheme as a corporate debt on the company concerned. [3214/09]

147. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the discussions between her Department and the European Commission in relation to compliance here with Directive 80/987/EEC. [3217/09]

152. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if there has been correspondence between her office and persons (details supplied); and if she will make a statement on the matter. [3204/09]

156. **Deputy Brian O'Shea** asked the Minister for Social and Family Affairs the steps she will take to secure the pension benefits of workers with defined benefit pensions. [3212/09]

158. **Deputy Joan Burton** asked the Minister for Social and Family Affairs if she will review funding and employer contribution or top-up requirements in respect of private sector defined benefit employee pension funds; and if she will make a statement on the matter. [45345/08]

161. **Deputy Joan Burton** asked the Minister for Social and Family Affairs the correspondence she has received with respect to the possible insolvency or collapse of private sector defined benefit pension funds; her views on whether the failure of such funds would be unacceptable; if she has prepared a contingency plan in the event that such funds were to collapse; and if she will make a statement on the matter. [45379/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 112, 116, 122, 140, 143, 144, 147, 152, 156, 158 and 161 together.

The pension rights of scheme members are protected through trust law and by provision in the Pensions Act 1990 as amended.

As supplementary pension schemes are usually established under irrevocable trust, the assets of the scheme are legally separate from the assets of the employer and are not available to any other creditors where the employer becomes insolvent. Under trust law, trustees of occupational pension schemes have the principal responsibility for ensuring that the entitlements of the members are adequately protected and that they receive the pensions due to them.

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In addition to the safeguards provided by trust law, the Pensions Act 1990 also provides for the regulation of pensions schemes in Ireland. In an EU context, Article 8 of Directive 80/987/EEC provides that Member States shall ensure that the necessary measures are taken to protect the interests of employees and of persons having already left the employer's undertaking or business at the date of the onset of the employer's insolvency. In its review of the transposition of that Directive, the EU Commission, at the time gave an assurance that Ireland had adequately transposed the provision in that Directive. Accordingly, the implications of the more recent ECJ judgement are being assessed to see to what impact, if any, it might have on Ireland.

Under the Pensions Act, defined benefit pension schemes must meet a minimum funding standard which requires that schemes maintain sufficient assets to enable them discharge accrued liabilities in the event of the 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.

Based on the most recent actuarial funding certificates submitted to the Pensions Board 75% of defined benefit schemes passed the Funding Standard. Most of those schemes failing the test had a funding proposal in place. However, the effective date of most of these certificates pre-dates the current market difficulties. Accordingly, the full extent of the problem and the actual level of under-funding will not be fully apparent until schemes carry out their next actuarial assessment and report the results to the Pensions Board.

The Government is very conscious of the pressures on employers sponsoring pension schemes, and scheme trustees, arising from the very significant losses incurred by pension funds over the last year. It is anxious to ensure, in so far as it can, that those involved have sufficient time and space to fully assess the implications of the current difficulties for their schemes and the remedial action they can take.

Correspondence on these matters has been received from a number of interested bodies, including the Pensions Board, representative organisations and the social partners. The Government is considering the proposals and is working 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. In this regard a number of short-term measures have already been announced.

- Extra time is being allowed to schemes to formulate funding proposals. This will mean that trustees will have 18 months to review the situation with sponsoring employers and to formulate proposals for recovery.
- The Pensions Board will deal as flexibly as possible with applications for approval of funding plans;
- The Board will have the flexibility to allow longer periods (over 10 years) for recovery plans in appropriate circumstances;
- The Board will allow the term of a replacement recovery plan to extend beyond the end date of the original plan where the scheme is part-way through a previous recovery plan but is off track due to investment losses;
- The Board will take into account voluntary employer guarantees in approving recovery plans;

To ensure that these concessions are not seen as a weakening of supervision arrangements, the Board will not accept recovery plans which do not demonstrate an appropriate investment approach.

As indicated, these are short-term measures and the Government is considering the long-term response to the situation in the context of the Green Paper on Pensions and the framework for future policy which is being finalised at present.

Our objective must be a pensions system which can deliver adequate retirement incomes and which is affordable in the long-term for the State and those who sponsor occupational schemes.

*Question No. 113 answered with Question No. 106.*

### **Public Service Expenditure.**

114. **Deputy Bernard Allen** asked the Minister for Social and Family Affairs if her Department has met with the special group on public service numbers and expenditure programmes; and if she will make a statement on the matter. [3234/09]

126. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the types of social welfare benefits that the special group service numbers and expenditure programme will be examining. [3202/09]

157. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs when the special group service numbers and expenditure programme is expected to report back to her on proposed changes in social welfare spending. [3203/09]

164. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the discussions she has had with the group established to identify potential cost savings in the public sector in relation to possible cutbacks in her Department's expenditure and specifically in relation to the half-rate carers payment. [3218/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 114, 126, 157 and 164 together.

The Special Group on Public Service Numbers and Expenditure Programmes was established by the Minister for Finance to examine current expenditure programmes in each Department and to make recommendations for reducing public service numbers so as to ensure a return to sustainable public finances. The Group will make periodic reports to the Minister for Finance and will submit its final report by the end of June 2009.

Neither I, nor officials of the Department, have had discussions with the Group to date. Indeed, the Group is not scheduled to examine the Department's expenditure until early April 2009.

### **Family Income Supplement.**

115. **Deputy David Stanton** asked the Minister for Social and Family Affairs further to parliamentary Question No. 11 of 11 November 2008; if the ESRI research project regarding take up levels of family income supplement has been completed; when she will publish same; the action she will take as a result of the findings; and if she will make a statement on the matter. [3330/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The family income supplement scheme (FIS), which provides income support for employees on low earnings with



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families, is designed to preserve the incentive to move from welfare to (or remain in) employment in circumstances where the employee might only be marginally better off than if he or she were claiming other social welfare payments.

Since its introduction concern has been expressed from a number of quarters that there is a low take-up under the scheme. It has not been possible to estimate from administrative sources the number of families who would be eligible but do not apply for their FIS entitlements. However, research undertaken by the Economic and Social Research Institute (ESRI) in 1997, which was based on the results of the Living in Ireland Survey 1994, suggested that fewer than one in three of potentially eligible claimants were actually in receipt of the payment at that time. Since those with a higher entitlement are more likely to avail of the scheme, the take-up in expenditure terms was estimated to be somewhat higher, at close to 40% of potential expenditure. Subsequent studies by the ESRI have arrived at similar estimates of take-up.

Following on from further research undertaken by the ESRI, the Department undertook to determine the current level of take up of FIS among potentially qualifying families and to ascertain the reasons underlying the failure to avail of this payment, where applicable, and carry out an analysis of the existing FIS customer base. This research on the take-up of FIS has been undertaken by Millward Brown IMS on behalf of the Department and is now well advanced.

*Question No. 116 answered with Question No. 112.*

#### **Social Welfare Benefits.**

117. **Deputy Noel J. Coonan** asked the Minister for Social and Family Affairs her recent proposals to assist lone parents; and if she will make a statement on the matter. [3254/09]

133. **Deputy David Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 11 of 11 November 2008, the progress that has been made by her Department in implementing the Government proposals for supporting lone parents, in particular the introduction of a new income support payment for low income parents, whether living alone or with a partner with young children; when she expects to introduce this new payment; and if she will make a statement on the matter. [3329/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 117 and 133 together.

The Government discussion paper, “Proposals for Supporting Lone Parents,” put forward proposals to tackle obstacles to employment for lone parents and other low income families. These included proposals for the extension of the National Employment Action Plan to focus on lone parents, focused provision of childcare and the introduction of a new social assistance payment for low income families with young children.

Any proposed new payment cannot be introduced without co-ordinated supports and services being put in place by other Departments and Agencies. The Senior Officials Group on Social Inclusion is working on an implementation plan to progress the non-income recommendations.

Issues including access to childcare support, education, training and activation measures are being discussed with the relevant Departments and Agencies in tandem with the development of a new payment scheme.

To further inform the process, the Department, with the co-operation of FÁS, the Office of the Minister for Children and Youth Affairs and the Department of Education and Science,

tested the proposals in both an urban and rural setting: Coolock, Dublin and Kilkenny. These studies were carried out to facilitate the development of the policy and operational details of the new scheme. The process involved both lone parents and qualified adults. It was carried out on a voluntary basis and the take-up was low.

The experience has however highlighted how both lone parents and qualified adults are not a homogenous group, are of different ages, have experienced different routes into their current situation and have different needs. Educational levels of those who participated were generally low, there was little or no engagement with FÁS, some participants intended to return to full or part-time work when their child was a few months old; others, however, had been out of the work force for a considerable period of time. Earnings from previous employment were generally low. For almost all of those intending to return to work, affordable childcare is a critical issue.

Officials in the Department continue to work on developing the proposed new income support payment and the experience of this engagement process is feeding into the development of our approach to working with lone parents and qualified adults.

**118. Deputy Seymour Crawford** asked the Minister for Social and Family Affairs the number of farm families benefiting from farm assist; if she is satisfied that farmers are aware that this scheme could benefit them; her views on whether it is fair that a farmer should be questioned by a social welfare inspector who advised them to apply for farm assist; and if she will make a statement on the matter. [3332/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** There are 7,538 claimants on the farm assist scheme at present; of which 76 are new claims awarded since 1 January 2009. The average weekly payment is €219.60. There has been a steady decline in uptake of the farm assist scheme. This is due to the significant increase in off-farm employment in recent years and the take up of the Rural Social Scheme which is operated by the Department of Community, Rural and Gaeltacht Affairs and which also specifically targets low-income farmers.

The Department's information policy is to ensure that all citizens are made aware of their entitlements and that they are kept informed of changes and improvements in schemes and services as they occur. Information on farm assist is provided through the normal channels including information leaflets and guides and through the Department's network of local and branch offices. Each Local Office has officers who are dedicated to providing information and are available to explain supports and services to people. This locally based service is supported by central Information Unit which operates a LoCall information line (1890 66 22 44) which customers may Call for information and guidance on their entitlements.

Staff of the department also attend exhibitions and seminars throughout the country promoting information on social welfare rights and entitlements. A stand was provided at the Ploughing Championships in Cuffesgrange, Co. Kilkenny in September giving information on all schemes and services including farm assist. In addition, information on all schemes and services is available on the Department's webs [www.welfare.ie](http://www.welfare.ie). The Citizens Information Board, which comes under the aegis of the Department, also provides information through approximately 260 Citizen Information Centres and other outlets around the country, through a phone service which operates from 9am to 9pm Monday to Friday, and the website [www.citizensinformation.ie](http://www.citizensinformation.ie).

Farm assist has brought about significant worthwhile improvements for low income farmers, particularly for those with children, making a valuable contribution to supporting those who

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are at the lower end of the farm income spectrum. The Department will continue to promote and publicise the scheme in order to achieve and maintain maximum take up.

It is an intrinsic part of the role of Social Welfare Inspectors to provide information and advice on Social Welfare schemes and in this context, inspectors in rural areas actually facilitate the farm assist scheme.

Social Welfare Inspectors are also required to assess the means of applicants for farm assist and provide a report on the farmer's income to a Deciding Officer. The Deciding Officer makes a decision based on the Inspector's report. Any farmer who is dissatisfied with a decision given on a farm assist application may appeal the decision to the independent Social Welfare Appeals Office.

*Question No. 119 answered with Question No. 111.*

120. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs the target times that apply to the processing of jobseeker payments. [3230/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The target for jobseeker's benefit is that 85% of claims will be processed within 2 weeks. For jobseeker's allowance the target is 70% in two weeks. During December, 69% of jobseeker's benefit claims were decided within 2 weeks and 40% of jobseeker's allowance claims were decided within 2 weeks. However, these figures must be viewed in the context that there has been a 71% increase in the live register since December 2007.

During December 2008, a total of 24,052 jobseeker benefit claims and 11,685 jobseeker allowance claims were decided as compared with 10,235 and 5,875 respectively in December 2007 representing almost a 122% increase in the number of decisions made.

The existing performance targets for all schemes are currently being reviewed by the Department. As I outlined in the answer to the first priority question, the Department has taken a number of steps to improve processing times for jobseeker's payments. An additional 31 staff were assigned to 15 local offices following a review of the number of staffing levels in local offices in May and June last year.

Following a further review late last year, it was decided to put an extra 115 staff in place. 57 of these have already taken up work, while start dates have been agreed for a further 19 staff over the next two to three weeks. It is expected that all of the posts will be filled by late February. Appropriate training will be given to the new staff on their assignment to the local offices.

Four Central Decisions Units are also being set up in Dublin City Centre, Sligo, Finglas and Carrick-on-Shannon, each of which will have 10 staff.

In addition to this, a further 16 Social Welfare Inspectors are being assigned to various locations throughout the country to do means and other work associated with processing claims for jobseeker's payments.

This brings to 202 the number of additional staff being assigned to local offices and claim processing roles.

At the same time, the procedures and processes associated with claims for jobseeker payments are being reviewed and a number of process improvement initiatives are being implemented. For example, the Dundalk initiative I referred to earlier involves applicants for jobseeker's payments having their claims taken and decided upon during an appointment with a deciding officer.

Some 40% of jobseeker's applications are now being decided upon this way in the Dundalk office. Having been well-received by customers, this initiative will be extended to other offices on a phased basis.

*Question No. 121 answered with Question No. 106.*

*Question No. 122 answered with Question No. 112.*

*Question No. 123 answered with Question No. 106.*

### **Social Welfare Fraud.**

124. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs if she is satisfied with the progress made in tackling welfare fraud; and if she will make a statement on the matter. [3327/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of the Department.

The Department makes payments to over one million people every week and the vast majority of them are receiving the entitlement due to them. Where overpayments occur the Department seeks to recover the overpayments and in cases of serious fraud, the Department will use all legal avenues open to it to recover the money defrauded and seek redress.

A four-pronged control strategy has been adopted by the Department, namely prevention of fraud and error at the initial claim stage, early detection through effective review of claims in payment, measures to deter fraud and the pursuit and recovery of overpayments.

Key elements of the Department's control strategy include systematic risk analysis, surveys of the levels of fraud and error within schemes and matching the Department's scheme data with other bodies' data e.g. Revenue's commencement of employment and earnings data. These control tools help identify the types of claims which should be prioritised for review purposes.

There are approximately 600 staff at local and regional level whose work involves control activities including a dedicated section dealing with identity fraud in PPSN allocations.

Two officers of the Department are seconded to the Garda National Immigration Bureau to assist both agencies in the pursuit of their respective remits, with particular emphasis on welfare fraud and breaches of immigration legislation.

In 2008 almost €476 million in social welfare payments was saved through fraud and error control measures which is an increase of €29million on the previous year. Over 560,000 social welfare claims were reviewed and over 1,000 reports of possible fraud were received from members of the public.

At the end 2008, 357 cases of social welfare fraud were forwarded to the Chief State Solicitors Office for the initiation of prosecution proceedings. 328 cases were finalised in court, two were imprisoned, 19 received suspended sentences, 208 were fined, nine received community service and 46 received the Probation Act. The remaining penalties included cases which were bound to the peace or adjourned with liberty to re-enter.

I am committed to ensuring that social welfare payments are available to those who are entitled to them. I am also determined to ensure that abuse of the system is prevented and is dealt with effectively when detected. In this regard the control programme of the Department is carefully monitored and the various measures are continuously refined to ensure that they remain effective.

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125. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs if she will engage with the European Commission to ensure that reduced rate welfare payments made by her Department that are affected by changes in the value of sterling, or more precisely by the average value of sterling over the previous three months as assigned by the Commission, are updated instead on a monthly basis by the average value of sterling over the previous month. [3226/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I understand the Deputy is mainly concerned with the assessment of income derived from payments (e.g. pensions) received from other EU Member States for the purposes of means-tested payments provided by my Department.

There is no necessity to engage with the EU Commission on this issue, as the current EU rules would allow for different method of calculation in such cases.

Article 107 of Council Regulation (EEC) No. 574/72 on Social Security for Migrant Workers sets out the exchange rate which should be used by EU States for currency conversions in certain circumstances. These circumstances include, for example, a situation where a person from one Member State receives health care in a second Member State, but their home State is liable to reimburse the second State for such costs.

It is the practice in my Department to use this conversion mechanism for situations not covered by this Article of the Regulations, such as assessment of means. This approach has the advantages of transparency and consistency. While the time-lag means that the conversion rate is not always up-to-date, this can also work to the customer's advantage when exchange rates are falling.

As I have already indicated in previous replies to recent questions on this issue, under this mechanism the conversion rate used for means testing purposes is derived from the average of the daily exchange rates in the first month of a quarter. This rate is then used in all conversions during the course of the succeeding quarter. Alternatively the conversion rate applicable to the next succeeding quarter is used if it is more beneficial to the customer. The Department does not generally review claims specifically because of movements in exchange rates. However, it is open to any pensioner who believes they may be entitled to an increase in the rate of their payment to seek to have their means reviewed.

*Question No. 126 answered with Question No. 114.*

127. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if she will review social welfare legislation governing the operation of family income supplement to allow for the splitting of the payment between parents when they both make significant provision for the child or to allow either parent claim when they both make significant provision for the child regardless of where either parent resides, as the definition of qualified child means that separated or divorced parents cannot claim for a child that does not reside with them but to whom they may provide substantial maintenance. [3208/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The family income supplement scheme (FIS), which provides income support for employees on low earnings with families, is designed to preserve the incentive to take up or remain in employment in circumstances where the employee might only be marginally better off than if he or she were claiming other social welfare payments.



Under the current provisions, a separated or divorced parent can claim FIS where s/he is wholly or mainly maintaining the other parent, with whom their children are resident, provided that there is not an existing FIS claim in payment in respect of those children.

The primary objective of FIS is to provide an income support to low-income households in which children are being reared. If the definition of a family for FIS purposes were to be extended to include a separated or divorced spouse, thereby qualifying the separated/divorced spouse for FIS, all family income would have to be assessed in the same way as if the family were residing together, in order to avoid discriminating against households where both spouses/partners reside together. However, this approach would raise serious administrative and policy issues where either parent re-married or formed a new partnership arrangement in the future. For example, questions would arise regarding how the earnings of a second spouse or cohabiting partner should be assessed, and how families should be treated where there are children from different relationships residing in the one household.

An additional issue for consideration would be the treatment of maintenance payments by the non-resident spouse or partner for FIS purposes. For example, if a non-resident spouse or partner is earning €400 a week and is paying €50 in weekly maintenance, s/he could qualify for a FIS payment of €90 a week if s/he has 1 child. In this case, the FIS scheme would effectively be subsidising the payment of the maintenance award by the non-resident spouse or partner.

A technical review of the entire social welfare code, including the FIS scheme, is currently underway to examine its compatibility with the Equal Status Act, 2000. This review, which is examining the social welfare schemes and services provided for both on a legislative and administrative basis, aims to identify any possible instances of direct or indirect discrimination on any of the nine grounds listed under the Equal Status Act, including: gender, marital status and family status, that are not justified by a legitimate social policy objective or where the means of achieving that objective are either unnecessary or inappropriate. The complex issues that would arise if the FIS payment were to be split in cases where the spouses/partners are either separated or divorced, together with other relevant aspects of the FIS scheme, will be examined in the light of the findings of this review, which is due to be completed in the coming months.

*Question No. 128 answered with Question No. 106.*

### **Mortgage Interest Supplement.**

129. **Deputy Damien English** asked the Minister for Social and Family Affairs the measures that have been put in place by her Department in conjunction with other Departments to meet the growing applications for assistance by people struggling to meet mortgage repayments; and if she will make a statement on the matter. [3272/09]

163. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs her plans to introduce new regulations for mortgage interest supplement. [3221/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 129 and 163 together.

The supplementary welfare allowance scheme provides for a weekly or monthly supplement to be paid in respect of mortgage interest. The purpose of the 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.



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As of 23 January 2009, there were over 8,500 people in receipt of mortgage interest supplement, an increase of 4,400 (108%) over the number in payment at end 2007. New provisions relating to mortgage interest supplement were included in the Social Welfare (Miscellaneous Provisions) Act 2008. These provisions were inserted to strengthen the legal basis for the regulations governing the payment of mortgage interest supplement and to ensure that new regulations can be made setting out the conditions and circumstances under which mortgage interest supplement can be paid and the duration of the payment. The relevant regulations have not yet been made.

The Department has commenced a review of the administrations of the mortgage interest supplement scheme. The main purpose of the review is to consider how, in the current economic environment, the mortgage interest supplement scheme can best meet its objective of catering for those who require income assistance on a short-term basis, where they are unable to meet mortgage interest repayments on their sole place of residence. Legislative and operational issues arising in the existing mortgage interest scheme will also be examined and new regulations made as required.

The mortgage interest supplement scheme is administered by the community welfare service of the Health Service Executive on behalf of the department. The operational arrangements for the processing of applications and the payment to qualifying individuals, is a matter for the respective community welfare division areas.

The administration costs of the supplementary welfare allowance, including mortgage interest supplement, and back to school clothing and footwear schemes are met by the department. The issue of increased demand on existing resources is a matter for the HSE in the first instance to prioritise workloads and re-deploy resources where necessary so that frontline services are maintained. The department is committed to working closely with the HSE in ensuring effective delivery of the supplementary welfare allowance scheme and associated income support payments. It is open to the HSE at anytime to approach the department to review its allocation for staff costs associated with delivery of these services. However, the question of any increase in expenditure for staffing within the community welfare service above that currently provided, would have to be considered in the context of overall Government policy on public service manpower levels.

### **Social Welfare Benefits.**

130. **Deputy Joe Costello** asked the Minister for Social and Family Affairs the efforts she has made to ensure that the restrictions introduced in the Social Welfare (Miscellaneous Provisions) Act 2008 to jobseeker benefit payments do not negatively impact on the eligibility of persons applying for the back to education scheme and community employment schemes. [3227/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The recent changes to the duration of the payment of jobseeker's benefit are necessary to control expenditure on the scheme by aligning the contribution conditions for these benefits more closely to the level and duration of the benefits being provided. The changes are designed to ensure a uniform, rationalised, approach across the short-term social insurance schemes.

The back to education scheme is designed to enable people in receipt of social welfare payments to pursue an approved full-time education course, subject to fulfilling the qualifying conditions. The underlying objective is to raise education and skill levels among the long-term unemployed, improve their skills and qualifications and, therefore, their prospects of returning

to the work force. One of the conditions for the back to education allowance is that a person must be in receipt of a qualifying payment for a specified period immediately prior to commencing the relevant course.

For a person in receipt of jobseeker's benefit or jobseeker's allowance, the specified period is 6 months (156 days) for second level courses and 12 months (312 days) for third level courses. In order to support the activation of the unemployed, the specified waiting period for access to the third level option was reduced to nine months for participants in the National Employment Action Plan.

There is no waiting period for an unemployed person who is awarded statutory redundancy and who has established entitlement to a social welfare payment. A person with no jobseeker's allowance or other social welfare payment entitlement after the exhaustion of jobseeker's benefit may access the BTEA on the basis of credited contributions and qualify for the cost of education allowance only.

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. The current eligibility criteria set by the Department of Enterprise, Trade and Employment for entry onto the CE programme allows for the combination of periods on different social welfare payments provided they add up to at least 12 consecutive months (where applicable) and the person is currently in receipt of the payment at the time of application.

A person in receipt of jobseeker's benefit can normally apply for jobseeker's allowance when their contribution-based payment is exhausted and the combined periods will count for access to the schemes.

The operation of the schemes have been subject to review and modification over the years to ensure that they continue to assist those furthest from the labour market. The qualifying conditions will continue to be monitored in the context of the objectives of the schemes and the changing economic circumstances.

131. **Deputy Seymour Crawford** asked the Minister for Social and Family Affairs the number of people who receive the half rate carer's allowance; if her attention has been drawn to the fact that many of those people would be legally entitled to hold onto their existing social welfare benefits and retain full employment if they did not opt to care for their loved ones; her views on whether this care is saving the country a lot of money in keeping the elderly and disabled out of full time nursing home care; and if she will make a statement on the matter.

[3331/09]

138. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs the changes she will implement to the half rate carer's allowance; and if she will make a statement on the matter. [3200/09]

335. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will confirm that no reduction in payment of carer's allowances is anticipated in 2009 and that no change will take place in the qualification criteria which might restrict the level and scale of payments to carers or those in receipt of care; and if she will make a statement on the matter. [3529/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 131, 138 and 335 together.

[Deputy Mary Hanafin.]

Budget 2007 provided for new arrangements whereby people can receive a maximum payment equivalent to a half rate carers allowance while receiving another social welfare payment, other than jobseeker's benefit or allowance. These measures came into effect in September 2008 and there are currently just over 16,100 people in receipt of half-rate carer's allowance and another social welfare payment.

Eligibility for a carers payment, including half-rate carer's allowance is dependent on the person providing full time care and attention to a person who needs it. If a person ceases to provide such care and takes up full time employment they may be eligible to retain another social welfare payment, depending on the conditions of the scheme in question. For example, a person can engage in full time employment while in receipt of state pension (contributory). However, a person engaged in full time employment would be likely to have means in excess of the thresholds for a means tested payment, such as widow/er's (non-contributory) pension.

The introduction of the half-rate carer's allowance is only one of a number of improvements to payments to carers in recent years. Since 1997 weekly payment rates to carers have greatly increased, qualifying conditions for carer's allowance have significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced and extended. The means test for carer's allowance has been significantly eased over the years, most notably with regard to spouse's earnings. Since April 2008, the income disregard has been €332.50 per week for a single person and €665 per week for a couple. These levels surpass the Towards 2016 commitment to ensure those on average industrial earnings continue to qualify for a full carer's allowance.

From June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care, regardless of their income. The rate of the respite care grant has also been increased to €1,700 per year in respect of each care recipient since June 2008.

In June 2006, the number of hours for which a person can engage in employment, self-employment, education or training and still be considered to be providing full time care for the purposes of carer's allowance, carer's benefit and the respite care grant was increased from 10 to 15 hours per week.

In Budget 2009, I increased the rate of carer's allowance for those aged 66 or over by €7 to €239 per week and for those aged under 66 by €6.50 to €220.50 per week. These increases took effect from January 2009. Recipients of carer's allowance are also eligible for household benefits and free travel and the respite care grant. It is estimated that combined expenditure on carer's allowance, carer's benefit and the respite care grant will be €643 million in 2009. I have no plans to change the conditions associated with half-rate carer's allowance.

132. **Deputy Emmet Stagg** asked the Minister for Social and Family Affairs if she will review the rules applying to jobseeker's allowance in relation to the assessment of self-employed people to social assistance payments in view to the sudden drop in income affecting many self-employed people. [3206/09]

136. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the steps she proposes to take to meet the needs of persons becoming unemployed with particular reference to easing the qualifying criteria for the initial payment and eligibility of those previously self-employed who meet the usual means test guidelines; and if she will make a statement on the matter. [3231/09]

150. **Deputy Ruairí Quinn** asked the Minister for Social and Family Affairs if she will review the rules applying to jobseeker's allowance in relation to the assessment of contract workers to social assistance payments in view of the sudden drop in income affecting many people engaged in contract work. [3207/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 132, 136 and 150 together.

The combined employee and employer social insurance contribution for general employees, paying class A PRSI, is 14.05%, excluding levies. Self-employed people, on the other hand, are only liable for PRSI at the Class S rate of 3%. These much lower contributions give coverage towards long-term benefits such as State and Widow's Pension but do not enable a person to qualify for short-term insurance payments such as Illness Benefit or Jobseeker's Benefit.

A system of separate arrangements for employed and self-employed workers within a social insurance context is common in other European social protection systems. Self-employed people can apply for the means-tested Jobseeker's Allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services.

Their means would be taken as any net profit that they will earn in the coming 12 months. While their income from the previous twelve months is used as an indication in estimating their likely future earnings, it is not simply assumed that the previous year's earnings will be received in the coming year. Instead, account is taken of the potential for significant upward or downward variations in income from one year to the next. For example, if a self-employed person lost a contract and was unlikely to find a substitute contract in the coming year, this would be factored into the assessment of future income. The implications of the present downturn in the economy would of course be taken into account.

If a self-employed person's situation changes after they have made an initial claim for Jobseeker's Allowance, they can apply to have their means reviewed in the light of their changed circumstances. In addition it is open to the individual if he or she is dissatisfied with the means assessed to appeal to the Social Welfare Appeals office.

I appreciate the difficulties currently being faced by many self-employed people. However, extending social insurance cover for short-term benefits to this group would have significant financial implications and would have to be considered within a budgetary context.

Consideration would also have to be given to an appropriate increase in the rate of the PRSI Class S contribution. In that context, the Government has no immediate plans to change the current arrangements.

Instead, we will continue to ensure that the mechanisms used for assessing means for the Jobseeker's Allowance are sufficiently adaptable to meet the challenges presented by the current economic situation.

*Question No. 133 answered with Question No. 117.*

*Questions Nos. 134 and 135 answered with Question No. 106.*

*Question No. 136 answered with Question No. 132.*

### **Employment Support Services.**

137. **Deputy Willie Penrose** asked the Minister for Social and Family Affairs if she is satisfied with the level of co-operation between local employment services and her Department's local

[Deputy Willie Penrose.]

area offices; the ways she will improve same; and if she will make a statement on the matter. [3215/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Ireland's National Employment Service (NES) consists of 2 strands, Employment Services operated by FÁS, the National Training and Employment Authority, and the Local Employment Service (LES) which operates mainly through Local Area Partnership Companies on contract from FÁS.

The Department of Social and Family Affairs works closely with FÁS in providing opportunities for people on social welfare to access the range of training and employment services afforded by that organisation. An important area of this cooperation is in relation to the joint National Employment Action Plan. This is the main welfare to work measure under which all persons between the ages of 18 and 65 years who are approaching 3 months on the Live Register are identified by the Department of Social and Family Affairs and referred to FÁS for interview with a view to assisting them enter/re-enter the labour market. This includes people from new member states and those from outside EU.

The NEAP process is a key element in addressing the progression needs of those on the Live Register. It provides a stimulus to job search and affords an opportunity to explore, under professional guidance, the full range of employment and training services offered by FÁS. Just over 50,000 people were referred to FÁS under the NEAP in the 10 months to the end of October 2008. Of these 28,219 have left the Live Register of whom 6,664 were placed by FÁS in jobs, training or education.

Each week, FÁS and DSFA exchange files containing relevant client details of all current customers for the purpose of referring the unemployed and for the collation of statistics on outcomes of FÁS engagement with the targeted caseload. Social welfare staff in local offices liaise locally with FÁS to schedule interview dates for unemployed people.

FÁS together with the Local Employment Services provided by Area-Based Partnerships, is currently gearing up its Employment Services to provide increased capacity for the referrals from the Live Register under the National Employment Action Plan. It is proposed to refer people to the Local Employment Services (LES) of which there are over 100 offices throughout the country. Discussions on this initiative are on-going between DSFA, LES and FÁS.

The objective of the LES is to focus on the provision of services to those most disadvantaged in the labour market as a direct response to the local context within which it operates.

*Question No. 138 answered with Question No. 131.*

139. **Deputy Arthur Morgan** asked the Minister for Social and Family Affairs if efforts are being made to make the back to work enterprise allowance more accessible; and if she will make a statement on the matter. [3198/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The back to work allowance scheme is one of the department's employment support schemes designed to assist and encourage the long term unemployed, lone parents, people with disabilities and other social welfare recipients to return to the active labour force. There are two strands to the scheme; the back to work allowance (BTWA) for persons who take up employment and the back to work enterprise allowance (BTWEA) for persons who become self employed. These allowances provide a monetary incentive for people who are long term dependant on social welfare payments to make the return to work financially attractive and viable.



To qualify for the back to work enterprise allowance a person must be setting up a self — employment business that has been approved by a Partnership Company or a department's facilitator and, in the case of someone on the live register, they must be in receipt of a job-seeker's payment for 2 years prior to commencing their self employment. Participants on the back to work enterprise allowance receive a tapered percentage of their social welfare payment over a four year period. Participants may also retain entitlement to certain other secondary benefits. At the end of December 2008, there were 8,162 participants availing of the back to work scheme of which 4,604 were participating in the self employed option.

The scheme has been subject to review and modification over the years to ensure that it continues to assist those furthest from the labour market. The qualifying conditions will continue to be monitored in the context of its objectives and the changing economic circumstances.

*Question No. 140 answered with Question No. 112.*

### **Social Welfare Benefits.**

141. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of Irish citizens refused social welfare payments, including rent support on foot of the habitual residency clause criteria; and if she will make a statement on the matter. [3232/09]

331. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of Irish born citizens who have been deprived of social welfare payments in the past two years under the habitual residency clause; and if she will make a statement on the matter. [3525/09]

332. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the number of non-Irish born Irish citizens who have been deemed ineligible for a social welfare payment on foot of the habitual residency clause since its inception; and if she will make a statement on the matter. [3526/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 141, 331 and 332 together.

The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1 May 2004.

It was introduced in the context of the Government's decision to open the Irish labour market to workers from the 10 new EU Member States, without the transitional limitations which were imposed at that time by most of the other Member States.

The effect of the condition is that a person whose habitual residence is elsewhere would not normally be entitled to social welfare assistance or child benefit payments on arrival in Ireland.

Under Social Welfare legislation, decisions in relation to all aspects of claims are made by statutorily appointed Deciding Officers. Each case received for a determination on the Habitual Residence Condition is dealt with in its own right and a decision is based on application of the legislation and guidelines to the particular individual circumstances of each case. Decisions in relation to Supplementary Welfare Allowance, including Rent Supplement, are made by Community Welfare Officers in the Health Service Executive (HSE).

Any applicant who disagrees with the decision on a case has the right to request a review of that decision and/or appeal to the independent Social Welfare Appeals Office.

While decisions to the effect that applicants satisfy the Habitual Residence Condition (HRC) can be made in the vast majority (over 90%) of cases at claim acceptance stage on the basis of answers given on the primary claim forms, complex cases are examined in more detail.



[Deputy Mary Hanafin.]

Claims involving complex HRC issues are assessed and decided in all scheme areas within the Department by deciding officers who are experienced and fully familiar with the issues involved for each scheme in regard to HRC. I am satisfied that this arrangement contributes greatly to accuracy and consistency in the decision-making process.

The Supplementary Welfare Allowance scheme, including Rent Supplement, is administered by the Community Welfare Service of the HSE. Statistics are not recorded which would enable detailed information to be provided on the numbers refused Supplementary Welfare Allowance, including Rent Supplement, by reason of not satisfying the Habitual Residence Condition. (HRC).

However on the basis of local experience the Community Welfare Service estimates that less than 1% of all claims refused each year come within this category. During the period from May 2004 to December 2008 82,757 cases involving complex HRC issues were decided for all social welfare schemes. 19,504 or 24% of these were in respect of Irish citizens — of which 89% (17,414) were allowed and 11% (2,090) were disallowed. Statistical information is not maintained in regard to whether an Irish citizen's place of birth was in Ireland or not.

An analysis by geographical sector of the decisions made in all 82,757 complex cases is set out as follows.

Claims Decided	IRISH	UK	EU 13	New Member States	Other	Total
Yes	17,414	5,656	2,183	10,846	25,006	61,105
No	2,090*	868	3,519	10,921	4,254	21,652
Total	19,504	6,524	5,702	21,767	29,260	82,757
% disallowed	11%	13%	62%	50%	15%	

\*Of the total of 2,090 Irish citizens who failed to satisfy HRC, 374 of these cases were decided in 2007 and 427 in 2008.

EU legislation prohibits discrimination between nationals of EU Member States in the context of freedom of movement of workers and their access to social security or social assistance entitlements. Therefore national legislation cannot provide advantages to non-resident Irish nationals on short visits here without extending the provisions to all EU nationals under the same conditions. It must be emphasised that Irish nationals returning to live here on a permanent basis should experience no difficulty in demonstrating that they satisfy the requirements of the Habitual Residence Condition.

The criteria that have been incorporated in the social welfare legislation in relation to the HRC have been drawn from judgments of the European Court of Justice and are therefore soundly grounded in case-law.

The Habitual Residence Condition is being operated in a careful manner to ensure that Ireland's social welfare system is protected, while at the same time ensuring that people whose cases are appropriate to the system have access to it when they need it. The operation of the condition was reviewed by the Department in 2006 and it is not proposed to introduce any changes to the current policy in this regard as the original reason for the policy is still valid.

#### **Departmental Funding.**

142. **Deputy Thomas P. Broughan** asked the Minister for Social and Family Affairs if she is satisfied that the level of funding her Department is providing to the Health Service Executive in respect of the salaries of community welfare officers is sufficient to allow local officers meet

the extra demand placed on them arising from the economic downturn or to allow the HSE to recruit additional officers. [3228/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Supplementary Welfare Allowance (SWA) and Back to School Clothing and Footwear Allowance (BSCFA) schemes are administered by the Community Welfare division of the Health Service Executive (HSE) on behalf of the Department Social and Family Affairs. The operational arrangements for the processing of applications and the payment to qualifying individuals, is a matter for the respective community welfare division areas.

The administration costs of the SWA and BSCFA schemes are met by the department. Funding for salaries of community welfare officers is based on the proportion of time they spend administering these schemes. Funding is provided centrally to the HSE which is responsible for the allocation of budgets to individual community welfare divisions.

In 2008 the department paid the HSE €58.3m in administration costs. This was based on the cost of salaries in 2007 plus a Department of Finance pay inflator of 3.74%. The issue of increased demand on existing resources is a matter for the HSE in the first instance to prioritise workloads and re-deploy resources where necessary so that frontline services are maintained. The department is committed to working closely with the HSE in ensuring effective delivery of the Supplementary Welfare Allowance scheme and associated income support payments. It is open to the HSE at anytime to approach the department to review its allocation for staff costs associated with delivery of these services.

However, the question of any increase in expenditure for staffing within the Community Welfare Service above that currently provided would have to be considered in the context of overall Government policy on public service manpower levels.

*Questions Nos. 143 and 144 answered with Question No. 112.*

### **Services for People with Disabilities.**

145. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs when she will provide for a personal advocacy service in respect of people with disabilities; the target date to which she is working; and if she will make a statement on the matter. [3223/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The statutory basis for the introduction of a personal advocacy service under the Citizens Information Board (CIB) was provided for in the Citizens Information Act, 2007. However, having regard to the current budgetary circumstances, it will not be possible to proceed with this in 2009.

The provision of an advocacy service remains a priority for this Government. In this regard, significant resources have been provided since 2005, and will continue to be made available under the auspices of the Citizens Information Board for the development and provision of advocacy services for people with disabilities.

The Community and Voluntary Sector Advocacy programme has been developed by the Board since 2005 and has funded 46 separate advocacy projects. The overall focus of the programme is on representative advocacy for people with a disability. Projects either operate within a specific geographic area or are focused on a particular disability type. Each of the projects possess different challenges, some requiring more intensive work with smaller caseloads while others have larger caseloads with shorter periods of client contact. Up to the end of 2008, 3,404 members of the public have availed of the services provided by the projects.

[Deputy Mary Hanafin.]

The Citizens Information Board is monitoring the programme to ensure that the projects are operating in accordance with the Board's advocacy guidelines. It is planned to undertake a full evaluation of the Community and Voluntary Sector Advocacy programme in 2010.

The Citizens Information Board also provides advocacy through the Citizens Information Services focusing on access to services, welfare entitlements and employment rights. This type of mainstream advocacy is also open to people with disabilities and the Community and Voluntary Sector Advocacy programme is creating close links with the Citizens Information Services to ensure that people with disabilities are encouraged and supported to use the mainstream services where possible. The advocacy capacity is being strengthened through the provision of Advocacy Resource Officers who work to build the capacity of information providers within the Citizens Information Services to advocate on behalf of clients. There are nine Advocacy Resource Officers in operation across the Citizens Information Services network.

I am satisfied with the developments undertaken to provide advocacy services for people with disabilities through the Citizens Information Board. The Department will continue to work with them to further enhance advocacy services for all citizens including those with disabilities.

### **Social Welfare Benefits.**

146. **Deputy Martin Ferris** asked the Minister for Social and Family Affairs her views on whether the new PRSI requirements for jobseeker's benefit unfairly penalises young people who may have lost their first jobs because of the economic downturn. [3199/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In order to qualify for a social insurance payment, a person must fulfil all of the relevant conditions including the social insurance contribution conditions relating to the particular benefit being claimed. These contribution rules aim to preserve a balance between the level of contributions paid and the amount of benefits received, by ensuring that the claimants record of contributions is sufficient, both in terms of initial establishment of a right to a benefit and of consistency of payment of contributions over the person's working life.

Where a person will be drawing more heavily on the resources of the Social Insurance Fund, e.g. where a person is claiming a benefit over a longer-term, it is considered appropriate that the tests should be more stringent. Accordingly, jobseeker's benefit requires the claimant to have paid a minimum number of contributions since they first started working and also to demonstrate a recent attachment to the workforce by having a minimum number of contributions in a recent tax year. For long-term benefits, such as the state pension contributory, the person must have paid a more substantial minimum number of contributions (currently 260) and must also have a prescribed yearly average over their working lives.

In this context the Government considers it appropriate to look at some of the instances where people with a very limited or distant contribution record have been able to qualify for very significant benefits, regardless of their household income. One of these changes relates to entitlement to jobseeker's benefit. It had been the case that people who had paid just 52 contributions in total could qualify for jobseeker's benefit. This meant that young workers, including migrants who had only worked for a total of one year were entitled to claim jobseeker's payments for 12 months, without having to satisfy a means test.

This condition has been changed from the beginning of January 2009, with the number of required paid contributions being doubled to 104 for new claimants.

Another measure that has been introduced relates to the duration of jobseeker's benefit. It had been the case that people who had paid 260 or more PRSI contributions could receive

jobseeker's benefit for up to 15 months. From 15 October, 2008, this has been limited to 12 months for existing claimants with less than six months duration on the scheme as well as for all new claimants. Where the claimant has paid less than 260 PRSI contributions, the maximum duration of jobseeker's benefit will be 9 months (instead of 12 months) for existing claimants who have been in receipt of benefit for less than three months and for all new claimants. These measures are d Another measure that has been introduced relates to the duration of jobseeker's benefit. It had been the case that people who had paid 260 or more PRSI contributions could receive jobseeker's benefit for up to 15 months. From 15 October, 2008, this has been limited to 12 months for existing claimants with less than six months duration on the scheme as well as for all new claimants. Where the claimant has paid less than 260 PRSI contributions, the maximum duration of jobseeker's benefit will be 9 months (instead of 12 months) for existing claimants who have been in receipt of benefit for less than three months and for all new claimants. These measures are designed to more closely align the contribution conditions for jobseeker's benefit to the level and duration of the benefit being provided.

However, it should be noted that people who are affected by these changes will be able to claim jobseeker's allowance or supplementary welfare allowance instead, if they have limited means. The maximum rate of these two schemes is paid at the same rate as jobseeker's benefit.

*Question No. 147 answered with Question No. 112.*

148. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the work she has undertaken to review the conditions of the back to education scheme and the back to work enterprise allowance to allow social welfare claimants avail of these schemes within a few months of becoming unemployed. [3209/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** There is a range of education and employment supports available to persons in receipt of welfare payments. These initiatives are designed to assist and facilitate people on social welfare payments to return to the active labour force, included in these measures is the back to work allowance and back to education allowance.

The back to education allowance (BTEA) is a second chance education opportunities scheme designed to remove the barriers to participation in second and third level education. It encourages and facilitates people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The scheme enables qualified people who have been getting a social welfare payment to continue to receive a payment while pursuing an approved full-time education course.

To qualify for participation an applicant must be in receipt of a relevant social welfare payment and be at least 21 years of age prior to commencing an approved course of study. However, lone parents and persons in receipt of unemployment payments can qualify at 18 years of age provided they are out of formal education for at least 2 years. In general, an applicant must be in receipt of a relevant Social Welfare payment for 6 months if pursuing a second level course or 12 months if pursuing a third level course.

In addition, the qualifying period for access to the third level option has been reduced to 9 months for persons who are participating in the National Employment Action Plan (NEAP) process, where a FÁS Employment Services Officer recommends pursuance of a third level course of study as essential to the enhancement of the individual's employment prospects. People who are awarded statutory redundancy may access the scheme immediately, provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study. The requirement to be in receipt of a relevant social welfare payment

[Deputy Mary Hanafin.]

for a minimum period has always been a feature of the BTEA scheme and is considered necessary to ensure that limited resources are directed at those most in need.

The back to work allowance (BTWA) scheme is designed to assist the long term unemployed, lone parents, people with disabilities and other social welfare recipients to return to work. There are two strands to the scheme, the back to work enterprise allowance for the self-employed and the back to work allowance for employees. The aim of the BTWA scheme is to assist and encourage the long term unemployed, lone parents, people with disabilities and other social welfare recipients to return to the active labour force. These allowances provide a monetary incentive for people who are long term dependant on social welfare payments to make the return to work financially attractive and viable.

To qualify for this allowance the application must be submitted in advance and the person must be in receipt of a qualifying payment for a specific length of time immediately prior to commencing employment. Participants receive a tapered percentage of their social welfare payment over a three year period for employees and a four year period for those who become self employed. Participants may also retain entitlement to certain other secondary benefits.

The current back to education and back to work schemes have been subject to review and modification over the years. The requirement to be in receipt of a relevant social welfare payment for a minimum period has always been a feature of the schemes. People who have been unemployed for a very short time are not the main focus of the schemes.

The operation of the schemes have been subject to review and modification over the years to ensure that they continue to assist those furthest from the labour market. The qualifying conditions will continue to be monitored in the context of the objectives of the schemes and the changing economic circumstances.

149. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the steps her Department has taken to prevent the payment of rent allowance to non-registered landlords; the number of rent allowance payments that have ceased in the past three years as a result of a discovery that the landlord has not registered; and if she will make a statement on the matter. [3220/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which is administered on behalf of the Department by the community welfare division of the Health Service Executive, provides for the payment of a rent supplement to assist eligible tenants who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source. Under the Residential Tenancies Act 2004, landlords are legally obliged to register tenancies with the Private Residential Tenancies Board (PRTB). The Department supports the requirement that tenancies facilitated by rent supplement should be registered with the PRTB and is working closely with the PRTB in ensuring that all rent supplemented tenancies comply with the statutory system of tenancy regulation and safeguards. To that end, the Department provides the PRTB with details of rent supplement payments to enable them identify tenancies that are not registered and to take any follow-up action necessary.

It is not a requirement of the rent supplement scheme that landlords must be registered with the PRTB before a rent supplement is paid to a tenant. Landlords are legally obliged to register tenancies with the PRTB within one month from the start date of a tenancy. To require the landlords of all rent supplemented tenants to be registered with the PRTB would therefore frequently have the effect of delaying payment of rent supplement.



In many cases, when a tenant's rent supplement application is being decided the tenancy will not have been registered by the landlord with the PRTB, as the establishment of the tenancy will be dependent on rent supplement being awarded. Furthermore, there are certain instances where a tenancy need not be registered with the PRTB, for example, in the case of renting a room in a house.

It is my view that rent supplemented tenancies which are liable for registration with the PRTB, should be so registered. I am satisfied that the arrangements I have outlined in relation to the exchange of data with the PRTB, contribute to ensuring that landlords whose tenants receive rent supplement comply with this statutory obligation.

*Question No. 150 answered with Question No. 132.*

151. **Deputy Michael Creed** asked the Minister for Social and Family Affairs the number of farmers who will be entitled to farm assist on foot of the changes in the disadvantaged areas scheme regarding the reduction of eligibility of farms from 45 to 34 hectares and the consequent income loss; and if she will make a statement on the matter. [44048/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Farm Assist scheme was introduced in the Social Welfare Act, 1999. The scheme was designed specially for farmers on low incomes.

It is not possible to estimate the number of farmers who may qualify for farm assist due to changes in the disadvantaged area scheme. However, it is open to any farmer to apply for farm assist and a decision will be given on his/her application. If a farmer is already getting farm assist and if his/her circumstances have changed, s/he may apply to have their claim reviewed.

The farm assist scheme is a practical response by the Department to the situation of low-income farmers and it represents a long-term safety net for them. It benefits farm families with children and also provides increased payments to farming couples without children and to single farmers on low income.

*Question No. 152 answered with Question No. 112.*

*Question No. 153 answered with Question No. 106.*

154. **Deputy Jim O'Keeffe** asked the Minister for Social and Family Affairs the various steps which arise in dealing with an application for jobseeker's assistance; and the normal timespan involved before payments are made. [3205/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** A person who wishes to claim Jobseeker's Allowance has to attend at their local Social Welfare Office. There are several conditions which must be met including that:

- the person be of habitual residence in the State
- s/he is available for full-time work
- s/he is genuinely seeking work
- s/he satisfies a means test.

If the person satisfies these conditions the amount of payment granted will also be informed by the spouse/partner's circumstances, family size and any means that the person may have.



[Deputy Mary Hanafin.]

In some cases the means test will be carried out in the Local Office while in others it may be necessary for a Social Welfare Inspector to carry out the assessment which may involve a home visit. This may impact on the timescale of the decision. In some cases delays arise where the person fails to supply all pertinent information in support of his/her application.

For jobseeker's allowance claims decided in December (the latest month for which such figures are available), the average processing time was 5 weeks.

155. **Deputy Jack Wall** asked the Minister for Social and Family Affairs if she will review the level of co-operation between her Department and the Department of Health and Children in relation to the operation and means testing of rent allowance to avoid the situation in which social welfare income is counted in the assessment of rent allowance. [3210/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Rent supplement is administered on behalf of the department by the community welfare service of the Health Service Executive as part of the supplementary welfare allowance scheme. The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

Rent supplement is normally calculated to ensure that a person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to family circumstances less a minimum contribution of €18, which recipients are required to pay from their own resources. Many recipients pay more than €18 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.

Social welfare legislation provides that all income in cash is assessable for supplementary welfare allowance purposes. This includes income from social welfare payments. Some specific disregards of income are provided for in the legislation in respect of the means test for the rent supplement scheme to include pensioners aged over 65 years, carers, recipients of child benefit, guardian's payment, respite care grant and those engaged in rehabilitative employment. The assessment for rent supplement also 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 rent supplement.

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.

I am satisfied that the assessment of means for the purposes of the rent supplement scheme, provides an adequate short-term "safety net" within the overall social welfare system to ensure that people do not suffer hardship. I am also satisfied that the community welfare service is administering the supplementary welfare allowance scheme in accordance with the relevant statutory provisions.

*Question No. 156 answered with Question No. 112.*

*Question No. 157 answered with Question No. 114.*

*Question No. 158 answered with Question No. 112.*

159. **Deputy Jan O'Sullivan** asked the Minister for Social and Family Affairs her plans to transfer the operation of rent allowance from Health Service Executive community welfare officers to local authorities; and if she will make a statement on the matter. [42432/08]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes rent supplement, is currently administered on behalf of the department by the community welfare division of the Health Service Executive.

There are no plans to transfer the administration of the rent supplement scheme to local authorities. However, the government has decided that certain functions of the Health Service Executive will transfer to the Department of Social and Family Affairs, including the administration of the supplementary welfare allowance scheme including rent supplement.

The purpose of the rent supplement scheme is to provide short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. In recent years, a significant number of people have come to rely on rent supplement for extended periods. There are currently over 75,000 people in receipt of rent supplement of which over 31,000 are now getting a supplement for 18 months or more. For this reason, the scheme has to be viewed in the context of overall housing policy, particularly in the case of long-term claimants. In response to this situation the Rental Accommodation Scheme (RAS) was introduced in 2004 and is being implemented on a phased basis. RAS gives local authorities specific responsibility for meeting the longer-term housing needs of people receiving rent supplement for 18 months or more. Since 2005, over 18,000 rent supplement recipients have been transferred to RAS units and other social housing options. When fully implemented, it is expected that in excess of 30,000 rent supplement recipients will have transferred to the local authorities under RAS and other social housing schemes.

The Department continues to work closely with the Department of the Environment, Heritage and Local Government in ensuring that RAS meets its objective of catering for those on long term rent supplementation while enabling rent supplement to return to its original role of a short-term income support.

#### **Social Insurance Fund.**

160. **Deputy Eamon Gilmore** asked the Minister for Social and Family Affairs the action she will take to ensure that the social insurance fund is kept in surplus. [3225/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The legislation covering the Social Insurance Fund (SIF) established a tripartite funding arrangement with the Exchequer acting as a residual financier to contributions from employees and employers. In fact, Exchequer contributions to cover funding shortfalls from employer and employee contributions have been the norm since the establishment of the SIF.

Since 1996, there has been an annual surplus in the fund as a result of contributions from the latter which gave rise to an accumulated surplus of some €3.6bn at the end of 2007. During 2008 the fund experienced a deficit on a current basis and the excess of outgoings over income is being met at present from the accumulated surplus.

[Deputy Mary Hanafin.]

The approaches to the current and future deficits are matters for the Government to consider in a budgetary context.

*Question No. 161 answered with Question No. 112.*

*Question No. 162 answered with Question No. 110.*

*Question No. 163 answered with Question No. 129.*

*Question No. 164 answered with Question No. 114.*

### **Live Register.**

165. **Deputy Simon Coveney** asked the Taoiseach the number of people on the live register in the area of Cork city and county; the increase in these figures over the past six months; and if he will make a statement on the matter. [3015/09]

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** The Live Register series gives a monthly breakdown of the number of people claiming Jobseeker's Benefit, Jobseeker's Allowance and other registrants as registered with the Department of Social and Family Affairs. Figures are published for each county and each social welfare office. The most recent information is for December 2008.

The table contains the number of persons signing on in each social welfare office in County Cork on the last Friday in each month from July to December 2008. The table also contains the change in the number of persons signing on in each social welfare office in County Cork over the period June to December 2008.

Persons on Live Register (Number) in County Cork by Social Welfare Office and month (July-December 2008)

	July 2008	August 2008	September 2008	October 2008	November 2008	December 2008
Cork County Total	23,581	24,464	23,753	24,210	25,684	28,064
Bandon	878	901	881	951	1,009	1,063
Bantry	489	521	479	508	582	648
Bantry (SWLO)	186	187	180	182	201	224
Carrigaline	1,163	1,176	1,136	1,211	1,298	1,428
Clonakilty	642	652	649	693	773	807
Cobh	539	570	536	608	626	695
Cork City	11,338	11,900	11,575	11,295	11,730	12,637
Fermoy	1,470	1,538	1,490	1,538	1,563	1,706
Kinsale	758	800	813	843	954	979
Macroom	816	852	856	935	966	1,100
Mallow	1,291	1,319	1,290	1,272	1,417	1,794
Midleton	1,602	1,611	1,588	1,643	1,875	2,039
Newmarket	836	855	813	924	978	1,070
Skibbereen	537	544	491	528	591	667
Youghal	1,036	1,038	976	1,079	1,121	1,207

Persons on Live Register (Number) in County Cork by Social Welfare Office for June and December 2008 and the change over that period

	June 2008	December 2008	Change in number of persons
Cork County Total	21,762	28,064	6,302
Bandon	811	1,063	252
Bantry	404	648	244
Bantry (SWLO)	174	224	50
Carrigaline	1,008	1,428	420
Clonakilty	598	807	209
Cobh	524	695	171
Cork City	10,540	12,637	2,097
Fermoy	1,330	1,706	376
Kinsale	723	979	256
Macroom	737	1,100	363
Mallow	1,206	1,794	588
Midleton	1,492	2,039	547
Newmarket	753	1,070	317
Skibbereen	488	667	179
Youghal	974	1,207	233

Source: CSO Live Register series.

### Unemployment Levels.

166. **Deputy Charlie O'Connor** asked the Taoiseach the unemployment figures at the Tallaght social welfare office, Dublin in the past three months for which figures are available. [3183/09]

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** The Live Register series gives a monthly breakdown of the number of people claiming Jobseeker's Benefit, Jobseeker's Allowance and other registrants as registered with the Department of Social and Family Affairs. Figures are published for each county and each social welfare office. The most recent information is for December 2008.

The table contains the number of persons signing on in the Tallaght social welfare office on the last Friday in each month from October to December 2008. It should be noted that the Live Register is not a definitive measure of unemployment as it includes part-time workers, and seasonal and casual workers entitled to Jobseeker's Benefit or Allowance.

Persons on the Live Register (Number) at Tallaght Social Welfare Office October — December 2008

	Oct	Nov	Dec
	2008	2008	2008
Tallaght	5,526	5,955	6,516

Source: CSO Live Register Series.

### Dáil Reform.

167. **Deputy David Stanton** asked the Taoiseach further to his reply during the Order of Business on 27 January 2009, the members of the working group on Dáil Éireann reform who

[Deputy David Stanton.]

he referred to in his reply; when the group was established; the terms of reference; the number of times that this group has met; when he expects it to produce a proposal; and if he will make a statement on the matter. [3394/09]

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** The Government Working Group on Dáil Reform was established on 27 January 2009. The membership comprises Ministers Dermot Ahern and Noel Dempsey, Minister of State Pat Carey and Senator Dan Boyle. The Group will identify proposals as to how best we can restructure the way we do our business in the Dáil so as to ensure that the Irish people have a modern Parliament which reflects their concerns and needs. I am anxious that progress is made without delay and cross party agreement is found so that the business of the Dáil can be improved. The first meeting of the Group will be held shortly.

### **Irish Language.**

168. **Deputy Ciarán Lynch** asked the Taoiseach the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3416/09]

**The Taoiseach:** The primary objective of the Official Languages Act, 2003 was to ensure better availability and a higher standard of service to the public in Irish. This was already a key feature of my Department's Customer Charter, which undertakes that customers who wish to conduct their business through Irish can do so. Because the primary focus however, of my Department's work is on dealings with Government and other Departments and Agencies, we do not experience a significant level of demand from the public for service in Irish. Nevertheless, in keeping with the spirit of the Act, we are fully committed to improving the service we provide in Irish and to developing, on an ongoing basis, a positive culture that encourages the use of Irish both within the Department and with our customers.

On foot of the Act, a Scheme was prepared following consultation with my Department and after advertising for submissions from the public. This Scheme outlined my Departments proposed measures to meet the obligations of the Act over the period 2005-2008. Work is currently underway in preparing the next Scheme which will cover the period from 2009 — 2011. I do not anticipate measures in the new Scheme which will give rise to significant costs to my Department.

As my Department was already providing a bilingual service as part of our customer service commitments prior to the Official Languages Act 2003, it is difficult to quantify exactly how much is directly attributable to the implementation of Act.

Costs which are principally incurred by my Department in relation to the Irish language include translation, advertising, minor adjustments to the Department's website and from time to time, some specific Irish language training.

Since the enactment of the Act, my Department and Agencies have spent approximately €3,000 on advertisements in Irish alone, and approximately €386,000 on advertisements in Irish and English. Assuming that something less than half of the latter cost relates to the content in Irish, the total expenditure on advertising in the Irish language is less than €196,000.

These costs relate in the main to public notices for events such as the National Day of Commemoration and the 1916 Commemoration, and to public consultation processes such as the recent OECD Review. It has long been the practice of my Department to publish such notices in both of the official languages. This practice pre-dates the enactment of the Official

Languages Act and demonstrates my Department's ongoing commitment to providing a higher standard of service in both languages to our customers.

The Irish language training needs of staff in my Department are predominantly met by the Centre for Management and Organisation (CMOD) who provide Irish courses for the Public Service — *Gaeleagras na Seirbhíse Poiblí* — the costs of which are met from the central budget.

From time to time, some staff members attend specific Irish language courses outside the remit of CMOD.

The cost of such courses since the implementation of the Act has been in the region of €7,000 and has been met from the overall training budget for the Department.

As one would expect, the vast majority of translation costs incurred by my Department over the years has been in respect of translation from English to Irish with a view to providing a better service to those who wish to receive material in or conduct their business through the medium of Irish. Accordingly, approximate costs of translation over the years have been as follows:

- Translation costs 2003 – €28,245
- Translation costs 2004 – €40,673
- Translation costs 2005 – €46,786
- Translation costs 2006 – €81,527
- Translation costs 2007 – €68,511
- Translation costs 2008 – €56,873

As you will see, while there has been some increase in the cost of translations to my Department since the enactment of the Official Languages Act, 2003, it is not possible to ascertain exactly how much of this cost relates directly to the implementation of the Act.

### **Departmental Publications.**

169. **Deputy Liz McManus** asked the Tánaiste and Minister for Enterprise, Trade and Employment the reason the report on media mergers was only published on-line and not in hard copy; her views on whether this report is of significant public importance; the further reason the submissions to the committee have not been published; and if she will make a statement on the matter. [3120/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Report of the Advisory Group on Media Mergers, which was published on the 2nd January 2009, was not produced in hard copy for reasons of cost. The announcement accompanying the publication of the Report included a link whereby the Report could be accessed on-line. The Report remains available and can be accessed on my Department's website at [www.entemp.ie/publications/commerce/2008/advisorygrouponmediamergersreport2008](http://www.entemp.ie/publications/commerce/2008/advisorygrouponmediamergersreport2008).

With regard to submissions made to the Advisory Group, the Deputy will appreciate that the publication or the inclusion of these submissions in the Group's final Report was a matter for the members of the Group.

As I stated previously, I very much appreciate the work of the Advisory Group in compiling its Report. The Report will be of tremendous assistance in my Department's review of the law



[Deputy Mary Coughlan.]

in this area so as to ensure that Ireland has a robust legislative framework to safeguard the public interest aspects of media mergers.

### **Redundancy Payments.**

170. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to a previous Parliamentary Question of 8 December 2008, the position of the application by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [2989/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I wish to advise the Deputy that Redundancy Payments Section of my Department requires clarification on matters related to the company's business affairs. The company's accountant, who was contacted in December by that Section, has been requested to submit those details in order to progress the claim in question.

### **Departmental Funding.**

171. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the amount of funding provided to FÁS in 2009 in respect of the local employment service; the breakdown of the amount which has been approved for each local employment service; the way this compares with the 2007 and 2008 allocations; when this funding will be available to each local employment service; and the plans to extend each service in order that the catchment area of every local social welfare office is covered. [3122/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** In 2007 the total funding provided by the Department of Enterprise, Trade & Employment (DETE), through FÁS, to the Local Employment Service Network (LESN) was €19,267,664. This rose to €19,430,000 in 2008. The total spend by the LESN was €18,682,145 in 2007 and €19,279,126 during 2008. The table provides a detailed breakdown of the funds provided to each individual member of the LESN in 2007 & 2008.

The budget process for 2009 is currently underway and involves each LES making a bid, which addresses a variety of financial headings. In the meantime, funding is already being provided to the LESN while the budgetary process is being finalised. It is anticipated that the process will be finalised within a matter of weeks.

Together FÁS Employment Services and the Local Employment Service form the dual strands of the National Employment Service (NES). The NES has a national footprint at local level through FÁS's 70 Employment Service Offices nationwide and also through the LESNs provision of services within the 26 regions they operate in. To further enhance the service, the NES has established a complimentary working group with a view to closer co-operation between FÁS and the LESN at policy level, while at a local level FÁS Employment Services Managers & LES Coordinators work closely together in delivering services.

The NES and the Department of Social & Family Affairs (DSFA) coordinate at both national and local levels in order to further enhance employment services, through inter-departmental meetings attended by DETE, DSFA and FÁS and local level meetings between FÁS Employment Service Managers, LESN coordinators and Managers within the DSFA.

Finally, FÁS is in discussions with the LESN regarding their more intensive involvement in the activation of the unemployed and arrangements are being put in place for the direct referral of National Employment Action Plan (NEAP) clients to the LES.

	2007 Expenditure	2008 Expenditure
	€	€
LES Ballyfermot	694,786	738,793
LES Ballymun	991,800	1,037,177
LES Blanchardstown	893,325	944,541
LES Canal Inchicore	629,739	638,539
LES Clondalkin	825,510	882,820
LES Cork	820,924	947,129
LES DICP (Dublin Inner City)	917,636	1,129,020
LES Drogheda	693,604	645,523
LES Dundalk	452,110	387,987
LES Finglas/Cabra	760,768	818,728
LES Galway	582,187	624,863
LES Limerick	1,422,284	1,477,433
LES Mayo	775,517	786,747
LES Monaghan	636,076	577,297
LES Northside	982,221	1,025,414
LES South Kerry	471,236	464,516
LES Southside (Dublin)	721,360	778,863
LES Tallaght	968,815	952,500
LES Tralee	606,790	647,008
LES Waterford City	635,667	591,340
LES Co Waterford	319,648	333,637
LES Wexford County	587,056	601,189
K W C D LES (Kimmage, Walkinstown, Crumlin, Drimnagh)	587,155	609,553
LES Wexford Town	186,066	204,448
Bray Partnership	540,904	516,100
LES Kildare	957,224	901,853
LES Central Budget	21,737	16,108
Total	18,682,145	19,279,126

### Redundancy Payments.

172. **Deputy Kathleen Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment the contact her office has made with a company or the Singapore Government to secure a redundancy settlement for the former workers of a company (details supplied) in County Cork; and if she will make a statement on the matter. [3133/09]

173. **Deputy Kathleen Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment when the former workers of a company (details supplied) in County Cork will be awarded their statutory redundancy entitlements through the social insurance fund; and if she will make a statement on the matter. [3134/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I propose to take Questions Nos. 172 and 173 together.

[Deputy Billy Kelleher.]

I wish to advise the Deputy that the statutory redundancy claims in respect of the company mentioned have been received in the Redundancy Payments Section of my Department. These claims are currently being processed and clearance for payment will follow, subject to the correct details being in place. My Office has not made contact with the above mentioned company or the Singapore government to secure a redundancy settlement.

### **Industrial Development.**

174. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to a meeting (details supplied) the progress made to date in addressing the issues raised; and if she will make a statement on the matter. [3190/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am aware that since Minister Martin's meeting with Boyle Chamber of Commerce in April 2008, Enterprise Ireland is actively working with Boyle Chamber, the County Enterprise Board and the County Development Board regarding potential business development.

Enterprise Ireland has approved support for a total of six Community Enterprise Centres in County Roscommon. These Centres are located in Arigna, Ballaghaderreen, Boyle, Castlerea, and two in Roscommon Town. Boyle Chamber of Commerce was approved €350,000 in 2006 for the construction of a Centre. The Chamber is in the process of applying for planning permission for the construction of the Centre.

IDA Ireland is also supporting enterprise development in the Midlands Region through its ongoing strategy of growing and embedding foreign direct investment activity. The agency is encouraging its client companies to add strategic functions to its Irish operations in areas such as R&D and marketing. There are opportunities here for indigenous companies in the areas of sub-supply and service provision.

Attracting FDI investments into Ireland is most competitive. Ireland now has to compete for more high value and skill-intensive investments than in the past. IDA Ireland in the Midlands competes with city regions in Ireland and worldwide for global investors to locate in this region. A large proportion of investments tend to favour the larger urban centres, close to Universities and Institutes of Technology. Combining the strengths of the Midlands Gateway is essential to boosting the Region's overall economic strength. The other towns, villages and rural areas all have complementary roles within that structure in achieving the aim of balanced regional development. Recent successes in the local area include:

- Cameron Corporation announced in April 2008 that it is to significantly develop and expand its existing manufacturing and R&D facility in Longford town creating 140 high quality jobs over the next five years in engineering and support activities.
- Harmac Medical employ over 180 skilled people at its Castlerea facility and celebrated their 10th Anniversary in September 2008.
- Intertek BioClin's new, extended state of the art pharmaceutical laboratory facility in Athlone was officially opened in July 2008.
- MBNA in Carrick-on-Shannon employs over 800 people in their facility.
- Toucan in Sligo continues to grow and recruit personnel with employment over 140.
- Innocoll Pharmaceuticals located its R&D and manufacturing centre in Roscommon.

- Abbott Ireland Diagnostics now employs over 350 people in Longford and a further 1,000 people work in the Abbot plant in Sligo.

I would like to assure the Deputy that the State development agencies, under the auspices of my Department, will continue to work together to promote Boyle and its environs, in order to attract investment and to foster job creation in the area.

### **Task Forces.**

175. **Deputy Michael Noonan** asked the Tánaiste and Minister for Enterprise, Trade and Employment when she will establish the special task force arising from the announcement of 1,900 redundancies at a company (details supplied); if she will name the members of the task force and provide short biographical notes on each member; the terms of reference of the task force; if the chairman and members of the task force will be remunerated; and if she will make a statement on the matter. [3350/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** On 2nd February, I confirmed that Mr Denis Brosnan will chair the Mid-West Region Task Force. The other members are as follows:

- Roger Downer;
- John Herlihy;
- John Fitzgerald;
- Martin Cronin;
- Brian O'Connell;
- Anita Higgins;
- Ken O'Sullivan;
- Kay McGuinness;
- Vincent Cunnane, (Chief Executive).

At the time of preparation of this reply, the final details of the task force remit are still under consideration but will be clarified in time for the first meeting of the task force which, I understand, is planned for next Monday 9th February.

### **Redundancy Payments.**

176. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment when a person (details supplied) in County Cork who was made redundant in early October 2008 will receive statutory redundancy payments; and if she will make a statement on the matter. [3379/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I wish to advise the Deputy that the claimant's Statutory Redundancy has been processed and payment issued on 30 January, 2009.

### **Pension Provisions.**

177. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and

[Deputy Róisín Shortall.]

Employment the severance package, pension and so on awarded to a person (details supplied); and the extent to which performance in office is linked to the value of such payments.  
[3387/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Department of Finance sanctioned the following severance terms to the former Director General of FÁS:

- superannuation benefits (Pension and Lump Sum) based on 40 years service, including added notional service, payable with effect from 26 November 2008, and
- an ex-gratia payment, equivalent to 6 months salary.

During his time as Director General, Mr Molloy made a significant contribution to the development of FÁS, which came during a time of major change for the organisation.

#### **Sales Law.**

178. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position regarding the work of the sales law review group since its establishment; and if she will make a statement on the matter. [3390/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Sales Law Review Group has held two meetings since its establishment in late November 2008.

As the proposed EU Directive on consumer rights is currently having a first reading at the Council Working Party on Consumer Protection and Information, the Group has decided to give initial priority to the provision of its terms of reference dealing with the proposed Directive. It has already submitted material on the proposed Directive to my Department and hopes to complete a more detailed analysis of the proposed Directive and its implications for Irish consumer rights and law by April.

#### **Employment Support Services.**

179. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will support the establishment of a FÁS office in Ashbourne, County Meath to serve the needs of the towns of Ashbourne, Rathoath, Dunshaughlin and Dunboyne in view of the increase in both population and unemployment in this area, and whereby currently people seeking employment advice and support in this area, have to travel significant distances to Navan, Finglas or Swords for the purpose of getting such support; and if she will make a statement on the matter. [3391/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** FÁS, through its Employment Services Office located in Finglas village, provides a comprehensive service five days a week to its clients in Ashbourne and the surrounding area. The Finglas Employment Services Office is located on the main bus route, approximately ten miles from Ashbourne.

In addition, FÁS staff from the Navan Employment Service Office also provide a satellite Employment Services clinic in Ashbourne for a half-day on the first and third Wednesday of each calendar month, from 10.00 am to 1.00 pm. This particular FÁS service is located in the HSE Ashbourne Health Centre.

In light of the changing labour market within the North East Region, the FÁS Employment Services management in the North East Region is currently reviewing all Employment Services clinics with a view of providing a more dispersed regional service. This review is taking place within the context of probable budgetary resources.

### **Irish Language.**

180. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Enterprise, Trade and Employment the cost to her Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [3409/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The cost to my Department and the Offices of my Department of implementing the provisions of the Official Languages Act 2003, in each year since its introduction, is given in the table:

Year	€
2003	3,737.17
2004	32,849.83
2005	98,824.41
2006	94,810.93
2007	72,137.62
2008	101,229.05

### **Consumer Protection.**

181. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the legal protections for consumers who buy products or services on layaway; and if she will make a statement on the matter. [3478/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Sales transactions in Ireland are essentially governed by the Sale of Goods Act 1893, the Sale of Goods and Supply of Services Act 1980 and other secondary legislation deriving from EU Directives. This statutory framework, which covers both business to business and business to consumer sales transactions, provides particular protections for consumers when purchasing goods and services, including goods and services purchased on layaway. The Deputy may be aware that I recently established an expert Group to review the current framework of sales law. I understand that the issue of goods and services purchased on layaway will be considered by the Group in the course of its work.

### **Disabled Drivers.**

182. **Deputy Paul Kehoe** asked the Minister for Finance his views, in view of the large number of cars on the road, on reviewing the rules for the disabled drivers and disabled passengers scheme to take into consideration a person who would have one of their arms and hands totally disabled. [3000/09]

**Minister for Finance (Deputy Brian Lenihan):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to a certain limit), and exemption from motor tax, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities.



[Deputy Brian Lenihan.]

The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations.

Some 12,500 people benefited under the scheme in 2007 at an overall estimated cost of €74 million. Any changes would have to be considered in the context of the annual Budget.

### **Pension Provisions.**

183. **Deputy Róisín Shortall** asked the Minister for Finance the severance package, pension and so on awarded to a person (details supplied); and the extent to which performance in office is linked to the value of such payments. [3388/09]

**Minister for Finance (Deputy Brian Lenihan):** The Chief Executive of the Regulatory Authority is appointed by the other members of that Authority and the conditions of employment are agreed between the person and the other members of the Authority. I am informed that the Chief Executive's contract did not provide for performance related payments.

The Regulatory Authority has informed me that pension benefits to the former Chief Executive are payable in accordance with the Central Bank and Financial Services Authority of Ireland Superannuation Scheme. This Scheme has terms and conditions which allow, in certain circumstances, for the payment of full pension benefits in cases where less than 40 years service is accrued.

I am informed that the former Chief Executive had two years remaining on his contract. I am also informed that, having regard to independent legal advice and his exclusive availability to the Authority for a period of three months, the Authority agreed to the payment of an additional €151,500, equivalent to six months remuneration, plus an additional two months salary, to the former Chief Executive.

### **Planning Issues.**

184. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if there is a legal impediment to him imposing a bar on developers who do not comply with planning legislation or building regulations from undertaking contracts with local or central Government; and if he will make a statement on the matter. [3542/09]

**Minister for Finance (Deputy Brian Lenihan):** Public procurement regulations provide for the exclusion from a tendering process of parties who have been convicted of offences in relation to professional conduct or who are otherwise guilty of grave professional misconduct which can be proved by a contracting authority. The operation of these provisions is a matter for contracting authorities who are best placed to apply them in a manner appropriate to the circumstances of each particular case.

### **Tax Code.**

185. **Deputy Richard Bruton** asked the Minister for Finance his views on extending tax relief to cover the payment by employers on behalf of their employees of two commuter tickets per working day in view of the fact that such commuter ticket options are considerably cheaper than the monthly or annual unlimited travel tickets; and if he will make a statement on the matter. [3021/09]

**Minister for Finance (Deputy Brian Lenihan):** The extension of the scheme in this way would have cost implications for the Exchequer. It would also place an additional administrative

burden on the Revenue Commissioners, the transport companies concerned and, in particular, on the employers who participate in the scheme. One of the advantages of the scheme as it currently stands is that it is well controlled, easily administered and reasonably well targeted. While its operation is continuously monitored there are no plans at present to modify or extend it.

186. **Deputy Frank Feighan** asked the Minister for Finance the reason the dirt rate on annual deposits maturing on 15 January 2009 is charged at 23% when the prevailing rate from 15 January 2008 until 31 December 2008 for the greatest part of the term was 20%. [3049/09]

**Minister for Finance (Deputy Brian Lenihan):** Deposit Interest Retention Tax is deducted at source by deposit takers (e.g. Banks, Building Societies, Credit Unions, Post Office Savings Bank, etc.) from interest paid or credited on deposits of Irish residents. The rate of tax deducted is determined by the relevant legislation in force at the time the interest is paid or credited. As such, the period over which the interest accrued is not relevant for the purposes of applying the tax.

### **Pension Provisions.**

187. **Deputy Michael D'Arcy** asked the Minister for Finance if his Department has acquired responsibility for the administration of pensions in universities or if it is still at a legislative stage; when the changeover will occur; and if he will make a statement on the matter. [3059/09]

**Minister for Finance (Deputy Brian Lenihan):** Discussions are in train with the trustees and the administrators of the five older universities and certain non-commercial semi-State bodies with a view to providing consistency and clarity for the future in terms of meeting the liabilities of the funded pension schemes. In that context, and provided all the schemes concerned agree, it is proposed that the assets of these schemes would be transferred to the State together with the liabilities which would then be effectively met by the State on a pay-as-you-go basis. The administration of the schemes would, however, remain the responsibility of the individual body. Legislation would be required to give effect to the proposal.

### **Crime Prevention.**

188. **Deputy John O'Mahony** asked the Minister for Finance the date on which the new cutter vessel will be assigned to operating around the northwest coast; the port at which the vessel will be based; if his attention has been drawn to the fact that due to no vessels being on patrol along the northwest coast shipments of drugs can be landed along the coastline without any restriction; and if he will make a statement on the matter. [3090/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that construction of the second Revenue cutter is proceeding and delivery is expected in September 2009.

The second cutter will enhance the operating scope of Revenue's maritime unit, currently operating the RCC Suirbhéir cutter. The deployment of both crafts will, as always, be determined by risk, as indicated by intelligence developed internally by Revenue or received from other agencies in Ireland and abroad. All areas of the Irish coast, including the North West, are regularly visited by the existing cutter, to examine and explore identified risks and to enhance relationships between Revenue and coastal communities. In addition, Revenue can call on assistance from the Naval Service, the Air Corps and the Coastguard.

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Procurement of a second cutter will enable a more extensive scheme of deployment. It is expected that both cutters will spend most of their time working in locations around the coast, away from their home port of Cork. They are based in Cork because of the convenience of berthing, maintenance and dry-docking; and because the South West coast is proven to be at the highest risk of drug landings from small craft.

### **Tax Code.**

189. **Deputy John O'Mahony** asked the Minister for Finance the safeguards in place to prevent an individual from purchasing machinery and equipment in Northern Ireland or in the United Kingdom using the VAT number of another individual's company thus avoiding payment of VAT; if the Revenue Commissioners are aware of this practice; the number of seizures of plant and machinery in which this practice occurred in the years 2005, 2006, 2007 and 2008; and if he will make a statement on the matter. [3091/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that traders in an EU Member State who sell goods at zero rate of VAT to traders in other EU Member States have obligations in relation to verifying the VAT numbers of the purchasers, maintaining appropriate documentary evidence that the goods have been exported and the furnishing of periodic statements in relation to such exports to their tax authority under the VAT Information Exchange System (VIES). Checking the validity of VAT numbers may be done through the EU Internet website to which they have free access. Traders leave themselves open to being held liable for the VAT on the goods if the number is invalid. Traders also have obligations in relation to justifying the application of the zero rate, that is, that the goods have left the state in question and are not simply re-sold in that state. Traders are also advised of their obligation to confirm that the purchaser of the goods is, in fact, the holder of the VAT registration number quoted at the time of supply.

In the case of cross-border transactions between the UK and this State, checking the validity of VAT registration numbers through the VIES computer "Gateway", and indeed other tax compliance information, with their counterparts in Her Majesty's Revenue & Customs in the UK, and in Northern Ireland in particular, is part of the checks carried out by Revenue officers in connection with audits and assurance checks where risk or suspicions arise. These checks are carried out using the EU VAT Mutual Assistance Programme, which has been designed specifically to tackle cross-border VAT fraud. This programme allows for exchanges of information between EU Member States in relation to VAT matters and it also allows the presence of officials from a Member State in another Member State while enquiries are being carried out. These are VAT anti-fraud measures and Ireland plays a full role in the exchange of information with all other Member EU States, including the UK, with whom we have a very good working relationship.

I am advised that Revenue does not have details of the number of cross-border VAT fraud cases specifically involving plant and machinery for the years requested. However, Revenue is currently engaged in a number of ongoing cross-border investigations involving the zero VAT rating of machinery. I can assure the Deputy that any specific allegations regarding the abuse of VAT numbers will be investigated fully.

### **Financial Services Regulation.**

190. **Deputy Mary Upton** asked the Minister for Finance if, in view of the protection of the banking system, as evidenced by the bank guarantees, recapitalisation and nationalisations, he will intervene to stop banks unfairly cutting overdraft facilities for small and medium

enterprises; if his attention has been drawn to the fact that this is driving many otherwise going concerns into receivership as they do not have access to cash flows; his views on whether, in view of the blanket guarantee offered to banks, that they should be required to support businesses that have the ability to remain profitable and stimulate employment and trade; and if he will make a statement on the matter. [3128/09]

**Minister for Finance (Deputy Brian Lenihan):** It is Government policy to support measures to ensure the flow of credit to the enterprise sector, thereby supporting small business and related employment. Through the introduction of the Bank Guarantee Scheme, the recapitalisation package and the nationalisation of Anglo Irish Bank, the Government has sought to sustain an environment where banks can continue to support economic activity through their credit policies.

The recapitalisation package for Allied Irish Bank and Bank of Ireland announced in December included a credit package. One of the requirements of the credit package is that the banks will provide at least 10% more capacity for lending to small and medium-sized enterprises (SMEs) in 2009, subject to demand.

In addition, a Code of Practice on Business Lending is in preparation and will be introduced very shortly by the Financial Regulator. This will be legally binding and will set new standards for the recapitalised banks in dealing with their SME business customers. I am advised that the new Code will cover issues such as new lending, amendment or withdrawal of credit, security/collateral, notification and communication requirements, and a complaints procedure.

My Department and the Financial Regulator will be monitoring the application of the Code and the extent of credit being provided to small businesses throughout 2009 and will be following up with the banks as required.

### **Tax Code.**

191. **Deputy Mary Upton** asked the Minister for Finance the steps he has taken to ensure that tax exiles pay tax here; if he has examined tax systems in other countries that have been successful at tackling the tax exile phenomenon; and if he will make a statement on the matter. [3129/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that individuals who are resident in Ireland for tax purposes are taxable here on their worldwide income; and individuals who are not resident here for tax purposes pay tax here only on income arising in the State.

An individual is resident in the State if he or she spends 183 days or more (approximately six months) in Ireland during a tax year; or spends 280 days or more in Ireland over a period of two consecutive tax years. This approach to determining residence status is broadly in line with most other OECD countries and I have no plans at this stage to make further changes in this area.

As the Deputy will be aware, I have recently made a change to the so-called “midnight rule”. Up until 1 January 2009, an individual was regarded as present in the State for a day, for tax residence purposes, only if he or she was present in the State at midnight on that day. Section 15 of the Finance (No. 2) Act 2008 amended the tax residence rules to provide that an individual will now be regarded as present in the State on a day if he or she is in the State at any time during the day, not just at midnight. This will apply for the 2009 tax year and subsequent tax years.

**Tax Collection.**

192. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare has received all their tax entitlements; and if he will make a statement on the matter. [3155/09]

**Minister for Finance (Deputy Brian Lenihan):** This is a matter for the Revenue Commissioners and I have been advised by Revenue that they have arranged for a review of the tax affairs of the person concerned and will be in contact directly with the person concerned very shortly to discuss the matter.

**Financial Services Regulation.**

193. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied). [3333/09]

**Minister for Finance (Deputy Brian Lenihan):** It is Government policy to support measures to ensure the flow of credit to the enterprise sector, thereby supporting small business and related employment. Through the introduction of the Bank Guarantee Scheme, the recapitalisation package and the nationalisation of Anglo Irish Bank, the Government has sought to sustain an environment where banks can continue to support economic activity through their credit policies.

The recapitalisation package for Allied Irish Bank and Bank of Ireland announced in December included a credit package. One of the requirements of the credit package is that the banks will provide at least 10% more capacity for lending to small and medium-sized enterprises (SMEs) in 2009, subject to demand.

In addition, a Code of Practice on Business Lending is in preparation and will be introduced very shortly by the Financial Regulator. This will be legally binding and will set new standards for the recapitalised banks in dealing with their SME business customers. I am advised that the new Code will cover issues such as new lending, amendment or withdrawal of credit, security/collateral, notification and communication requirements, and a complaints procedure.

My Department and the Financial Regulator will be monitoring the application of the Code and the extent of credit being provided to small businesses throughout 2009 and will be following up with the banks as required.

**Crime Prevention.**

194. **Deputy John O'Mahony** asked the Minister for Finance the number of ships or boats which were searched for drugs and tobacco products by customs officers at all ports in County Donegal and County Sligo in the years 2006, 2007 and 2008; and if he will make a statement on the matter. [3359/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that, in line with best practice in Customs administrations worldwide, Revenue regards the development of information and intelligence as critical to the detection of the smuggling of drugs and fiscal products. Revenue continuously assesses the risk along the Sligo and Donegal coast, including risks in relation to small ports and other landing places, which may be utilised for the illegal importation of drugs and tobacco products. The coastline is patrolled on an ongoing basis. Enforcement activity is selective and targeted and is based on analysis and evaluation of national and international seizure trends, traffic frequency, routes and other risk indicators as well as specific intelligence. Surveillance of vessels on their arrival on the Irish coast, their stay in port and their journey out of port is also an integral part of Revenue's



enforcement strategy. Customs officers liaise with local Gardaí, Harbour Masters and Coast-guard Officers regarding drugs and with trade interests in respect of fiscal products. The level of enforcement is under constant review to take account of available intelligence and emerging smuggling trends.

A selection of ships and boats have been targeted in the years in question, involving Customs staff assembling a profile of the vessels, undertaking covert surveillance, examining crew lists, interviewing the captains and undertaking rummage operations. However, it is not the policy of the Revenue Commissioners to publish details of such enforcement activities as this could prejudice current or future operations.

As well as land-based staff, Revenue has a sea-going vessel, the Customs Cutter, which patrols the coastline. Revenue has placed a contract for a second cutter, delivery of which is expected towards the end of 2009 and this vessel will be of further benefit in the fight against illegal drugs and other smuggling. Where necessary, Revenue can call on assistance from the Naval Service, the Air Corps and the Coastguard.

I am further advised by the Revenue Commissioners that, in recognition of the risk of landing illegal drugs or fiscal products anywhere around the coast, they are actively promoting the Customs Drugs Watch programme in all coastal areas. This Programme seeks to enlist the help of the public in combating smuggling by noting any unusual or suspicious activity and reporting it immediately to a local Customs Drugs Watch Officer.

#### **Financial Services Regulation.**

195. **Deputy Joan Burton** asked the Minister for Finance the status of the Financial Legislation Advisory Forum. [3366/09]

198. **Deputy Joan Burton** asked the Minister for Finance the status of the Financial Legislation Advisory Forum in view of recent developments in the financial services sector; if he plans to amend the terms of reference, focus and work of the form; and if he will make a statement on the matter. [3369/09]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 195 and 198 together.

I propose to answer question 195 and question 198 together. The Advisory Forum on Financial Legislation was formally launched on 16 January 2008, with a mandate to consolidate and in so far as was possible within the timeframe envisaged for the Forum, to modernise Irish financial services legislation. The project is included as one of the action points for the financial services sector in “Building Ireland’s Smart Economy” which was launched in December 2008. While the implications of the international financial crisis clearly raise issues for the work of the Forum; the consolidation of existing financial services legislation remains an important priority.

I expect the first report of the Forum in the coming months at which time the strategy and focus of the Forum can be evaluated in the context of national and international developments.

#### **Deposit Guarantee Scheme.**

196. **Deputy Joan Burton** asked the Minister for Finance the period for which bank depositors would have to wait for payment in the event that the deposit guarantee scheme was invoked arising out of the dissolution of a financial institution; and if he will make a statement on the matter. [3367/09]



197. **Deputy Joan Burton** asked the Minister for Finance if the payout delay period for depositors in the deposit guarantee scheme for banks and building societies has been reduced from three months to three days in line with the proposals of the EU Commission on 15 October, 2008; and if he will make a statement on the matter. [3368/09]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 196 and 197 together.

The Deposit Guarantee Scheme in Ireland is set out in the European Communities (Deposit Guarantee Scheme) Regulations 1995 (S.I. No. 168 of 1995). Under the current legal framework, which is the same throughout the European Economic Area (EEA), the payment of compensation under the deposit guarantee scheme is to be made within 3 months from the date a bank is deemed by the Financial Regulator or a court of law not to be able to meet its obligations to its depositors. In exceptional circumstances, the period may be extended by up to 9 months if it is required.

As the Deputy states in her question, a new proposal to amend Directive 94/19/EC was published by the European Commission on 15 October 2008. While the proposal has yet to be adopted by the European Parliament, following initial consultation by the European Parliament and European Council, its main elements are: increased coverage level to a minimum of €50,000 from the entry into force date and to be set at a harmonised level of €100,000 across the Community by 31 December 2010, subject to a Commission impact assessment; expedited payment of compensation under the deposit protection scheme from the date a bank is deemed not to be able to meet its obligations to its depositors to 20 working days with a possible extension of 10 working days. The Commission must submit a report within two years of coming into force of the Directive on the effectiveness and delays of the payout procedures assessing whether further reduction to ten working days would be appropriate; and removal of the optional co-insurance provision whereby the depositor can be required to bear 10% of the loss up to the coverage limit.

The Deputy will be aware that two of the main elements in this proposal were articulated by the Government, in its decision of 20 September 2008, to increase the statutory limit for the Deposit Guarantee Scheme from €20,000 to €100,000 per depositor per institution and to dis-apply the 10% co-insurance requirement. Legislation to give effect to the Government decision is being finalised. My Department will also ensure that legislation to give effect to the amended Directive will be enacted as soon as practicable after its adoption.

In conclusion, the Government's objective is to ensure the long-term sustainability of the banking sector in Ireland to pre-empt any requirement that the Deposit Guarantee Scheme would have to be invoked in any circumstances.

*Question No. 198 answered with Question No. 195.*

### **Financial Services Regulation.**

199. **Deputy Joan Burton** asked the Minister for Finance the measures and actions he will take to examine the reasons behind the regulatory failure in the financial services sector here to determine the changes that are required; if he will give a commitment to engage a broad range of stakeholders, such as academics, consumer representatives and social partners; and if he will make a statement on the matter. [3370/09]

**Minister for Finance (Deputy Brian Lenihan):** Any change to the regulatory framework in Ireland must have regard to EU and international developments. In relation to the EU, there are a number of proposals being developed for adoption this year, including improvements

to the Capital Requirements Directive to further strengthen the existing banking prudential framework. Furthermore, the role and mandates of national regulators has been the subject of in-depth consideration by the Ecofin Council. Common reporting standards for financial institutions will enable greater EU wide consistency in supervision. An initial report on this matter is due to be submitted to the Spring European Council and any reform of our Financial Regulator's structures will be consistent with EU developments.

Arising from recent events, there are a number of reviews underway within the Financial Regulator with a view to identifying any shortcomings in the Financial Regulator's strategic regulatory approach, its structures and its capacity to respond. I await with interest the outcomes of these reviews and will be working with the Regulatory Authority to bring about improvements in our system of financial regulation. Stakeholders will have an involvement in this process through the independent statutory Consultative Panels which will be making an important input to the review process. I will bring proposals to Government if, arising from these reviews, I consider that a change in legislation is required.

As the Deputy will also appreciate, under the Credit Institutions (Financial Support) Scheme, the oversight of the banks concerned has already been greatly intensified.

### **Tax Yield.**

200. **Deputy Joan Burton** asked the Minister for Finance when he expects the report which he has requested the Revenue Commissioners to undertake into the cost of cross-Border shopping to the Exchequer to be completed and published; and if he will make a statement on the matter. [3371/09]

**Minister for Finance (Deputy Brian Lenihan):** As the Deputy is aware, during the Committee Stage of the Finance Bill, I stated that I had asked the Revenue Commissioners and the Central Statistics Office to examine the question of the loss to the Exchequer arising from cross-border shopping. They are to report by the end of this month.

### **Tax Collection.**

201. **Deputy Willie Penrose** asked the Minister for Finance if he will take steps to have correspondence from a person (details supplied) in County Westmeath dealt with particularly in the context of the circumstances outlined in the correspondence, and the funding in their favour, that all moneys overpaid by them by way of taxation imposed, be refunded; and if he will make a statement on the matter. [3393/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that formal appeal proceedings taken by the named person, and Revenue's consideration of the outcome, had prevented the processing of his income tax repayments claims. These issues have recently been resolved and the processing of the claims is now underway. The Revenue Commissioners wrote to the named person on 22nd January 2009 requesting necessary documentation and other details to facilitate the calculation of any tax refunds involved. On receipt of this required information, the Revenue Commissioners will proceed to repay any overpaid tax without delay.

### **Irish Language.**

202. **Deputy Ciarán Lynch** asked the Minister for Finance the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3411/09]

**Minister for Finance (Deputy Brian Lenihan):** The information sought is as follows.

Costs of implementing the provisions of the Official Languages Act in the Department of Finance for the years 2003 to 2008.

Year 2003

Payment made by	Total Amount Paid
Dept. of Finance	No payments

Year 2004

Payment made by	Total Amount Paid
Dept. of Finance	€82,308.38

Year 2005

Payment made by	Total Amount Paid
Dept. of Finance	€36,209.44

Year 2006

Payment made by	Total Amount Paid
Dept. of Finance	€33,879.88

Year 2007

Payment made by	Total Amount Paid
Dept. of Finance	€35,681.61

Year 2008

Payment made by	Total Amount Paid
Dept. of Finance	€40,567.84

Total Expenditure 2003 to 2008: €228,647.15.

**Pension Provisions.**

203. **Deputy Enda Kenny** asked the Minister for Finance if he will provide details of the provision within the additional voluntary contribution pension scheme which allows for the spreading back of the pension for long periods to allow for dependent's benefits; and if he will make a statement on the matter. [3427/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that, in general, where special contributions, that is additional voluntary contributions not made

on a regular basis, are made by a member of an occupational pension scheme he or she may, subject to the relevant age related and overall earnings limits,

- (i) claim tax relief on the contribution in the tax year in which the contribution is made, or
- (ii) where the member has unused relief for the previous tax year, claim that unused relief if the special contribution is paid and the claim for relief is made before the return filing date of 31 October (with a further short period of grace where the return is made electronically via ROS).

Where relief for the full special contribution cannot be absorbed in either the tax year in which the contribution is made, or the previous tax year as outlined above, any excess can be carried forward and claimed in subsequent tax years, again subject to the relevant limits.

Section 774 of the Taxes Consolidation Act 1997 provides for an exception to this general rule in a number of circumstances, whereby relief for special contributions may be “spread back” and allocated to earlier years, subject to the overall statutory time limit of 4 years for repayment claims.

The circumstances are: a) where the special contribution is deducted from a lump sum payable on retirement to provide for dependents’ (spouses and children) benefits, b) where the special contribution is made on retirement to pay back previous refunds of contributions or benefits made to an employee from the pension scheme where the employee had previously left the pension scheme, and c) where the special contribution is made on retirement in circumstances where an employee opted, under the rules of the pension scheme, before 6 February 2003, to purchase additional years service in respect of actual service by the employee before he or she joined the pension scheme.

### **Tax Yield.**

204. **Deputy Róisín Shortall** asked the Minister for Finance further to the table produced in reply to Parliamentary Question No. 115 of 2 October 2008, if he will provide the figure for tax year 2006 and the provisional figure for tax year 2007. [3442/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that based on personal income tax returns filed by non-PAYE taxpayers for the years 2006 and 2007, the estimated amount of tax foregone by allowing a deduction for interest on borrowings to be offset against rents assessable under Case V, Schedule D is set out as follows.

Year	Estimated Tax Forgone
	€m
2006	594
2007 (provisional)	877

The figure given for 2006 is an upward revision of a figure provided in the reply given on 2 October last. The revision was necessitated by new historical information becoming available in the interim.

The estimates are based on assuming that tax relief was allowed at the top income tax rate of 42% for 2006 and 41% for 2007 and the figures provided could therefore be regarded as the maximum Exchequer cost in respect of those taxpayers.

Company returns of rental income are net of interest on borrowings and the figures for interest are not separately distinguished in those returns. It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured

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in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11. This return is the source of the figures provided in this reply.

### Financial Institutions Support Scheme.

205. **Deputy Joe Costello** asked the Minister for Finance if, in relation to the credit institutions (financial support) scheme, he will provide a full listing of all the institutions being protected under the scheme; the date, in respect of each institution, on which it was added to the scheme; if he will provide a full listing in respect of each institution of associated Irish or foreign based subsidiaries or related branches who are or will be protected through an Irish based branch or subsidiary; the latest estimate of the total amount of deposits being protected; the estimated breakdown of the total deposit figure between deposits here and foreign deposits; and if he will make a statement on the matter. [3461/09]

**Minister for Finance (Deputy Brian Lenihan):** Those institutions that have executed a guarantee acceptance deed and have then been designated in an order by the Minister for Finance are “covered institutions”. The list of “covered institutions”, including their subsidiaries is:

Covered Institution	Subsidiary	Date added to the Scheme
Allied Irish Bank plc	AIB Mortgage Bank AIB Group (UK) plc AIB Group (UK) plc AIB North America Inc.	24 October 2008
Anglo Irish Bank Corporation Ltd.	Anglo Irish Bank Corporation (International) Ltd.	24 October 2008
The Governor and Company of the Bank of Ireland	Bank of Ireland  Mortgage Bank ICS Building Society Bank of Ireland (I.O.M.) Limited	24 October 2008
EBS Building Society	EBS Mortgage Finance	24 October 2008 4 December 2008
Irish Life and Permanent plc	Irish Permanent (I.O.M.) Limited	24 October 2008
Irish Nationwide Building Society	Irish Nationwide (I.O.M.) Limited	24 October 2008
Postbank Ireland Limited		5 November 2008

Most of the institutions joined the Scheme on 24th October 2008, with the exceptions of Postbank Ireland Ltd which was added on 5th November 2008, and EBS Mortgage Finance added on 4th December 2008.

I assume the Deputy when referring to ‘total deposits’ and ‘breakdown of total deposits’ means the total covered liabilities guaranteed by the Government. Under the terms of the Scheme covered liabilities include: senior unsecured debt; asset covered securities; dated subordinated debt (Lower Tier 2); along with deposits (retail, corporate, and interbank). The estimated total amount of covered liabilities under the scheme for the final quarter of 2008 (an average of the end-month liabilities for October, November and December) amounts to

€376bn. The deposits covered by the Deposit Protection Scheme amounts to €90bn which means that the total amount covered by both schemes is €466bn.

The Deputy should be aware that all covered liabilities are treated equally under the terms of the Government's Bank Guarantee Scheme with no distinction made between those originating from at home or abroad.

### **Tax Collection.**

206. **Deputy Seán Barrett** asked the Minister for Finance if special consideration in extending the four year refund limit for DIRT will be given to a person (details supplied) in County Dublin; and if he will make a statement on the matter. [3543/09]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that the person in question has not been in contact with Revenue in relation to this matter.

A person of 65 or over can claim exemption from DIRT once their total income is below the relevant annual exemption limit. The current annual exemption limits are €20,000 for a single person and €40,000 for a married couple.

Forms 54 D have issued to the taxpayer for the years 2005-2008 for completion. The person should return the forms duly completed to his local tax district. Where his total income is below the relevant exemption limits for these years, refunds will be made in respect of the DIRT.

The Finance Act 2007 introduced new arrangements that allow DIRT — free deposit accounts where the person is over 65 and his income is below the exemption limit as mentioned above. A form DE1 has also issued to the taxpayer in this regard. On completion of same, the person should forward the form to his financial institution who will arrange to pay any future deposit interest without the deduction of DIRT.

Section 865(4) Taxes Consolidation Act 1997 provides that any claim to tax relief made after 01/01/2005 must be made within four years after the end of the year of assessment to which the claim relates. There is no legal basis to extend the four year limit.

### **Child Care Services.**

207. **Deputy Michael Creed** asked the Minister for Health and Children the budget for an organisation (details supplied); if funding is provided by this organisation for county childcare committees; if so the amount of funding provided for these committees; the number of these committees in existence; the number of staff employed therein; her views on whether these facilities provide value for money; and if she will make a statement on the matter. [3162/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme (NCIP) 2006 -2010.

The NCIP is delivered at local level by a network of 33 City and county Childcare Committees (CCC's) which are funded for this purpose. The overall funding provided for the 33 Committees in 2009 is €12,972,616. A total of 200 full time equivalent staff members are employed by the CCC's. All of these figures are broken down in more detail in the enclosed tables.

As the CCC's are an essential mechanism in ensuring effective delivery of the NCIP at local level, including undertaking the initial assessment of grant applications, I am satisfied that they provide value for money. In addition, I understand that the CCC's were examined as part of the Value for Money review of the Childcare Programmes which was completed in 2007.



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CCC		Direct Staff	CMAO* Direct	CMAO* Indirect	Contracted Staff/ Service Agreement	Other	Total
<i>BMW</i>							
Cavan CCC	BMW	4.0		0.25	3.0	0.25	7.5
Donegal CCC	BMW	7.0		1.00		1.00	9.0
Galway City & County CC	BMW	8.0	1.00				9.0
Laois CCCC	BMW	4.0		0.50			4.5
Leitrim CCC	BMW	5.0		0.50		1.50	7.0
Longford CCC	BMW	3.5		0.50			4.0
Louth CCC	BMW	5.0			1.0	1.00	7.0
Mayo CCC	BMW	5.0		1.00			6.0
Monaghan CCC	BMW	4.0	0.25	0.25	1.0	1.50	7.0
Offaly CCC	BMW	4.5		0.50			5.0
Roscommon CCC	BMW	4.5	1.00				5.5
Sligo CCC	BMW	4.5		1.00	2.0	1.00	8.5
Westmeath CCC	BMW	4.0		0.50			4.5
Total		63.0	2.25	6.0	7.0	6.25	84.5
<i>S&amp;E</i>							
Carlow CCC	S&E	3.5		0.50			4.0
Clare CCC	S&E	5.0			1.0		6.0
Cork City CC	S&E	3.0		1.00	1.0		5.0
Cork County CC	S&E	6.5				1.50	8.0
Dublin City CC	S&E	6.0		2.00			8.0
Dun Laoghaire/Rathdown CC	S&E	5	0.50		0.5		6.0
Fingal County CC	S&E	6.0		1.0		1.00	8.0
Kerry CCC	S&E	4.0		1.00	1.5		6.5
Kildare CCC	S&E	5.5		1.00			6.5
Kilkenny CCC	S&E	4.0	0.50	0.50			5.0
Limerick City CC	S&E	3.0		1.0			4.0
Limerick County CC	S&E	4.0		1.00			5.0
Meath CCC	S&E	4.0		1.00		1.50	6.5
South DublinCCC	S&E	5.5	0.50				6.0
Tipperary North CC	S&E	4.0		0.5		0.50	5.0
Tipperary South CC	S&E	3.0		1.00			4.0
Waterford City CCCC	S&E	4.0		0.50			4.5
Waterford County CC	S&E	4.0		0.50			4.5
Wexford CCC	S&E	4.0		1.0			5.0
Wicklow CCC	S&E	7.0		1.00			8.0
Total		91.0	1.50	14.5	4.0	4.50	115.5
Overall Totals		154.0	3.75	20.50	11.0	10.75	200.0

\*Childminding Advisory Officer.

**Mental Health Services.**208. **Deputy Seán Barrett** asked the Minister for Health and Children the reason for the

delay in implementing the comprehensive recommendations for mental health service reform set out in the Vision for Change strategy published in January 2006; the progress made towards the attainment of targets set for service delivery in the area of mental health; if she will adopt an implementation plan for A Vision for Change with detailed annual targets, timeframes and human and financial resource commitments; and if she will make a statement on the matter. [2994/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** Implementation of ‘A Vision for Change’ is primarily the responsibility of the Health Service Executive. In February 2008, the HSE approved an Implementation Plan which sets out six key priorities for 2008 and 2009. These priorities which have been progressed include:

- Catchment Area Definition and Clarification
- Modernisation of the Mental Health Infrastructure
- Community Based Mental Health Teams
- Child and Adolescent Mental Health Teams
- Mental Health Services for People with Intellectual Disability
- Mental Health Information Systems

A draft implementation plan for 2009 and beyond has been prepared and will be finalised by the HSE following completion of the new structure currently being developed in the Health Service Executive.

In January 2008, the Office for Disability and Mental Health was established. The Office will bring a new impetus to the implementation of the Report through working in partnership with the HSE and other stakeholders.

#### **Health Repayment Scheme.**

209. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the status of an application made in respect of a person (details supplied) under the long-stay repayment scheme; the reason for the delay; and if she will make a statement on the matter. [3009/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

#### **Proposed Legislation.**

210. **Deputy Ciarán Lynch** asked the Minister for Health and Children the position with regard to the fair deal legislation; when she foresees the Health Service Executive having a legislative framework to implement the scheme; the implications for the children of a dementia patient taking decisions on the patient’s behalf under the present arrangements and under the planned fair deal scheme; and if she will make a statement on the matter. [3032/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** The Minister published the Nursing Homes Support Scheme Bill 2008 on the 9th October and introduced it at Second Stage in the Dáil in November. It is her intention to bring the legislation through the Houses of the Oireachtas as soon as possible with a view to implementing the scheme in 2009.

The scheme provides that a person may defer contributions based on their family home, or other Irish land-based assets, for the duration of their lifetime. This benefit is referred to as

[Deputy Máire Hctor.]

“Ancillary State support”. The provision of Ancillary State support is subject to a Charge being placed against the asset concerned.

Those in long-term care under the current arrangements can continue with those arrangements if they so wish. Under the new arrangements set out in the Nursing Homes Support Scheme Bill, if a person wishes to avail of Ancillary State support and is of diminished mental capacity, they will require a care representative to act on their behalf unless they are already a Ward of Court or already have a registered Enduring Power of Attorney in place. A care representative is a person appointed by the Circuit Court to act on behalf of a person who is of diminished mental capacity. The care representative can act on behalf of the person in relation to (i) an application for Ancillary State support, (ii) consenting to the creation of the charge against the asset concerned and (iii) matters relating to the Nursing Homes Support Scheme generally. A care representative may not act on behalf of a person in relation to matters outside of the Nursing Homes Support Scheme.

The Nursing Homes Support Scheme Bill sets out the basis for determining mental capacity and appointing a care representative. It also stipulates the people who may act as a care representative as follows: the spouse or partner of the person, a parent of the person, a child of the person, a brother or sister of the person, a niece or nephew of the person, an aunt or uncle of the person, a registered medical practitioner or such other health practitioner (other than the proprietor of a nursing home in which the person resides or is likely to reside) as appears to the Court to be a fit and proper person to make the application.

The list operates in descending priority although a person with a greater priority may consent to an application by a person of lower priority.

#### **Health Services.**

211. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 3. [3056/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Medicinal Products.**

212. **Deputy Frank Feighan** asked the Minister for Health and Children the reason a plant (details supplied) is not available across the counter here as is the case worldwide; and her plans to create the same across the counter availability here. [3060/09]

**Minister for Health and Children (Deputy Mary Harney):** Under the Medicinal Products (Prescription and Control of Supply) Regulations, 2003 (as amended), the plant mentioned by the Deputy is available for sale or supply only on foot of a prescription from a registered medical practitioner. I am advised by the Irish Medicines Board that interactions between the plant and a large number of commonly used medicines can lead to a potential decrease in the effectiveness of those medicines. It is therefore considered that the medicinal use and safety profile of the plant requires the intervention and supervision of a medical practitioner to ensure correct diagnosis, usage and patient care.

#### **Health Services.**

213. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application by a person (details supplied) in County Cork. [3088/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

214. **Deputy Olivia Mitchell** asked the Minister for Health and Children if she will investigate the case of a person (details supplied) in Dublin 18; and if she will make a statement on the matter. [3116/09]

**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.

#### **Hospital Services.**

215. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Carlow will receive a hospital appointment for investigative surgery; and if she will make a statement on the matter. [3121/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

Patients waiting more than three months on a surgical waiting list may qualify for treatment under the National Treatment Purchase Fund. It is open to the person in question or anyone acting on his behalf to contact the Fund directly in relation to this case.

#### **Medical Cards.**

216. **Deputy James Reilly** asked the Minister for Health and Children if she will issue a report on the means test for the over 70 years medical card (details supplied); and if she will make a statement on the matter. [3124/09]

**Minister for Health and Children (Deputy Mary Harney):** Under the Health Act 2008, automatic entitlement to a medical card for persons aged 70 or over ceased on 31st December 2008, and with effect from 1st January 2009, the income thresholds for entitlement to a medical card for those aged 70 or over is €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. Where the spouse/partner is under 70 years of age, he/she can qualify under the over 70s medical card scheme if the combined gross incomes of the applicant and dependant spouse/partner are within the income threshold limit of €1,400 (gross) per week.

Under the over 70s medical card scheme, from 1st January 2009 any savings and similar investments up to €36,000 (single)/€72,000 (couple) will be disregarded and only interest from savings or similar investments above these figures will be considered as income for means testing purposes. The remainder of savings and similar investments will be assessed on the income calculated at a notional interest rate, based on the prevailing interest rates at the time of application. The Health Service Executive's (HSE) Central Application Unit will review the notional rate (currently 3%) on a quarterly basis.

Alternatively, where an applicant wishes to have the actual interest from savings/investments considered, then the HSE will apply this approach and use the most beneficial option in favour of the applicant, subject to submission of the appropriate certificates from the relevant institutions. In the case of "longer term" investment accounts, where the interest is only applied at the end of a fixed period, if the applicant so wishes, the HSE will only take account of the interest earned on the date the investment matures.

### Child Care Services.

217. **Deputy Mary Upton** asked the Minister for Health and Children the reason funding for a development (details supplied) in Dublin 12 was decommitted; when an appeal on this case will be heard; and if she will make a statement on the matter. [3130/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The National Childcare Investment Programme (NCIP) 2006 -2010 is implemented by my Office with the assistance of Pobal, who manage the day to day operation of the programme.

Following enquiries made with Pobal, I understand that the group in question were approved capital funding under the NCIP of €1.4 million in April 2007. The applicants were then required to enter into a post-approval process so that they could proceed to signing a contract with Pobal which would allow for the draw-down of the approved funding and commencement of the construction of the project.

I understand that in May 2008, the applicants sought more time to enter into the initial stage of the post-approval process but did not specify a timeframe for the building work to commence. The applicants have since indicated that they may be in a position to sign a contract by February 2009. However, as they are already in breach of the terms of approval, their grant has been decommitted.

I understand that the Group has appealed the decommittal decision and that this will be appraised in the coming weeks. Following this appeal process the applicants will be advised of the outcome.

### Health Services.

218. **Deputy Catherine Byrne** asked the Minister for Health and Children if budget 2009 cuts will affect the provision of drug and alcohol detoxification beds; and if she will make a statement on the matter. [3158/09]

**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.

219. **Deputy Catherine Byrne** asked the Minister for Health and Children if budget 2009 cuts will affect the sourcing of alternatives to methadone for the treatment of heroin addiction; and if she will make a statement on the matter. [3159/09]

**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.

### Child Care Services.

220. **Deputy Michael Creed** asked the Minister for Health and Children if her Department has received a request for funding under schemes financed from proceeds of the national lottery from an organisation (details supplied) in County Cork; when a decision will be made in respect of this application; and if she will make a statement on the matter. [3163/09]

**Minister for Health and Children (Deputy Mary Harney):** The application referred to by the Deputy was received in my Department in March 2008. Applications for the National Lottery grants far exceed resources. Funds available for 2008 were disbursed based upon an overall assessment of applications received. Accordingly, it is not possible to assist in this particular case.

The assessment of applications is informed by the fact that National Lottery Grants are discretionary ‘once off’ funding. The application in question is for on-going funding to provide childcare facilities. The National Childcare Investment Programme (NCIP) provides a capital grant scheme for the development of childcare facilities, which is open to both commercial and community-based providers including voluntary groups, and the Community Childcare Subvention Scheme 2008-2010 (CCSS) which is confined to community — based providers including voluntary groups.

The Childcare facility in question receives CCSS funding under the NCIP scheme and is required to meet the rest of its operational costs from fee income like all other services supported under this scheme. Therefore, it would not be appropriate to grant National Lottery funding in this situation. To ask the Minister for Social and Family Affairs if she has satisfied herself that the level of funding her Department is providing to the Health Service Executive for the salaries of community welfare officers is sufficient to allow local officers meet the extra demand placed on them arising from the economic downturn or to allow the HSE to recruit additional officers

### **Suicide Incidence.**

221. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will report on her supports to tackle suicide here; and if she will make a statement on the matter. [3179/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** Reach Out — A National Strategy for Action on Suicide Prevention, provides a policy framework for suicide prevention activities in Ireland. Implementation of the strategy is the responsibility of the Health Service Executive.

Initiatives funded by the HSE’s National Office for Suicide Prevention include developing and implementing national training programmes, completing the availability of self-harm services through A&E departments, implementing recommendations arising from a review of bereavement services, dedicated suicide officers, supporting voluntary organisations working in the field of suicide prevention and developing mental health awareness campaigns. It should also be emphasised that a range of services such as mental health and primary care services are important in helping to prevent suicide. An annual report on the measures taken by the National Office during the preceding year to prevent suicide is laid before both Houses of the Oireachtas each year.

Once-off funding of €1m has been provided in 2009 for further suicide prevention initiatives. The funding will be used to develop campaigns aimed at young people and to further develop services for those bereaved by suicide.

### **Dáil na nÓg.**

222. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will present a report on a meeting (details supplied); the issues raised; and if she will make a statement on the matter. [3180/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Dáil na nÓg Council Meeting 21st June 2008.

Dáil na nÓg is the annual national youth parliament for young people aged 12 to 18 years and is funded and overseen by the Office of the Minister for Children and Youth Affairs. Comhairle na nÓg are the responsibility of each of the 34 City and County Development



[Deputy Barry Andrews.]

Boards (CDBs). All 34 Comhairle na nÓg are funded by the Office of the Minister for Children and Youth Affairs and local agencies. The role of Comhairle na nÓg is to give children and young people a voice in local and national decision-making.

Each of the 34 Comhairle na nÓg elects one delegate to become a member of the Dáil na nÓg Council. The Council has a term of office of one year. Young councillors follow-up on recommendations from the previous session of Dáil na nÓg and try to make changes for young people in those areas. The issues discussed at Dáil na nÓg 2008 were Teen Mental Health and Education Reform. The Council meets once a month in the Office of the Minister for Children and Youth Affairs and works in two groups, one on each of the themes from Dáil na nÓg. The Council is supported in its work by the Office of the Minister for Children and Youth Affairs and the National Youth Council of Ireland. It is also assisted by 4 young Advisors who are young people from the outgoing Dáil na nÓg Council.

Barry Andrews TD, Minister for children and Youth Affairs met with the Dáil na nÓg Council on 21st June 2008. It was a very constructive meeting held in an informal manner. Members of the Mental Health and Education Reform groups briefed the Minister on the work undertaken so far. They explained what they hoped to achieve during their terms in office. Dáil na nÓg Advisory Council Members told the Minister about the work of the 2007 Dáil na nÓg Council. The Minister asked each of the young people what they would change for young people in Ireland if they could. The group also asked Minister Andrews questions about his role in the government, his plans for his term of office and how he feels about working with young people. The Minister agreed to attend a second meeting of the Council early in 2009.

#### **Hospital Staff.**

223. **Deputy Joe Carey** asked the Minister for Health and Children if progress has been made in relation to the appointment of a dedicated adult consultant in respect of cystic fibrosis patients attending the Mid West Regional Hospital, Limerick; and if she will make a statement on the matter. [3186/09]

**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.**

224. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a case (details supplied). [3335/09]

**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 Procurement.**

225. **Deputy Joe Carey** asked the Minister for Health and Children the location from which the Health Service Executive west source pork, ham and bacon products; the country of origin this product comes from; and if she will make a statement on the matter. [3338/09]

**Minister of State at the Department of Health and Children (Deputy Mary Wallace):** The information requested is being provided by the Health Service Executive and will be forwarded to the Deputy directly.

**Health Service Staff.**

226. **Deputy Joe Carey** asked the Minister for Health and Children when a second consultant geriatrician will be appointed in County Clare as currently the system is overstretched; and if she will make a statement on the matter. [3339/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

**Health Services.**

227. **Deputy Pat Breen** asked the Minister for Health and Children when a refund will issue to persons (details supplied). [3341/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

**Hospital Services.**

228. **Deputy Michael Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo appeared for surgery and was told that there was no intensive care bed available. [3342/09]

229. **Deputy Michael Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo was prepared for surgery and then told there was no intensive care bed available. [3343/09]

240. **Deputy Michael Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo was prepared for surgery and then told that there was no intensive care bed available. [3484/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 228, 229 and 240 together.

As this is a service matter it has been referred to the HSE for direct reply.

230. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment for further investigation of their health problem; and if she will make a statement on the matter. [3355/09]

**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 Repayment Scheme.**

231. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to the application for the health repayment scheme by a person (details supplied) in County Cork; and when a decision will be made on the application. [3356/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

**Hospital Services.**

232. **Deputy Joe Carey** asked the Minister for Health and Children if she will reinstate as a

[Deputy Joe Carey.]

matter of urgency the elderly care unit at Ennis General Hospital; and if she will make a statement on the matter. [3372/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Service Staff.

233. **Deputy Róisín Shortall** asked the Minister for Health and Children the details of the new arrangements for the regulation of dental technicians; the qualifications and criteria required in order to operate such a business; the steps that existing people working in this area must take in order to comply with the new regulations; the arrangement in place to facilitate such qualifications; and if she will make a statement on the matter. [3398/09]

**Minister for Health and Children (Deputy Mary Harney):** In July 2008, I gave my consent to the establishment of a scheme for Clinical Dental Technicians submitted to me by the Dental Council. I am pleased to note that there are six Clinical Dental Technicians on the register held by the Dental Council.

The qualifications recognised by the Dental Council are set out in the scheme and include qualifications awarded by certain approved academic institutions in Ireland. The Dental Council may also recognise other qualifications which they deem to be of an equivalent standard.

Those who are currently working in this area and wish to secure registration as a Clinical Dental Technician should obtain these or other such suitable qualifications that may be recognised by the Dental Council. My Department is aware that both of the organisations representing dental technicians in Ireland are currently investigating options for education courses to enable their members to obtain registration.

### Irish Language.

234. **Deputy Ciarán Lynch** asked the Minister for Health and Children the cost to her Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [3413/09]

**Minister for Health and Children (Deputy Mary Harney):** My Department is fully committed to the implementation of the Official Languages Act 2003. A statutory scheme outlining plans for compliance with the provisions of the Act is currently being finalised. However my Department is already fulfilling many of the requirements of the Act.

Some of the information requested by the Deputy's question is not routinely collected by my Department. The information which is currently available in relation to translation costs and the cost of advertising in Irish is set out in the table.

	Translation Costs	Advertising Costs
	€	€
2004	7,165.00	605.00
2005	29,947.00	877.00
2006	21,218.00	4,262.00
2007	35,281.00	55,412.00
2008	21,424.00	4,153.00*

\*Advertising costs for 2008 covers the period from January to September only.

Some expenditure by my Department on services provided through the Irish language, cannot be readily distinguished from the overall cost of the service. This would include expenditure on the publication of this Department's entries in telephone directories and official stationery which are set out in the table below for the period from 2004 to 2008.

	Telephone Directory Costs	Letterhead Paper Costs
	€	€
2004	42,232.00	11,220.00
2005	13,621.00	11,200.00
2006	14,114.00	5,026.00
2007	34,572.00	30,503.00
2008	57,010.00	5,216.00

As I indicated in my response to Parliamentary Question 169 of 28th January 2009, the cost for the printing of Annual Reports by my Department, by the Office of the Minister for Children and the Adoption Board amounted to €30,321 in 2008. These reports and the Department's Statement of Strategy are published in both official languages.

The provision of services through the medium of Irish also arises as part of the normal day to day work of individual sections within the Department but it is not possible to isolate the associated administrative costs from the overall costs of the Department.

#### **Health Services.**

235. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied). [3423/09]

**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.

236. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied). [3425/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

#### **Inter-Country Adoptions.**

237. **Deputy Michael McGrath** asked the Minister for Health and Children if she will make every effort to secure a bilateral adoption agreement with Russia which meets the Hague Convention standards; her views on whether such an agreement can be put in place prior to the enactment of the Adoption Bill 2009, in order that Irish people can continue to adopt children from Russia. [3426/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Adoption Bill, 2009, which will give force of law to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, was published on Friday 23rd January, 2009. Under the new legislation, prospective adoptive parents will be able to adopt from countries which have also ratified the Hague Convention, and countries with which Ireland has a bilateral agreement which meets Hague standards.

[Deputy Barry Andrews.]

My Office is currently working on drafting a bilateral agreement with Vietnam and is also examining the possibility of negotiating bilateral agreements with the Russian Federation and Ethiopia. As regards the Russian Federation, there have been informal discussions through normal diplomatic channels regarding a bilateral agreement. My Office is also undertaking preparatory work to consider the contents of such an agreement, including anticipating the likely requirements of the Russian Federation.

While every effort will be made to conclude a bilateral agreement in advance of any of the proposed changes in Irish law taking effect, it must be acknowledged that these matters will be determined to a considerable degree by the Government of the Russian Federation.

### **Hospital Charges.**

238. **Deputy Ciarán Lynch** asked the Minister for Health and Children if her attention has been drawn to the fact that it is apparently the policy of accident and emergency units in Cork city to post invoices and receipts to patients and to refuse immediate payment by credit card; if she is satisfied that the cost of postage is justified in view of the fact that approximately 110,000 patients availed of these services in 2008; if alternative payment methods have been explored; and if she will make a statement on the matter. [3470/09]

**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.**

239. **Deputy Willie Penrose** asked the Minister for Health and Children if she will investigate the proposals by the Health Service Executive to relocate the primary care unit situated at Springfield, Mullingar, County Westmeath to a centralised facility at Finglas, Dublin; if her attention has been drawn to the fact that this will result in the loss of 30 jobs and the consequences it will have in terms of delays and so on for the people who require services; and if she will make a statement on the matter. [3479/09]

**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.

*Question No. 240 answered with Question No. 228.*

### **Roads Network.**

241. **Deputy Jimmy Deenihan** asked the Minister for Transport when he will inform Kerry County Council of the 2009 specific improvement grants for roads; and if he will make a statement on the matter. [3038/09]

**Minister for Transport (Deputy Noel Dempsey):** The 2009 grant allocations for regional and local roads were notified to local authorities yesterday.

### **Dublin Transport Authority.**

242. **Deputy Fergus O'Dowd** asked the Minister for Transport when he expects the Dublin Transport Authority to begin operations; when the process to appoint a chief executive began; the progress which has been achieved to date in establishing the DTA; and if he will make a statement on the matter. [2981/09]

251. **Deputy Brian Hayes** asked the Minister for Transport when the Dublin Transport Authority will be in operation; the estimated number of staff to be employed by this body; the estimated costs for its first full year; and if he will make a statement on the matter. [3071/09]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 242 and 251 together.

My Department is proceeding with preparations for the establishment of the Dublin Transport Authority (DTA) as soon as possible during 2009. A key part of those preparations is the recruitment of a Chief Executive Officer and the necessary recruitment process is now underway.

The Public Appointments Service initiated the recruitment process for the CEO on 23 January last and the closing date for receipt of applications is 19 February next.

My Department has had very productive discussions with the Department of Finance on the administrative budget and staff numbers for the DTA, on the basis of which it was agreed to proceed with the recruitment of the CEO. Final decisions on funding and staff numbers will be taken following consultation with the new CEO and the Authority.

### **Legislative Programme.**

243. **Deputy Fergus O'Dowd** asked the Minister for Transport if he expects to introduce legislation to establish a national transport regulator; when he expects to publish this legislation; the way a national transport regulator would affect the Dublin Transport Authority; and if he will make a statement on the matter. [2982/09]

**Minister for Transport (Deputy Noel Dempsey):** The Agreed Programme for Government contains a commitment to examine the need for a National Transport Regulator in the context of the overall review of the economic regulatory environment. The Government Programme also contains a commitment to reform bus licensing to facilitate the optimum provision of services by providing a level playing field for all market participants.

The Government has recently approved the General Scheme of the Public Transport Regulation Bill which contains proposals for a new bus licensing regime which will replace the Road Transport Act 1932 and the provisions of the Transport Act 1958 that relate to the provision of bus services by the State bus companies. It is proposed that responsibility for bus route licensing and public transport services contracts nationwide will be assigned to the DTA under the Bill, which will also provide for the amalgamation of the Commission for Taxi Regulation into the DTA. The Bill will also provide for the renaming of the Dublin Transport Authority as the National Transport Authority given its proposed national focus in relation to commercial bus licensing, future bus and rail subvention and the regulation of small public service vehicles.

In the light of the recent Government approval of the General Scheme of the Public Transport Regulation Bill, the Bill will now be drafted and published as soon as possible.

### **Public Transport.**

244. **Deputy Fergus O'Dowd** asked the Minister for Transport if his Department has made findings in relation to complaints by private operators of unfair competition from State operators; and if he will make a statement on the matter. [2983/09]

**Minister for Transport (Deputy Noel Dempsey):** My Department is currently investigating 3 complaints made by private bus operators to my Department in relation to alleged unfair competition by State bus companies.



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One of those complaints is the subject of an independent review arising from the settlement of High Court proceedings. The remaining cases are currently the subject of correspondence between the Department and the parties involved.

245. **Deputy Fergus O'Dowd** asked the Minister for Transport the contact he has had with CIÉ and Dublin Bus in the past three months regarding proposed cutbacks in public transport services; if he has expressed an opinion on these cutbacks to CIÉ; and if he will make a statement on the matter. [2984/09]

246. **Deputy Fergus O'Dowd** asked the Minister for Transport the official contact he has had from Green Party politicians regarding public transport cutbacks in the past three months; and if he will make a statement on the matter. [2985/09]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 245 and 246 together.

Both my Department and I have had discussions with CIE and the CIE Companies in relation to the major challenges that they must address to restore their finances in the face of major economic difficulties which has led to declining demand for services in an increasing cost environment.

The Deloitte Report sets out a series of measures which are designed to enhance the role of the bus and, in my statement accompanying the release of the report last week, I indicated areas where the report had identified considerable scope within Dublin Bus to improve its services to customers, increase efficiencies and save money through, for example, redesigning the network, eliminating unnecessary service duplication and improving information to the customer. In the case of Bus Eireann, I identified areas where it could explore opportunities to further reduce costs and pursue new business opportunities.

The Deloitte Report is supporting the actions being taken by both companies to turn around their financial position which is not sustainable in the current environment and I have asked the companies to present to me their plans for the implementation of the recommendations in the report at an early date.

I am in regular contact with my Cabinet colleagues in the Green Party in relation to developments in public transport and the sustainability agenda.

#### **State Bodies.**

247. **Deputy Fergus O'Dowd** asked the Minister for Transport further to Parliamentary Question No. 188 of 18 December 2008, the reason he will not give his full confidence to the chairman of Dublin Port Company; his views on whether Dáil Éireann is the appropriate place to seek assurances on the capacity of the chairman to manage the board of this State company and on whether the Dáil is the appropriate institution to ensure accountability of State companies; and if he will make a statement on the matter. [2986/09]

**Minister of State at the Department of Transport (Deputy Noel Ahern):** As the Deputy will be aware, the Chairman of Dublin Port Company announced his resignation from the post on 29 January.

#### **Road Safety.**

248. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Transport his views on amending Regulation 3 of the Road Traffic (Licensing of Drivers) Regulations 2006 to allow a person

whose name is entered on the register of the Royal College of General Practitioners to qualify as a registered medical practitioner for the purposes of Regulation 41 (i) (f) (ii), in order that a Border resident's Six County general practitioner may submit the required medical report on their behalf. [3003/09]

**Minister of State at the Department of Transport (Deputy Noel Ahern):** I have no proposals in this regard, to amend the Road Traffic (Licensing of Drivers) Regulations 2006.

I understand that a person who is registered as a medical practitioner in the UK is eligible to apply for inclusion in the register of Medical Practitioners maintained by the Medical Registration Council of Ireland. This procedure for registration also applies to Irish medical practitioners.

### **Light Rail Projects.**

249. **Deputy Brian Hayes** asked the Minister for Transport the status of the proposed metro north infrastructural project; and if he will make a statement on the matter. [3048/09]

**Minister for Transport (Deputy Noel Dempsey):** Good progress continues to be made on the Metro North project. The Railway Procurement Agency (RPA) has made an application to An Bord Pleanála for a Railway Order and subject to the grant of an enforceable railway order, preparatory works such as utility diversions will commence later this year. The first round of tenders for the Public Private Partnership (PPP) contract are due to be submitted at the end of February.

In accordance with the requirements of the Government decision on Transport 21, Metro North will be submitted to Government for a final decision on the project on the completion of the tender process.

### **Public Transport.**

250. **Deputy Finian McGrath** asked the Minister for Transport if he will support a matter (details supplied). [3052/09]

**Minister for Transport (Deputy Noel Dempsey):** It is a matter for CIÉ and Dublin Bus, within the resources available to them from fare revenue and Exchequer subvention, to maintain as high a level of service as possible. Decisions in regard to service rationalisations necessary to restore balance in the companies finances are matters for the companies. The Cost and Efficiency Review of Dublin Bus and Bus Eireann which I published on 26 January will assist both companies in this work. The Report sets out a series of measures which are designed to enhance the role of the bus. In my statement accompanying the release of the report last week I indicated areas where the report had identified considerable scope, principally within Dublin Bus, to improve its services to customers, increase efficiencies and save money through, for example, redesigning the network, eliminating unnecessary service duplication and improving information to the customer.

*Question No. 251 answered with Question No. 242.*

### **Air Services.**

252. **Deputy Denis Naughten** asked the Minister for Transport his policy on the disposal of its share in Aer Lingus; and if he will make a statement on the matter. [3191/09]

**Minister for Transport (Deputy Noel Dempsey):** The Government's aviation strategy is to facilitate the development of as wide a range as possible of competitive, safe and reliable air

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services for the benefit of business and tourism. In this context, at the time of the Aer Lingus IPO, the State retained a 25% shareholding in Aer Lingus to protect our strategic interests in a number of ways. Firstly, having a shareholding at this level acts as a block against a hostile takeover. The value of the State's shareholding in this regard has already been demonstrated and has ensured that the aviation market in Ireland will continue to be served by at least two strong competing airlines thus ensuring consumer choice and competition.

Secondly, the shareholding also ensures that the Memorandum and Articles of Association of the Company cannot be changed without the approval of the State. This, in turn, means that the safeguard measures relating to a disposal of Heathrow slots cannot be changed by other shareholders. Also the provision whereby the State can appoint three directors to the Board cannot be changed by other shareholders.

The Government will continue to exercise its shareholder role in Aer Lingus with a view to protecting Ireland's strategic interests.

### **EU Directives.**

253. **Deputy John O'Mahony** asked the Minister for Transport when he will begin proceedings to transpose European Union Directive 2008/96/EC on Road Safety Infrastructure Management; if he will extend the scope of the proposal to all roads not just the TERN system; if a new independent body will be created to carry out the tasks laid down in the directive or if an existing body will be given the tasks; and if he will make a statement on the matter. [3364/09]

**Minister for Transport (Deputy Noel Dempsey):** The deadline for the transposition of this Directive is the end of 2010. My Department will begin work on transposing the Directive this year. My Department has worked closely with the National Roads Authority in ensuring Ireland's position was fully represented during the negotiation stage.

I am assured by the NRA that they already have an independently audited road infrastructure safety management system in place which applies to all national roads and which will comply with the Directive once it has been transposed. This system is already in place and is implemented at the design stage of all major road development or improvement projects.

### **Irish Language.**

254. **Deputy Ciarán Lynch** asked the Minister for Transport the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3417/09]

**Minister for Transport (Deputy Noel Dempsey):** The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

### **Visa Applications.**

255. **Deputy Brendan Howlin** asked the Minister for Justice, Equality and Law Reform the status of an application for a visitor visa in respect of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [2975/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Based on the visa reference number provided, my Department has no record of a current visa application for the person in question.

### Temporary Release of Prisoners.

256. **Deputy Seán Barrett** asked the Minister for Justice, Equality and Law Reform the basis on which temporary Christmas releases from prison are granted; the conditions attaching to such releases; the action taken against prisoners persistently re-offending while on temporary release; and if he will make a statement on the matter. [2993/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that 107 prisoners were granted varying periods of temporary release at Christmas 2008 under the Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003. This figure represents approximately 2% of the prisoner population at that time and was a significant reduction on Christmas 2007 figures of 138 prisoners.

The periods of release that these prisoners were granted varied from a few hours up to 7 nights. The prisoners released were nearing the end of their sentences and the overriding concern when considering the applications was the safety of the public. In addition to compassionate and humane considerations, the nature and gravity of the offence, length of sentence served to date, prior record on temporary release, behaviour while in custody and previous criminal history were also considered.

Temporary 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.

All releases are subject to stringent conditions which may include, for example, to reside at a particular address, to return to the prison at a set time, that a family member or responsible person collect and return the prisoner. In the vast majority of cases there would be a requirement to report on a regular basis to the offender's Garda Station and in that regard the Garda authorities regularly circulate details of persons who have recently been released from custody. Any offender who breaches his or her temporary release conditions may be arrested and returned to prison immediately by the Gardaí.

### Legal Aid Service.

257. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the 2008 and 2009 estimate for payments to lawyers under the legal aid service; the respective rates for these payments in 2008 and 2009; and if he will make a statement on the matter. [3061/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am assuming that the Deputy is referring to the payments made to lawyers under the Criminal Legal Aid Scheme, which is administered by my Department. The details are as follows:

- Actual expenditure for 2008: €55.3 million
- Provisional estimated expenditure for 2009: €45 million

As regards the rates, the fees paid to solicitors and counsel in the Circuit and Higher Courts in respect of indictable offences are determined by the level of fees (set by the Director of Public Prosecutions) payable to prosecution counsel through parity arrangements which are provided for by Regulations made under the Criminal Justice (Legal Aid) Act 1962.

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The rates of fees payable to solicitors for attendance in the District Court and for appeals to the Circuit Court; to solicitors and counsel in respect of essential visits to prisons and other custodial centres (other than Garda Stations) and for certain bail applications are set out in the Criminal Justice (Legal Aid) (Amendment) Regulations 2007 (S. I. No. 41 of 2007) and the Criminal Justice (Legal Aid) (Amendment) Regulations 2009 (S. I. No. 15 of 2009) which came into effect on 1 February, 2009 and reduced the rates by 2.5%.

In addition, there are a range of fees payable to solicitors under the Garda Station Advice Scheme.

### **Tribunals of Inquiry.**

258. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the 2008 and 2009 estimate for payments from the operation of the various tribunals, including the payment for third party costs; and if he will make a statement on the matter. [3062/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information sought by the Deputy in respect of the cost of the following tribunals in 2008 was €11.8 million.

- The Morris Tribunal: €9.6 million
- The Barr Tribunal: €0.7 million
- The Smithwick Tribunal: €1.5 million

A further €1.3 million was also spent in 2008 on the Rossiter Tribunal of Inquiry.

Of the above, all but the Smithwick Tribunal have concluded their work and submitted their final reports which have been published.

It is not possible to forecast with a reasonable degree of accuracy the likely costs in 2009 in respect of tribunals.

### **Traffic Fines.**

259. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the amount of uncollected fines imposed by the courts and the Garda Síochána, to include driving related offences for 2006, 2007 and 2008; and if he will make a statement on the matter. [3063/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Statistics of the kind sought by the Deputy are not readily available, particularly taking into account that there is inevitably a time lapse between a fine being imposed and its collection.

### **Garda Remuneration.**

260. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the overtime budget spent for the Garda Síochána and the Prison Service for each year since 2004; and if he will make a statement on the matter. [3064/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information requested by the Deputy is set out in the following tables.

## Overtime Expenditure in An Garda Síochána

Year	Expenditure
	€ million
2004	63.1
2005	79.5
2006	105
2007	138.4
2008	115.3

The figures shown above include overtime for both Garda Members and for civilian staff.

## Overtime Expenditure in the Irish Prison Service

Year	Expenditure
	€ million
2004	45.5
2005	46
2006	6.2*
2007	0.06*
2008	0.07*

\*In August 2005 agreement was reached between the Irish Prison Service and the Prison Officers' Association on the Proposal for Organisational Change in the Irish Prison Service. A key element of the agreement was the elimination of overtime working and its replacement with an Additional Hours System. The introduction of the Additional Hours System has led to a decrease in overtime expenditure since 2005.

**Departmental Expenditure.**

261. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the additional cost to employ a garda to do work which did not require garda skills and could be done by a civilian in both 2007 and 2008; the increased cost since the 2001 benchmark was set (details supplied); and if he will make a statement on the matter. [3065/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** There has been a major expansion in the number of civilians in An Garda Síochána since the civilianisation study referred to by the Deputy was carried out in 2001. The study recommended that an additional 556 posts were suitable for Civilianisation and that these would be filled over a period of 21 years to allow for continuity of skills, particularly in technical areas. On 31st March, 2001 there were 959 civilians serving in the Garda Síochána. As of 31st December, 2008, this figure has expanded to a total of 2,099 full time equivalents which is over double the recommended increase in the 2001 study. The ratio of civilian staff to Garda strength has also increased from approximately 1 in 13 in 2001 to 1 in 6.8 at the end of last year. This has been achieved over a much shorter timeframe than that envisaged in the 2001 study.

Civilian staff carry out a wide range of functions both administrative and technical and are recruited to senior management and executive grades as well as at clerical level. It is important to note that civilianisation does not necessarily imply the direct replacement of Gardaí with civilians, but that it can take a number of forms. Firstly, there is the replacement of sworn members, who are engaged in exclusively clerical, administrative or technical duties, with civilian staff. Secondly, there is the use of civilian support which allows sworn members who would otherwise have to perform some administrative duties to focus exclusively on front-



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line policing duties. Thirdly, there is the recruitment of civilians to perform new or expanded administrative, managerial and professional support roles in An Garda Síochána.

On this account, and because of the significant restructuring of roles, functions and business areas that has taken place at all levels of An Garda Síochána since 2001, it is very difficult to quantify the exact number and associated costs of posts which were occupied by sworn members in 2007 and 2008 and which could be occupied by civilians. Furthermore, such an exercise would not reflect the full extent and impact of the Garda Síochána civilianisation programme to date.

### **Garda Deployment.**

262. **Deputy Brian Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí allocated to community policing duties by Dublin policing district at the end of December 2008; and if he will make a statement on the matter. [3069/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the number of Gardaí assigned to community policing duties in each Dublin District, as at the 31 December 2008 was as set out in the following table.

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 the Community Policing Units referred to by the Deputy will be fully considered by the Commissioner within the overall context of policing requirements throughout the country.

Division	District	Community Police
DMR East	Blackrock	14
	Dún Laoghaire	27
DMR North	Balbriggan	6
	Coolock	23
	Raheny	16
	Santry	20
DMR North Central	Bridewell	19
	Fitzgibbon Street	26
	Store Street	28
DMR South	Crumlin	12
	Rathmines	8
	Tallaght	34
DMR South Central	Donnybrook	8
	Kevin Street	44
	Pearse Street	23
DMR West	Blanchardstown	46
	Clondalkin	21
	Lucan	21
Total		396

### **Citizenship Applications.**

263. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if applications for naturalisation are being unnecessarily delayed due to backlogs at the Garda Síochána; the average length of time it takes for a report on the applicant to be received once it has been requested from the Garda Síochána; the measures he will introduce to deal with these delays; and if he will make a statement on the matter. [3074/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. One such condition is that the applicant must be of good character. This is established mainly by carrying out enquiries with An Garda Síochána and is an important stage in the processing of all applications for naturalisation.

At present, 70% of all enquiries are receiving a response within 5 weeks, however, at certain peak periods each year this response time may not be possible. In very complex cases this process can take a lengthy time to complete and in a minority of cases this may take more than a year. This does not constitute an unnecessary delay in these complicated cases.

Officials from the Citizenship Division and An Garda Síochána are working together to ensure that any delays are minimised. However, there is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

### **Deportation Orders.**

264. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will rescind the decision to deport in the case of persons (details supplied) in County Cork; and if he will make a statement on the matter. [3075/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to the Reply given to his Parliamentary Question No. 164 on Tuesday 14 October 2008. The status of the persons concerned remains as set out in that Reply.

The persons concerned have continued to meet their presentation requirements with the Gardaí. The first named person is due to present himself again at Anglesea Street Garda Station, County Cork on Monday 9 February 2009. The second named person is due to present herself again at the Garda National Immigration Bureau (GNIB) on Tuesday 10 March 2009.

The enforcement of the Deportation Orders remains an operational matter for the GNIB.

### **Visa Applications.**

265. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for family reunification in the case of a person (details supplied) in Dublin 8; if a visa will issue before their spouses passport expires; and if he will make a statement on the matter. [3077/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my answer to his previous Parliamentary Question.

I am informed by the Immigration Division of my Department that the person in question made an application for Family Reunification on behalf of his wife in June 2008.

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This application has been forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996. The Commissioner will prepare and forward in due course a report to my Department.

Upon receipt of the report the application will be considered and a decision will issue in due course.

At present, applications are taking approximately twenty-four months to process.

#### **Departmental Offices.**

266. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the reason the repatriation section of the immigration service is only contactable by post; the logic behind such an arrangement; and if his Department will implement a proper procedure to deal with general queries and complaints relating to delays. [3100/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** By way of background, I would like to clarify the primary functions carried out by the Repatriation Division of the Irish Naturalisation and Immigration Service which are:

- (i) to consider and make decisions on applications for leave to remain in the State submitted by failed asylum seekers or persons who have become otherwise illegally present in the State,
- (ii) to consider and make decisions on applications for Subsidiary Protection in the State submitted by failed asylum seekers,
- (iii) to make practical arrangements for the deportation of persons issued with a Deportation Order,
- (iv) to make practical arrangements for the transfer to another State of persons issued with a Dublin II Regulation Transfer Order,
- (v) to assist in the voluntary return to their countries of origin of failed asylum seekers or other non-EEA national persons who wish to avail of this option,
- (vi) to consider and make decisions on applications for renewal of leave to remain in the State submitted by persons already granted such status,
- (vii) to consider and make decisions on applications for the revocation of an existing Deportation Order,
- (viii) to respond, on behalf of the Minister, to legal challenges to any of the Division's decisions and
- (ix) to carry out all administrative support functions arising from the Division's areas of responsibility.

The Deputy will note from the above that the great majority of the Division's work is paper based and, as such, the Division's transactions and decisions are carried out in written form. The Deputy will also appreciate the importance of all such business being carried out in a manner which respects customer confidentiality, a position that cannot be assured were important matters to be conducted through the medium of telephone communications. However, that said, it is not true to say that the Repatriation Division of the Irish Naturalisation and Immigration Service is only contactable by post. That Division can be contacted by telephone in the context of general repatriation related queries and in the context of customer

specific queries where the bona fides of the person making a telephone enquiry are not in doubt. However where doubts exist, any person making a customer specific telephone enquiry is, not unreasonably, asked to convey such an enquiry in writing to include a notification of the written consent of the person who is the subject of the enquiry, to ensure that customer confidentiality is protected at all times.

The Deputy might also wish to note that all relevant general information relating to the work of the Irish Naturalisation and Immigration Service, including the Repatriation Division, is available on the Service's Website i.e. [www.inis.gov.ie](http://www.inis.gov.ie). Additionally, the Irish Naturalisation and Immigration Service has a telephone helpline in place to respond to general queries relating to the Service's functions.

In relation to the possible establishment of a procedure to deal with general queries and complaints relating to delays, the Deputy should note that my Department already responds to a substantial number of written enquiries on a daily basis from individual applicants, from applicants' legal representatives, from NGOs acting on behalf of applicants and from parliamentarians, both through the medium of responses to written representations and Parliamentary Questions.

### **Asylum Applications.**

267. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application by a person (details supplied) in County Dublin; and if in view of the delay already experienced he will expedite the decision. [3101/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Following the rejection of his asylum application, the person concerned was, on 9 July 2001, granted temporary Leave to Remain in the State under the provisions of Section 3 of the Immigration Act, 1999 (as amended) for a one year period, to 9 July 2002. This permission was subsequently renewed for a further one year period, to 15 July 2003.

On 8 July 2003, the person concerned was issued with a Stamp 4 by the Garda National Immigration Bureau, valid to 11 May 2008, on the basis of his marriage to an Irish National. By letter dated 12 May 2008, the person concerned applied to renew his permission to remain in the State. In this letter, the person concerned indicated that his domestic circumstances had changed and, as such, he was no longer in a position to apply for renewal of his permission to remain on the basis of his marriage to an Irish citizen.

The application of the person concerned for renewal of his permission to remain in the State is under consideration at present. When consideration of this application is completed, the person concerned will be notified in writing of the outcome.

### **Legislative Programme.**

268. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform if he will make amendments to the law regarding incest offences committed by women; and if he will make a statement on the matter. [3103/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am currently reviewing the criminal law governing sexual offences for the purpose of providing greater protection to children and other vulnerable persons against sexual exploitation and abuse. If in the course of this review the need for reform of the incest laws is identified, I will bring proposals to Government for approval to amend those laws accordingly.

### **Residency Permits.**

269. **Deputy Bobby Aylward** asked the Minister for Justice, Equality and Law Reform the

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progress made to date on the application for long term residency by a person (details supplied) in County Kilkenny. [3104/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The position in relation to granting long term residency is as follows: persons who have been legally resident in the State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

The dependants of the aforementioned, who have been legally resident in the State for over five years may also apply for long term residency. This particular long term permission does not grant an exemption from employment permit requirements to any such dependants.

Time spent in the State on student conditions cannot be counted towards long term residency.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received in March 2007. I am informed by my officials that this application is in the latter stages of processing. As soon as a decision is made in his case, the person concerned will be notified.

### **Citizenship Applications.**

270. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if he will confine the higher €950 charge for naturalisation certificates only to persons whose application was lodged after the date when the increased charges were made. [3115/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Irish Nationality and Citizenship (Fees) Regulations, 2008, sets out the prescribed fees payable by applicants on the issue of a certificate of naturalisation since 1 August, 2008. The fees are as follows:

- (a) where an application is made on behalf of a minor, a fee of €200.00
- (b) where an application is made by a spouse of a naturalised Irish citizen, a fee of €950.00
- (c) where an application is made by a widow or widower of an Irish citizen, a fee of €200.00
- (d) in the case of all other applications, a fee of €950.00
- (e) the fee payable under (a), (b), (c), or (d) shall be nil, if the application for the certificate concerned was made by or on behalf of a refugee or stateless person or by or on behalf of a programme refugee.

The increases in fees were in line with inflation for the period 1993 to 2008. While the fees are designed to reflect the effort and cost involved in processing the different categories of applicant, the certification fees do not recoup the full cost of processing in any category.

Because this is a certification fee, it is the date of issue rather than the date of application that must be taken into account. Certificates of naturalisation can only be issued on payment of the prescribed fee at the time of certification.

### **Refugee Status.**

271. **Deputy Joe Costello** asked the Minister for Justice, Equality and Law Reform if family members who have come here under family reunification have the same entitlements as the

family member who has been granted residency; and if he will make a statement on the matter. [3117/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that in accordance with the provisions of Section 18 of the Refugee Act, 1996, family members of a refugee who are granted permission to reside in the State following a successful application for family reunification are entitled to the rights and privileges specified in Section 3 of the same Act. These include the entitlement to seek and enter employment, to carry on any business, trade or profession and to have access to medical services and social welfare benefits.

#### **Legislative Programme.**

272. **Deputy Terence Flanagan** asked the Minister for Justice, Equality and Law Reform if he will respond to a query (details supplied); and if he will make a statement on the matter. [3141/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Property Services (Regulation) Bill, to be published in the very near future, will establish the Property Services Regulatory Authority on a statutory footing. The Authority will operate a licensing system for property services providers, including auctioneers, estate agents and property management agents. It will also investigate complaints concerning the provision of property services by licensees, including services provided by management agents for property management companies. It is therefore an important element of the Government's overall strategy in relation to multi-unit developments.

The necessary work to respond in full to recommendations in the Law Reform Commission's Report on Multi Unit Developments, including property management companies, involves a number of Departments. In so far as my Department is concerned, I am determined to progress the necessary legislation as soon as possible. Following those discussions the Government has decided that apart from a number of discreet provisions relating to planning and regulatory issues more appropriately dealt with in the forthcoming Planning & Development Amendment Bill and the Property Regulatory Authority Bill respectively, the matter will be dealt with in a single Bill.

#### **Citizenship Applications.**

273. **Deputy Niall Collins** asked the Minister for Justice, Equality and Law Reform the status regarding an application by a person (details supplied) in County Limerick; and if he will make a statement on the matter. [3154/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am pleased to inform the Deputy that I have approved the application of the person in question and a certificate of naturalisation has been issued to the individual on 10 December 2008.

I am also advised by officials in the Long Term Residency Section of my Department that a decision was made in the case of the person referred to by the Deputy on the 1st May 2008 and the person concerned was notified by post on that date.

#### **Garda Deployment.**

274. **Deputy Catherine Byrne** asked the Minister for Justice, Equality and Law Reform the number of gardaí employed in the national drugs squad when it was first set up in 1996; the number of gardaí currently employed in the national drugs squad; and if he will make a statement on the matter. [3160/09]



**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda authorities that the personnel strength of the Garda National Drugs Unit as of 30 January 2009 was 60 Gardaí (all ranks). The personnel strength of the Garda National Drugs Unit as of 31 December 1996 was 49 Gardaí (all ranks).

In addition to the National Unit, each Garda Division has a dedicated Drugs Unit with some 379 Gardaí currently deployed on drug investigations at local level. The Garda National Drugs Unit liaises with all local Drug Units to ensure that drug law enforcement policy is delivered in a clear and structured manner.

A dedicated unit within the Garda National Drugs Unit has also been established to liaise with the Criminal Assets Bureau to particularly target those criminals and criminal groupings believed to be deriving profits and assets from drug-related criminal activity.

Internationally the National Unit works in close co-operation with other agencies and jurisdictions in relation to drug issues. Garda Liaison Officers based in London, The Hague, Madrid, Europol and Interpol provide specific assistance to the National Unit in relation to international aspects of operations which target drug traffickers.

Ireland is also a full member of the MAOC(N) group based in Lisbon, which is an international intelligence led operation against drug trafficking at sea. The targeting of international traffickers is supplemented by a vigorous policy against persons in the Irish State who are supplying controlled drugs.

Senior Garda management is satisfied that, in addition to the considerable ongoing volumes of drugs being seized, significant impact continues to be made by arresting and prosecuting a number of major players suspected of being 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.

There is no complacency with regard to this matter. This work is ongoing and Garda operations and strategies to tackle drug supply are reviewed on an continual basis to ensure their effectiveness.

### **Asylum Applications.**

275. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of an appeal by a person (details supplied) in County Limerick against the suspension of their basic allowance of €19.10 since June 2008; and the status of their refugee application. [3176/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The immigration status of the person concerned is as follows.

The person concerned applied for asylum on 2 September 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 31 May 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regu-

lations 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.

In relation to the suspension of the weekly Direct Provision payment to the person concerned, I have been advised by my officials that this arose after the person concerned was found to be engaged in paid employment, using a false identity, while claiming the Direct Provision payment. As such payments are administered by the Department of Social and Family Affairs, the Deputy may wish to raise the matter directly with that Department.

### **Garda Investigation.**

276. **Deputy Charlie O'Connor** asked the Minister for Justice, Equality and Law Reform if there has been progress in the investigation into the murder of a person (details supplied) which has been raised at meetings of the British-Irish parliamentary assembly; and if he will make a statement on the matter. [3182/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The investigation into the killing of the individual in question remains active and ongoing. An Garda Síochána is leading the investigation, which has a significant cross-border element. Liaison with the Police Service of Northern Ireland was established at the outset of this investigation, and the Gardaí continue to receive comprehensive assistance from the PSNI. To date sixteen individuals have been arrested in connection with this investigation; seven of these in this jurisdiction, and nine in Northern Ireland. As I have stated in previous replies, I can assure the Deputy that everything will continue to be done to apprehend those responsible for this brutal crime.

### **Departmental Staff.**

277. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the number of staff in his Department employed including whole-time equivalent numbers from clerical officer grade to assistant secretary at October 2008. [3346/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I would refer the Deputy to my reply to Questions Nos. 326 to 328 on 17 December 2008, in which I provided detailed information in relation to the staffing of my Department.

278. **Deputy Joan Burton** asked the Minister for Justice, Equality and Law Reform the number of staff the Courts Service employ including whole-time equivalent numbers from clerical officer grade to assistant secretary at October 2008. [3347/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** While the Courts Service is not staffed by my Department, I am advised that there were 1,051 employees (942 whole-time equivalent staff) in the Courts Service, in the grades of Clerical Officer up to Assistant Secretary, at the end of October 2008.

### **Irish Language.**

279. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3414/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The costs of providing services through Irish are met from my Department's Administrative Budget and cannot readily be distinguished from the cost of providing services generally. Accordingly the information sought by the Deputy could not be compiled without the application of a disproportionate amount of staff time and resources.

#### **Garda Training.**

280. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the opening hours of the gymnasium facilities at the Garda College, Templemore, County Tipperary; his views on whether these hours are adequate; and if there are plans to extend these hours. [3469/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda Commissioner that the gymnasium facilities at the Garda College are open for the full duration of training hours, i.e. 9am to 5pm, and are fully staffed and accessible to all. Student Gardaí are timetabled for classes during these hours.

In addition, the gymnasium is open outside of training hours between 5pm and 8pm from Monday to Thursday. On Tuesdays and Thursdays, specialised gymnasium training is conducted between 6pm and 9pm.

Senior Management at the Garda College are satisfied that these hours are adequate to meet the training needs and there are currently no plans to extend them.

#### **Citizenship Applications.**

281. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation has been decided on in respect of a person (details supplied); and if he will make a statement on the matter. [3472/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question 353 on 25 November, 2008. The position remains as stated.

#### **Diplomatic Representation.**

282. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs the contact his Department had with the family of a person (details supplied) in County Donegal who was taken seriously ill and subsequently died in Turkey on 12 January 2009; the way his Department responded to requests by their family for assistance, specifically their request for a translator with medical knowledge; the reason neither the ambassador nor a representative met with the family when they were in Turkey; and if his Department will assist with the €29,000 cost to the family of bringing the person's body home. [2973/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** At the outset, I would like to take this opportunity to express my deepest sympathy to the family of the person mentioned by the Deputy.

I can assure the Deputy that our Embassy in Ankara and the Consular Division in Dublin provided extensive consular assistance to the family involved. Embassy staff were available at all times to support the family concerned by telephone from their arrival in Turkey. They remained in contact with and spoke regularly to the family for the duration of their stay. They also spoke regularly on behalf of the family to the doctors treating the woman.

I am assured that at no point did the family express to the Embassy any dissatisfaction about the assistance that they were providing. At no point did the family request the Embassy to send a representative to Alanya.

My Department was contacted by the mother of the woman concerned after she was taken seriously ill while on holiday in Turkey. The woman was taken to Alanya State Hospital on 7 January 2009. On arrival of family members in Alanya on the evening of 8 January, contact was made with the Embassy. The Embassy offered to assist with interpretation. However, this was declined as the Embassy was informed that the family were making local arrangements.

Late on Friday evening, 9 January, the Embassy was informed that the family were not satisfied with the service being provided by the interpreter they had engaged themselves. However, when the Embassy reverted to the family, they were informed that a decision was taken to bring the woman home by air ambulance and the issue of an interpreter was no longer relevant.

The Embassy, on behalf of the family, initiated contact with the air ambulance company (Antalya Assistance) to discuss the possibility of flying the woman home. The family were fully informed of the cost of the flight in advance of their return home and the medical implications. The woman was flown home on 11 January and, sadly, subsequently died in Ireland.

My Department has been in direct contact with the family concerned in relation to the financial costs involved. I am pleased to let you know that, as an exceptional measure, I have approved a grant towards those costs. I can assure the Deputy again that all possible assistance will continue to be provided to the family concerned.

### **Visa Applications.**

283. **Deputy Joe McHugh** asked the Minister for Foreign Affairs the number of applications for American, Australian and Canadian visas his Department has received from citizens in County Donegal since 1 January 2008; and if he will make a statement on the matter. [2977/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Department of Foreign Affairs does not receive visa application requests from Irish citizens wishing to travel to America, Australia or Canada. Applications are made directly to the immigration authorities of the three countries concerned.

### **Human Rights Issues.**

284. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs the requests he has made with regard to the release of persons (details supplied); and if he will make a statement on the matter. [3023/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am gravely concerned by the case of Ms. Jestina Mukoko and her two colleagues, who were abducted from their homes in early December, and whose whereabouts remained unknown for some weeks until they were located in police custody on Christmas Eve. Those abducted remain in custody, and I am very disturbed by allegations that they have been tortured. Furthermore, the refusal of prison authorities to allow Ms. Mukoko full access to medical treatment outside of prison — despite a Supreme Court order — is deeply troubling. The allegations made against Ms. Mukoko and her colleagues in an attempt to justify their detention — a plan to bomb Harare's central police station and a "plot" to violently topple Mr. Mugabe through the training of militants in Botswana — are not credible, and they should be released immediately.

The Embassy of Ireland in Pretoria, which is accredited to Zimbabwe, has formally communicated to the Zimbabwean Ministry of Foreign Affairs the deep concern of the Government in relation to the disappearance of Ms. Mukoko, and urged the Zimbabwean Government to do

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everything possible to ensure her safety. As recently as last week, the Embassy contacted the Zimbabwean Foreign Ministry to note our continued concerns about this case.

Ireland has also worked with our European Union partners to press for the release of Ms. Mukoko and her colleagues. On 8 December last, EU Ambassadors in Harare conveyed their strong concern about Ms. Mukoko's case to the Zimbabwean authorities, who at that stage denied any state involvement in her disappearance. The European Council of 11 and 12 December issued a declaration demanding the immediate release of people held incommunicado in Zimbabwe, specifically including Ms. Mukoko. Building on this declaration, at the meeting of the General Affairs and External Relations Council which I attended last week, EU Foreign Ministers expressly condemned the abduction and detention of those exercising a democratic right to express opposition to the regime and of those defending human rights in Zimbabwe.

Ireland will continue to work to ensure that this issue remains high on the EU agenda, and that the authorities in Zimbabwe are aware of our strong views on this matter.

### **Foreign Conflicts.**

285. **Deputy Jim O'Keeffe** asked the Minister for Foreign Affairs his views on the aerial bombing, shelling and killing of Tamil civilians in Sri Lanka; the steps he will take of a humanitarian nature through the EU and the UN to encourage a political solution to the problems in Sri Lanka. [3166/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** As I stated in reply to a Parliamentary Question on 27 January, I am deeply concerned by the escalation in fighting which has taken place in recent months in the northern part of Sri Lanka and by the terrible effects it is having on the local population.

The International Committee of the Red Cross (ICRC) has confirmed that, following intensified fighting between the Sri Lankan security forces and the Liberation Tigers of Tamil Eelam (LTTE), hundreds of people have been killed and scores of wounded are overwhelming understaffed and ill-equipped medical facilities in Sri Lanka's northern Vanni region.

The overall humanitarian situation remains critical. An estimated 250,000 people are trapped in a 250 square-kilometre area which has been the site of intense fighting and has come under intensive aerial bombardment by the Sri Lankan military. They have no safe area in which to take shelter and are unable to flee. There also seems to be evidence to suggest that even seriously injured civilians, including women and children, are being blocked by the LTTE from leaving the Vanni area to receive medical treatment and humanitarian assistance. There are also reports that the LTTE are seeking to force the local population into joining them.

I fully support the call, made on 26 January by the UN Secretary General, Ban Ki-moon, on both the LTTE and the Government of Sri Lanka to accord immediate and absolute priority to ensuring the protection and well-being of civilians, including humanitarian aid workers, in the Vanni region. The Government and the LTTE must ensure that all people, including the displaced, are treated in accordance with international humanitarian law. Both sides must respect "no-fire zones", "safe areas" and civilian infrastructure, including schools, medical facilities and humanitarian facilities and assets.

Bilaterally, and with our EU partners, Ireland has consistently sought to impress on both the Government of Sri Lanka and the LTTE the importance of engaging in meaningful peace talks and stopping all violence and human rights violations. We deeply regret the termination of the 2002 Ceasefire Agreement between the Government of Sri Lanka and the LTTE last year. We continue to take the firm view that there can be no lasting military solution to Sri Lanka's political difficulties.



As one of the four co-chairs of the 2003 Tokyo Conference on the Reconstruction and Development of Sri Lanka, the EU has been anxious to maintain an active role in assisting the country to resolve its internal conflicts, work on national reconciliation and move forward on the development agenda. Following a meeting of the Co-Chairs of the Conference on 24 September last, the Presidency expressed again its concern in relation to human rights and the plight of civilian populations isolated by combat in the north of the country. It called on the parties involved to respect the fundamental principles of international humanitarian law and noted the obligation of the Sri Lankan Government to ensure protection of its civilians and to meet their needs.

The Government will continue to support the efforts of the UN and the EU to address the difficult political and humanitarian situation in Sri Lanka.

Since 2005, the Government has provided, through Irish Aid, more than €5.3 million for humanitarian and development activities in Sri Lanka, including significant emergency assistance provided in the aftermath of the tsunami in 2004. In addition, over US\$12 million was allocated from the UN's Central Emergency Response Fund to Sri Lanka during 2008. Ireland is currently the seventh largest donor to this Fund.

Irish Aid recently provided €7 million in un-earmarked funding to the International Committee of the Red Cross (ICRC), one of the key organisations at the centre of the response to the current humanitarian crisis in the Vanni region.

### **Illegal Immigrants.**

286. **Deputy Charlie O'Connor** asked the Minister for Foreign Affairs if he has raised with the new US administration the issue of the undocumented Irish in the USA; and if he will make a statement on the matter. [3178/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government is strongly committed to trying to resolve the plight of the undocumented Irish in the United States.

President Obama, Secretary of State Clinton and other senior members of the new Administration have for some time been strong supporters of comprehensive immigration reform. Since the new year, there have also been helpful public indications that Senate Majority Leader, Senator Harry Reid, and Senator John McCain intend to support action in this area. However, as the Deputy will appreciate, the issue remains politically divisive in the US Congress and making progress will be challenging.

The members of the new Administration and Congress are currently taking up office in Washington, and we will be establishing substantive contact shortly. In doing so, we will build on the extensive work on behalf of the undocumented that the Government has carried out over recent years with many of those now within the Administration.

The St. Patrick's Day period presents an ideal opportunity for the Taoiseach, myself and other members of Government to engage the new Administration on the matter at the very highest level. Our Ambassador in Washington will also attach the highest priority to this issue in his ongoing contacts with the Obama Administration.

More broadly, the Government is actively seeking to reform our overall migration arrangements with the United States. In addition to our work on behalf of the undocumented, the Government recently concluded a new Working Holiday Agreement with the United States and is working to secure the passage of legislation which would enable Irish citizens to avail of the E3 working visa currently open to Australians.

### **Irish Language.**

287. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs the cost to his Department,



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in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3412/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** In the time available it is not possible to collate all the costs, direct and indirect, associated with the implementation of the provisions of the Official Languages Act 2003 since its introduction. For instance, my Department's expenditure on printing of material in Irish cannot be readily distinguished from overall costs on printing generally.

The following table sets out the translation costs incurred by the Department of Foreign Affairs in implementing the provisions of the Official Languages Act 2003:

Year	Cost in Euros
2004	9,459
2005	9,574
2006	5,743
2007	6,514
2008	31,511

The significant increase in costs in 2008 is mainly due to the translation costs associated with the Irish version of the Department's Statement of Strategy 2008-2010 (€3,741) and expenditure of €20,188 in respect of costs associated with the translation into Irish of a significant proportion of the content of the Department's website.

### Foreign Conflicts.

288. **Deputy Jack Wall** asked the Minister for Foreign Affairs his views and the action he has taken in relation to the contents of a submission (details supplied); and if he will make a statement on the matter. [3474/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** It is clear that the conflict in Gaza has been a profound tragedy for both the people of the territory and for the wider peace process. The bare statistics of the war in Gaza are grim: more than 1300 people have been killed, thousands of others wounded, and much of Gaza left in ruins. Initial estimates indicate that the rebuilding process could cost in excess of \$2 billion and take three to five years. Clearly, there is now much work to be done, both to help the Palestinians in Gaza recover from the terrible events of the last 6 weeks and also to help rebuild confidence amongst Palestinians and Israelis in the peace process.

I welcome that the unilateral ceasefires announced by Israel and Hamas on 18 January broadly continue to hold, though it is of great concern that there have been a number of serious incidents in recent days. I urge all those in positions of authority to use their efforts to make the ceasefires more secure and lasting, rather than renew the cycle of retaliation and escalation. The imperative therefore must be consolidating the truce through the full implementation of United Nations Security Council 1860. This requires a complete halt to all rocket fire and militant attacks from Gaza, an end to arms smuggling into the territory, and the full reopening of border crossings, for both commercial and humanitarian goods.

I am especially anxious that the border crossings be reopened as soon as possible and that the economic blockade of Gaza in existence since June 2007 should be ended. The isolation of the people of Gaza has been unjust and unacceptable. It has also been politically counter-productive — strengthening the hand of extremists and undermining support for moderates

who call for compromise over conflict. More than ever, Gaza requires stability and economic recovery, and this can only be achieved through the reopening of its border crossings.

While I can understand the understandable anger and frustration at the actions of the Israeli military in Gaza, calls for a boycott of Israel, be it diplomatic, commercial, sporting, or otherwise, do not constitute an appropriate response. Any boycott would only serve to harden attitudes in Israel to the peace process and to the benefits of negotiation with the Palestinians. Similarly, calls for an EU trade boycott, the suspension of the existing Association Agreement or imposition of an arms embargo are not practicable as they would not have any prospect of attracting the necessary consensus amongst member states. We need to encourage efforts to agree on a two-State solution — exclusionary policies or boycotts would do the opposite.

Looking forward, and in order to move away from the grim cycle of violence which has too often characterised the region, the search for a comprehensive peace in the Middle East must be the diplomatic priority for the international community. With this in mind, I have met this week with the Presidents of both Syria and Lebanon.

I am greatly encouraged in this regard by the renewed US involvement in support of the peace process and President Obama's promise that his administration will "actively and aggressively" pursue Middle East peace. I have warmly welcomed the appointment of George Mitchell, a man whose rigorous impartiality and superb mediation skills were amply demonstrated in Ireland, as an inspired choice to serve as President Obama's Middle East envoy. Ireland and our EU Partners look forward to working closely together with Secretary of State Clinton and Senator Mitchell in a renewed transatlantic effort to promote what Europe and America recognise as the strategic priority of a comprehensive Middle East peace settlement.

Following this crisis in Gaza, it is more critical than ever that the Palestinian and Israeli people can have faith in a revived and credible political process that is seen to be addressing the underlying causes of the conflict and leading to a two-State solution. However, no comprehensive peace is possible without intra-Palestinian reconciliation and the political reunification of Gaza and the West Bank, and I support the efforts of Egypt and other regional actors to promote such reconciliation.

### **Sports Capital Programme.**

289. **Deputy Jack Wall** asked the Minister for Arts, Sport and Tourism the reason a group (details supplied) in County Kildare has not been allocated the capital sports grant as determined by him; and if he will make a statement on the matter. [3017/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** A provisional allocation to the club in question of €16,250, which includes a Rapid top-up grant of €3,750, towards purchase of racing boats and safety launch was announced in April 2007. My Department wrote to the club on April 24th 2007 verifying the amount of the provisional allocation and the purpose for which it was being allocated and detailing the various requirements in order for the grant to be formally approved and ultimately drawn down.

One of these requirements, which is intended to ensure value for money in the use of taxpayer funding, is that grantees submit to my Department three comparable quotations for each aspect of the project. My Department continues to liaise with the contact for the club in question with a view to confirming the suitability and comparability of the quotes that have been supplied to date. In this regard, my Department has been awaiting further documentation promised by the grantee since November 4th 2008.

290. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism when the next round of the ACCESS scheme will be announced in view of the fact that a theatre (detail supplied) in County Tipperary is in need of a refurbishment; and if he will make a statement on the matter. [3028/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I refer the Deputy to my answer to Parliamentary Question No. 104 of Wednesday 28th of January 2009.

291. **Deputy Darragh O'Brien** asked the Minister for Arts, Sport and Tourism when the 2006 sports capital grant for a club (details supplied) in County Dublin will be awarded; and if there are outstanding matters to resolve before the payment is made. [3386/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** A grant of €32,000 was provisionally allocated to the club in question under the 2004 Sports Capital Programme and a further €240,000 was allocated in 2006.

Grant allocations are subject to the terms and conditions of the Programme, which include, for allocations above certain specified thresholds, the execution of a deed of covenant and charge. This places a charge on the grantee's title to the property and is intended to protect the taxpayer's investment by ensuring that the facility remains in sporting use for at least 15 years. Under the Programme, applicants solicitors are therefore asked to confirm that applicants have title to the property in respect of which a grant is being sought capable of securing a charge.

Currently the club in question does not have a lease of sufficient duration to register with the Property Registration Authority or to give undertakings normally required under the scheme in relation to the period of time for which the facility will be maintained in sporting use. The most recent advice on this matter was received from the Chief State Solicitor's Office on 9 January and my Department is currently examining this with a view to determining whether it is possible to progress the payment of the grant in a manner which allows for a prudent level of protection for the taxpayers investment in the facility.

### **Irish Language.**

292. **Deputy Ciarán Lynch** asked the Minister for Arts, Sport and Tourism the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3404/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Prior to the coming into force of the Official Languages Act 2003, the Department was already providing a range of services in both Irish and English, such as signage, stationery and certain corporate publications. Because these services formed an integral part of the work of the Department, Irish language expenditure was not recorded separately.

Pursuant to Section 11 of the 2003 Act, the Department, in 2005, introduced its first Language Scheme to enhance the quantity and quality of services provided to the public through Irish. The additional costs of implementation of this Scheme in respect of services to the public are as set out in tabular form below. Since mid 2008 the Department is recording the total cost of providing services through Irish. Accordingly the figure shown in the table for 2008 is not comparable with the figures for the other years.

Year	Additional Cost — Implementation of Language Scheme
	€
2005*	21,000
2006	30,000
2007	18,000
2008	49,227

\*Figures relate to the period from 1 July to 31 December 2005, as the Department's first Language Scheme commenced only on 1 July 2005 and include costs for the launch of the scheme.

### **Sports Capital Programme.**

293. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism the amount of sports capital funding allocated under the sports capital programme 2003; the amount allocated under that year's funding that was paid; the amount applied for and drawn down in 2003; the amount allocated in 2003 that was drawn down in subsequent years; if he will provide such information in tabular form; and if he will make a statement on the matter. [3443/09]

294. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism the amount of sports capital funding allocated under the sports capital programme 2004; the amount allocated under that year's funding that was paid; the amount applied for and drawn down in 2004; the amount allocated in 2004 that was drawn down in subsequent years; if he will provide such information in tabular form; and if he will make a statement on the matter. [3444/09]

295. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism the amount of sports capital funding allocated under the sports capital programme 2005; the amount allocated under that year's funding that was paid; the amount applied for and drawn down in 2005; the amount allocated in 2005 that was drawn down in subsequent years; if he will provide such information in tabular form; and if he will make a statement on the matter. [3445/09]

296. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism the amount of sports capital funding allocated under the sports capital programme 2006; the amount allocated under that year's funding that was paid; the amount applied for and drawn down in 2006; the amount allocated in 2006 that was drawn down in subsequent years; if he will provide such information in tabular form; and if he will make a statement on the matter. [3446/09]

297. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism the amount of sports capital funding allocated under the sports capital programme 2007; the amount allocated under that year's funding that was paid; the amount applied for and drawn down in 2007; the amount allocated in 2007 that was drawn down in subsequent years; if he will provide such information in tabular form; and if he will make a statement on the matter. [3447/09]

298. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism the amount of sports capital funding allocated under the sports capital programme 2008; the amount allocated under that year's funding that was paid; the amount applied for and drawn down in 2008; the amount allocated in 2008 that was drawn down in subsequent years; if he will provide such information in tabular form; and if he will make a statement on the matter. [3448/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 293 to 298, inclusive, together.

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Under the Sports Capital Programme, which is administered by my Department and part funded by the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country.

Since 1998 the Government has allocated over €725m in sports capital funding to over 7,400 sports projects across the country. This investment has transformed the sporting landscape of Ireland and has allowed the development of sports facilities across the length and breadth of the country. These facilities have dramatically increased the opportunities for all people to engage in a wide variety of sports.

The figures requested by the Deputy are currently being compiled by my Department and will be forwarded to the Deputy as soon as possible.

### **Community Support.**

299. **Deputy Olwyn Enright** asked the Minister for Community, Rural and Gaeltacht Affairs if funding is provided by his Department in respect of security measures in the homes of older people; and if he will make a statement on the matter. [3139/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** My Department manages the Scheme of Community Support for Older People, which assists qualifying older people, by means of a community based grant scheme. Funding is provided towards the once-off cost of installing monitored alarm systems, door and window locks, door chains, security lighting, smoke alarms and in the case of qualifying older people living on our offshore islands, interior emergency lighting.

The Scheme is administered and funded by my Department with the services delivered by local community and voluntary groups throughout the country.

Maximum individual grants provided under the Scheme are as follows:

- €300 in respect of the once-off installation cost of socially monitored alarms;
- €200 in respect of physical security equipment;
- €200 in respect of security lighting;
- €50 in respect of smoke alarms; and
- €150 in respect of interior emergency lighting for qualifying older people living on our offshore islands.

Applications under the Scheme are accepted throughout the year and can be made through a local community and voluntary group. Information on such groups is available from my Department and a list of groups approved under the Scheme in recent years is also available on my Department's website — [www.pobail.ie](http://www.pobail.ie).

### **National Drugs Strategy.**

300. **Deputy Catherine Byrne** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether the dial to stop drug dealing is an effective means of apprehending drug dealers; the number of calls to the free-phone number that have been referred to the gardaí to date; the number of these calls that have resulted in arrests; and if he will make a statement on the matter. [3161/09]

303. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs if a decision has been made to halt funding to the dial to stop drug dealing initiative in



June 2009, the roll-out of which was announced in September 2008; the funding that will be made available to the initiative across 2009; the source of this funding; and if he will make a statement on the matter. [3010/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** I propose to take Questions Nos. 300 and 303 together.

As the Deputies will be aware, the Dial-to-Stop Drug Dealing Campaign was officially launched on 30 September 2008. I would see the campaign as part of a range of initiatives that are used to apprehend those engaged in drug dealing.

The Local and Regional Drugs Task Forces are used to run the campaign which is designed to encourage people to provide any information they may have on drug dealing — anonymously, if required — through a confidential telephone line. This information will then be forwarded to An Garda Síochána. Each local campaign has been tailored to the requirements of the individual area — as identified by the Drugs Task Force — working closely with local communities. The input and co-operation of local communities is essential to maximise the effect of the campaign in their areas.

The first phase of the campaign ran across five Local and Regional Drugs Task Forces areas with funding being provided by my Department (€100,000) and the Department of Justice, Equality and Law Reform (€50,000). The confidential number used in the campaign is open for all to use, however, regardless of which area they come from. This was highlighted during the national launch.

Overall, I believe that the campaign to date has proved to be successful. According to the latest information on the campaign, there have been approximately 1,100 calls to the phone-line that have generated 306 information reports to the Gardaí. An Garda Síochána has confirmed that, to date, the information gathered has proved useful to their enquiries and has yielded a number of seizures and arrests. In all areas where the campaign is being rolled out, the local Gardaí are following strong lines of enquiry resulting from the information arising from the free phone number.

The next phases of the campaign will be funded from the Dormant Accounts Fund and an indicative allocation of €300,000 has been approved for the campaign in 2009. Following approval of the specific proposals, it is planned to run the campaign in a number of Local and Regional Drugs Task Force areas this year.

With regard to any future funding, as the Dormant Accounts funding is once-off in nature, the €300,000 referred to above is the total that will be allocated. As the allocation for funding for drugs initiatives in my Department in 2009 is fully committed, I regret that there is no scope, at present, for further campaigns.

### **Community Development.**

301. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason hub towns here such as Ballina and Castlebar, County Mayo are exempted from the new Leader programme. [2987/09]

302. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the towns which are exempt from the new LEADER programme. [2988/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 301 and 302 together.

For the purposes of implementing the Rural Development Programme, the following areas are exempt:



[Deputy Éamon Ó Cuív.]

- The City Council boundaries of Dublin, Cork, Galway, Waterford and Limerick
- The Borough Council boundaries of Kilkenny, Sligo and Wexford
- The Town Council boundaries of Athlone, Ballina, Castlebar, Cavan, Dundalk, Ennis, Killarney, Letterkenny, Mallow, Monaghan, Mullingar, Tralee, Tuam and Tullamore.

During negotiations in respect of the Rural Development Programme, the European Commission indicated that the OECD definition of rural areas should be used to define the rural areas that would be covered by the Programme. The OECD defines rural areas as those with a population density of less than 150 persons per square kilometre. It was considered, in the Irish context, that a more appropriate course of action would be to remove the urban areas defined as hubs and gateways in the National Spatial Strategy from coverage under the Programme.

The use of this definition, rather than a population density calculation, will ensure that Rural Development Programme funding will continue to be available to a more significant number of rural areas, which would otherwise not receive funding under the new Programme. This approach was adopted following detailed negotiations with the European Commission and is the best possible outcome in relation to Programme to coverage.

The positive impact on rural areas will far outweigh any potential loss in hubs and gateways and, in overall terms, the level of investment resulting from the new Rural Development Programme will be a significant boost to the country as a whole.

*Question No. 303 answered with Question No. 300.*

#### **Offshore Islands.**

304. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if, in relation to a contract (details supplied), a boat has been selected; if so if that boat is compliant with the tender which was sent out. [3012/09]

305. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if a five year contract (details supplied) has been signed; the person who was awarded the contract; if he will provide this Deputy with a copy of the contract. [3013/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 304 and 305 together.

In late 2007, my Department awarded a five-year contract for the service referred to by the Deputy. This contract, which has been signed, covers the period from 1 January 2008 to 31 December 2012 and I will arrange for a copy to be forwarded to the Deputy for information.

The service in question is provided by an operator using three vessels in total. Under the terms of the contract concluded between my Department and the operator, the operator committed to carry out certain improvements to the main vessel used on the service. Arrangements are currently being made by the operator to have these improvements made. I am advised that the works proposed are aimed at improving the service and that, since the commencement of the contract on 1 January 2008, the service has been provided to the general satisfaction of the island communities involved. I am also advised that the vessels in question are fully compliant with all national safety standards.

#### **Departmental Funding.**

306. **Deputy Mary Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if

the necessary funding will be provided to ensure the reopening of a community centre (details supplied) in Dublin 8 which has been closed since Summer 2008; and if he will make a statement on the matter. [3027/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The RAPID Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within 46 designated RAPID areas nationally. As I have indicated to the House on a number of occasions, it is a matter for individual Departments to report on the provision of funding and progress on delivery with respect to projects under their responsibility in the RAPID areas. In support, Pobal collects data from each RAPID area in respect of funding allocations received by projects from Government Departments and local state agencies. The latest data in respect of the programme are available on Pobal's website under the RAPID section — <http://www.pobal.ie/live/RAPID> — and the Deputy may find it useful to access this information.

RAPID has adopted environmental improvement and the addressing of crime and community safety as two of its key strategic themes for future action. In September 2008, my Department along with the Department of Environment, Heritage and Local Government launched the RAPID Physical Environment Improvement Scheme. The objective of this scheme is to fund Programmes of Works in each RAPID area designed to support the delivery of small-scale and locally identified project linked to these themes.

Initiatives to improve community safety include the provision of security doors, barriers, railings and gates. My Department, with Dublin City Council (on behalf of Department of the Environment, Heritage and Local Government), has made €20,000 available towards refurbishment costs and the installation of security measures for the Community Centre in question, which will assist in the reopening of the facility.

#### **Departmental Programmes.**

307. **Deputy Mary Upton** asked the Minister for Community, Rural and Gaeltacht Affairs if there are grants a society (details supplied) in County Tipperary can avail of; and if he will make a statement on the matter. [3029/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy will be aware, my Department implements and funds a wide range of measures, programmes and schemes to support all communities.

Details of all of the programmes and schemes operated by my Department, including guidelines and criteria, are available on the Department's website at [www.pobal.ie](http://www.pobal.ie). The Deputy will appreciate that eligibility for grants available depends on the nature of the grant sought and details of the group seeking them.

#### **Irish Language.**

308. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the number of times the sub-committee tasked with examining the recommendations of an staidéar teangeolaíochta ar usáid na Gaeilge sa Ghaeltacht has met; when each meeting took place. [3357/09]

309. **Deputy Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs when he will act on the recommendations of an staidéar teangeolaíochta ar usáid na Gaeilge sa Ghaeltacht. [3358/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 308 and 309 together.

[Deputy Éamon Ó Cuív.]

I refer the Deputy to my reply to Question No. 891 on 27 January 2009. As the Deputy is aware, the Report of the Linguistic Study on the Use of Irish in the Gaeltacht was presented to Government in late 2007 and was subsequently published. The Government noted the Report and established a Cabinet Committee to consider matters arising in the context of the analysis and recommendations of the Report, and to agree an integrated action plan to secure the future of Irish as the community language in the Gaeltacht. Work is continuing in this regard in conjunction with the ongoing development of a 20-year Strategy for the Irish Language.

The Cabinet Committee met on 10 April 2008 and 23 July 2008. A number of meetings have also taken place of personnel from the Senior Officials Group, which is assisting the Committee in its work. The next meeting of the Cabinet Committee is scheduled to take place on 18 February 2009.

310. **Deputy Ciarán Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3406/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** At the outset I wish to remind the Deputy that it has been a long-standing policy of my Department to ensure that customers who wish to conduct their business through a choice of Irish or English are facilitated. Accordingly, expenditure on providing services through Irish and English arises from our existing commitments to our customers and is met from our normal administrative budget. It is not possible, therefore, readily to separate out the bilingual or Irish language dimension from the overall cost of running my Department and of its service delivery. In this context, and indeed as part of its commitment to the principles of Quality Customer Service even prior to the coming into effect of the Official Languages Act 2003, almost all classes of documentation intended for public dissemination, including advertisements, were published by my Department in both Irish and English and signage is provided in Irish or bilingually. Staff in many of my Department's organisational units are in a position to provide services through Irish or English, as required by the customer, at no extra cost.

I should also point out that the language scheme adopted by my Department under the Official Languages Act details specific additional commitments in relation to improved delivery of the services of my Department through the Irish language. All of these commitments, both long-standing and new, have been, and will continue to be, delivered from within the overall budgets available to my Department.

Additionally, as Minister for Community, Rural and Gaeltacht Affairs, I have overall responsibility to ensure that the provisions of the Official Languages Act are implemented and that the primary objective of the Act, which is to ensure better availability and a higher standard of public services through Irish, is achieved. Consequently, in the years immediately following the enactment of the Act, my Department incurred certain once-off costs, such as the publication of statutory guidelines as required under section 12 of the Act, as well as the publication of my own Department's language scheme in 2004. It is estimated that these costs came to some €55,600 in total during the years since 2003.

Finally, the Deputy will be aware that Oifig an Choimisinéir Teanga is funded under my Department's Vote. This is a statutory, independent office whose role and functions are provided for in Part 4 of the Official Languages Act. The following sums were spent by the office since its establishment in 2004:

Year	€000
2004	389
2005	649
2006	647
2007	695
2008 (estimated outturn)	831

### Water and Sewerage Schemes.

311. **Deputy Joe Carey** asked the Minister for Community, Rural and Gaeltacht Affairs the position of the application for CLÁR funding in respect of Lemanagh group water scheme County Clare; and if he will make a statement on the matter. [3460/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** On the 8th of August 2008, Local Authorities were informed that all water and sewerage measures under the CLÁR programme were being suspended with immediate effect. Local Authorities were also informed that all applications on hand at that date would be processed and funding allocated if appropriate.

As an application for CLÁR funding in respect of Lemanagh group water scheme was not submitted by Clare County Council until 22nd December 2008, I regret that it is not possible to consider it for CLÁR funding at this time.

### Departmental Bodies.

312. **Deputy Michael Creed** asked the Minister for Community, Rural and Gaeltacht Affairs his plans to bring a group (details supplied) in County Cork under the aegis of Údarás na Gaeltachta; and if he will make a statement on the matter. [3481/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** My Department is examining ways at present of using the resources, both financial and human, available to it in the most efficient manner possible in order to minimise any disruption to the front line services it provides, particularly in view of the current economic downturn. In this context, I have asked my officials to review, in conjunction with both Údarás na Gaeltachta and the group referred to by the Deputy, the operations of the two organisations with a view to delivering their services in the most cost effective and efficient manner possible.

### Departmental Correspondence.

313. **Deputy Jack Wall** asked the Minister for Social and Family Affairs her views regarding a submission received from a person (details supplied) in County Kildare; the position in relation to the case quoted; and if she will make a statement on the matter. [3477/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** This issue was the subject of a High Court judgement concerning the rights of a person, who has undergone gender reassignment surgery, to recognition of her acquired gender. On foot of a High Court judgement, delivered on 19 October 2007, the judge made a declaration, pursuant to Section 5 of the European Convention on Human Rights Act 2003, that Sections 25, 63 and 64 of the Civil Registration Act 2004 are incompatible with the obligations of the State under the European Convention on Human Rights by reason of their failure to respect the private life of the Applicant, as required by Article 8 of the Convention, in that there are no provisions which would

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enable the acquired gender identity of the Applicant to be legally recognised in this jurisdiction.

This is the first time that the High Court has made a declaration of incompatibility with the European Convention on Human Rights in respect of a provision of Irish law. As such, the High Court judgement is very significant and raises complex and far-reaching issues, not merely for this case but for future cases under the European Convention on Human Rights Act. The judgment has implications for a wide range of legislative and policy areas including taxation, social welfare, pensions, family law, criminal law, equality, employment, sport, financial services, health, education and so on.

As the judgment is the subject of an appeal to the Supreme Court, it is not considered appropriate for me to comment in detail at this time, other than to say that I am keeping the matter under review and that the comments made by Commissioner Hammarberg have been noted.

### **Departmental Strategy Statements.**

314. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the date the National Carers Strategy will be published; and if she will make a statement on the matter. [3540/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In January 2008 a working group, chaired by the Department of An Taoiseach, was established to develop the National Carers Strategy. My Department provides the secretariat to the working group which also includes representatives of the Departments of Finance, Health and Children and Enterprise, Trade and Employment as well as FÁS and the Health Service Executive. Considerable work was undertaken in developing the strategy during 2008.

The Department met with a wide range of organisations including the Equality Authority, Combat Poverty Agency, Citizen's Information Board, the National Council on Ageing and Older People, the Office of the Revenue Commissioners, the Department of Environment, Heritage and Local Government and the National Disability Authority.

In addition, a request for submissions from the public was published in regional and national newspapers in March 2008 which yielded a good response from both individuals and organisations.

The commitment to the development of a National Carers' Strategy also includes a commitment to appropriate consultation with the social partners. An update in relation to the strategy was provided to the social partners plenary session in February. A consultation meeting with the social partners was held on 8 May 2008.

However, despite the work undertaken by the group, the context in which the strategy is being developed has been severely constrained by the immediate fiscal difficulties facing the economy. These difficulties have led to uncertainty not just within the Department of Social and Family Affairs but also the health service and the range of organisations represented on the working group which made it impossible to bring the strategy to a satisfactory completion last year.

Officials from the Department and members of the working group met with carer representative groups in December 2008 in the second of two agreed meetings on the strategy. At this meeting the difficulties facing the working group as a result of the current economic situation were outlined. The groups were also informed that the strategy would not be published by the end of 2008 as had been anticipated.



The draft document produced by the working group is currently being considered.

*Question No. 315 answered with Question No. 106.*

### **Social Welfare Benefits.**

316. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and granted jobseeker's allowance. [3014/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned applied for a jobseeker's allowance payment on 27 November 2008. He was requested by a Social Welfare Inspector to provide details of his parents' income. He failed to provide the necessary information and consequently his claim was closed. He was informed of this on 29 January, 2009.

It is open to him to make a fresh application, in which case he should provide all the information required.

### **Departmental Staff.**

317. **Deputy Simon Coveney** asked the Minister for Social and Family Affairs the increase in the number of staff employed in social welfare offices to deal with any backlog due to the increase on the live register; the number of people who are part of this backlog in Cork city and county; and if she will make a statement on the matter. [3015/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department has put a range of measures in place to deal with the extra workload arising from the increase in the Live Register. These include, additional posts assigned, use of temporary staff to fill vacancies pending the appointment of permanent staff, extension of temporary staff contracts in certain offices, increased overtime, prioritisation of work. In addition the Department is implementing a number of process improvement initiatives aimed at improving overall processing times for the jobseeker schemes.

Because of the increased number of claims for jobseeker payments, the Department undertook a review of staffing levels in Local Offices in May and June of last year. This resulted in the assignment of an additional 31 staff to some 15 Local Offices. Following the most recent review of the staffing levels in Local Offices late last year, an additional 115 staff are being assigned. In addition, a separate exercise was undertaken for the Cork and Carrigaline Local Offices which identified the need for an additional 12 staff. Arrangements are in train to assign the additional resources required. Pending the appointment of the permanent staff 6 temporary staff have been assigned. The following table shows the number of claims awaiting a decision in each office in the Cork Region.

Pending claims 24 January 2009.

Office	Jobseeker's Benefit	Jobseeker's Allowance
Bandon	195	187
Bantry	53	81
Bantry (SWLO)	18	22
Carrigaline	96	163
Clonakilty	144	135
Cobh	29	37



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Office	Jobseeker's Benefit	Jobseeker's Allowance
Cork	2,302	1,958
Fermoy	191	135
Kinsale	107	128
Macroom	278	84
Mallow	289	165
Midleton	370	269
Newmarket	464	149
Skibbereen	46	92
Youghal	118	138
Total	4,700	3,743

### Social Welfare Benefits.

318. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason income from the jobseeker's allowance payment is deducted in its entirety for rent subsidy payments for a person (details supplied) and is of no financial benefit to the applicant; and if she will make a statement on the matter. [3043/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Rent supplement is administered on behalf of the department by the community welfare service of the Health Service Executive as part of the supplementary welfare allowance scheme.

Rent supplement is normally calculated to ensure that a person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to their family circumstances less a minimum contribution of €18, which recipients are required to pay from their own resources. Many recipients pay more than €18 because they are also required, subject to certain 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.

Social welfare legislation provides that all income in cash is assessable for supplementary welfare allowance purposes. This includes income from most social welfare payments including jobseeker's Benefit. Some specific disregards of income are provided for in the legislation in respect of the means test for the rent supplement scheme to include pensioners aged over 65 years, carers, recipients of child benefit, guardian's payment, respite care grant and those engaged in rehabilitative employment. The assessment of means for rent supplement purposes also provides for a gradual withdrawal of payment as hours of employment or earnings increase.

The Executive has advised that the person concerned had been in receipt of rent supplement taking account of income from jobseeker's benefit and maintenance payments. She was subsequently awarded one-parent family payment and her entitlement to jobseeker's benefit was reduced to half rate. Her entitlement to rent supplement was recalculated to take account of the additional income to the household. As a result, she is entitled to a reduced rate of rent supplement. Arrangements have been made to issue rent supplement to the person concerned at the reduced rate. It is open to the person concerned to appeal against this decision to the HSE Appeals Office if she is dissatisfied with the decision.

319. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs her views on a matter (details supplied). [3054/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** A special Christmas Bonus payment was first introduced in December, 1980, for social welfare pensioners and people who depend solely on their social welfare payments for income support. There have been a number of developments in this scheme since its inception, including changes in the level of the bonus payment, the introduction of a minimum payment and the extension of the categories of eligible claimants.

The focus of the bonus has always been on persons who rely on the social welfare system for financial support over the long term. The issue of payment of a Christmas Bonus in 2009 will, in due course, be examined in the context of the prevailing budgetary conditions.

#### **Departmental Expenditure.**

320. **Deputy Terence Flanagan** asked the Minister for Social and Family Affairs if she will respond to correspondence from a person (details supplied); and if she will make a statement on the matter. [3066/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department of Social and Family Affairs has supported the organisation in question over a period of many years. An application for funding under the “Grants for the Development and Promotion of Information and Welfare Rights” scheme in respect of 2009 has been received and is currently being considered, having regard to the current budgetary circumstances. A decision will be made shortly in this regard.

#### **Social Welfare Benefits.**

321. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs the amount of capital disregarded for means test purposes for all social welfare payments; if same applies to special saving incentive account savings; and if she will make a statement on the matter. [3140/09]

322. **Deputy Seamus Kirk** asked the Minister for Social and Family Affairs if former special saving incentive accounts are included for means testing applicants for jobseeker’s allowance; and if she will make a statement on the matter. [3351/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Questions Nos. 321 and 322 together.

In assessing means for social assistance purposes, account is taken of any cash income the person may have, together with the value of capital and property (except the family home). Capital may include the following: Stocks and shares of every description, which are assessed according to their current market value. Savings certificates / bonds / national instalment savings, which are also assessed according to their current market value. Money invested in a bank, building society etc.

For the purposes of most social assistance schemes including jobseeker’s allowance, the first €20,000 of capital is disregarded for means test purposes. The first €50,000 is disregarded in the case of disability allowance while the first €5,000 is disregarded in the case of supplementary allowance. Capital amounts formerly held in Special Savings Investment Accounts are treated in the same manner as other capital.

323. **Deputy Jack Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare has not received a rent subsidy; and if she will make a statement on the matter. [3361/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes mortgage interest supplement, is administered on behalf of the department by the community welfare division of the Health Service Executive.

Mortgage interest supplement provides 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.

The Executive has advised that the person concerned applied for mortgage interest supplement. He was requested to provide further information in relation to the value of a second property which he owns. The Executive has further advised that a decision will be made on the application for mortgage interest supplement when the person concerned provides the information as sought by the HSE.

### **Departmental Schemes.**

324. **Deputy David Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 1006 of 27 January 2009, the expected savings to the Exchequer which will accrue in a full year as a result of the transfer of income support and maintenance schemes and the community welfare service from the Department of Health and Children to her Department; and if she will make a statement on the matter. [3395/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The transfer of income support and maintenance schemes and the community welfare service from the HSE to the Department arises from a decision to remove non core functions from the health sector. In addition to alleviating pressure on the health sector the transfer of functions will allow for the supplementary welfare allowance and other schemes to be managed within one entity. This will lead to a more efficient and coordinated approach to customer service needs, improved consistency in the delivery of the schemes and improved control management procedures.

The aim is to fully integrate the community welfare service into the Department on a phased basis. By introducing new work procedures the existing level of duplication of work effort by staff can be reduced. The efficiencies achieved in this way will increase the capacity of the Department to deploy resources to higher quality work such as customer case management. There are increasing pressures on the social welfare system at present arising from the downturn in the economy and it is important that we maximise the use of available resources. It is in the area of improved customer service and better coordination that the potential exists to achieve efficiency savings. It is not possible at this stage to quantify the exact level of efficiency savings that will arise because of the range of factors involved.

### **Irish Language.**

325. **Deputy Ciarán Lynch** asked the Minister for Social and Family Affairs the cost to her Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if she will make a statement on the matter. [3415/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Providing a quality customer service in Irish has been a priority of the Department both prior and subsequent to the introduction of the Official Languages Act in mid-2003. It is not possible, therefore, to state precisely what amount of the total expenditure on the service in Irish arises from the implementation of the Act. Provision of services through Irish requires investment in a range of supports including staff training in spoken and written Irish, translation of forms, leaflets and other documentation,

and the provision of bilingual signage in public areas. The following outlines expenditure in relation to these areas in the period 2003 to 2008:

Expenditure Area	2003	2004	2005	2006	2007	2008
Training	56,400	63,300	59,200	40,800	59,300	35,300
Signage*	37,900	22,900	43,100	33,500	29,400	53,300
Translation	72,700	27,800	26,000	75,400	81,000	93,000

\*In the case of bilingual signage, it is not possible to separate the cost of the Irish element from the total cost of signage incurred.

Additional costs such as translations carried out by departmental staff and certain printing costs, are incurred in supporting services in Irish, but these can not be quantified.

### **Social Welfare Benefits.**

326. **Deputy Richard Bruton** asked the Minister for Social and Family Affairs the changes which have been made to the eligibility criteria for disability allowance since budget 2009; if changes have been made to the eligibility of persons in residential care who currently receive disability allowance and the eligibility of those in residential care who are not currently in receipt of disability allowance; and if she will make a statement on the matter. [3419/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** No changes to the Disability Allowance are being implemented as a result of Budget 2009. With effect from 3 January, 2007 people who had entered residential care without an entitlement to Disability Allowance became eligible for full Disability Allowance as a matter of right, subject only to the same conditions as apply to others. No changes have subsequently been introduced to these arrangements.

### **Social Welfare Appeals.**

327. **Deputy Pat Breen** asked the Minister for Social and Family Affairs when an appeal will be heard for a person (details supplied) in County Clare; and if she will make a statement on the matter. [3483/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The claim for jobseeker's allowance, by the person concerned, was refused by a Deciding Officer of the Department on 11 August 2008 as he did not satisfy the Habitual Residence conditions.

An appeal was opened on 26 August 2008 and I am advised by the Social Welfare Appeals Office, that in accordance with the statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of appeal.

The relevant documentation have been received and the case has been referred to an Appeals Officer who proposes to hold an oral hearing. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Benefits.**

328. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the backlog in dealing with applications for contributory and non-contributory State pensions, one parent

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family allowance, unemployment benefit and assistance and carers and respite grants; and if she will make a statement on the matter. [3521/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department is committed to processing claims as expeditiously as possible having regard to the eligibility conditions which apply. At the end of December 2008 the numbers of claims being processed for the schemes mentioned were as follows:

Scheme	Claims being processed at end December 2008
State Pension (Contributory)	4,405
State Pension (Non Contributory)	1,415
State Pension (Transition)	1,632
One Parent Family Payment	4,593
Jobseeker's Benefit	21,071
Jobseeker's Allowance	24,529
Carer's Allowance	3,569
Respite Care Grant	503

The processing of claims may involve, among other things, the need to establish the customer's social insurance record, verify medical conditions, establish a customer's identity or their place of habitual residence and assess means where appropriate.

Additional information or indeed information originally sought but not provided may also have to be requested from the customer. The figures for pension schemes include claims where a person's date of entitlement has not yet been reached.

The Department aims to process claims quickly and efficiently. In this regard there is a continued emphasis on providing staff with the necessary training and development to ensure they have the requisite knowledge and skills to carry out their work. Operational procedures, the organisation of work, and the allocation of staff resources continue to be reviewed and restructured to maximise the processing capability of the scheme areas.

An additional 31 staff were assigned to 15 local offices following a review of the number of staffing levels in local offices in May and June last year. Following a further review late last year, it was decided to put an extra 115 staff in place. 57 of these have already taken up work, while start dates have been agreed for a further 19 staff over the next two to three weeks. Work is on-going to complete the assignment of the remaining 39 staff as quickly as possible.

In order to maximise the number of people paid before Christmas, a temporary Central Decisions Unit was set up in Dublin City Centre for three weeks in December. Following on from the success of this initiative, four more such units are being set up in Dublin, Sligo, Finglas and Carrick-on-Shannon. Each unit will have 10 staff. In addition to this, a further 16 Social Welfare Inspectors are being assigned to various locations throughout the country to do means and other work associated with processing claims for jobseeker's payments.

329. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs the steps that have been taken to ensure the prompt provision of rent or mortgage support, having particular regard to the requirements of those finding themselves in need of such payments in the economic crisis; and if she will make a statement on the matter. [3523/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes rent and mortgage interest supplement, is administered on

behalf of the Department by the community welfare division of the Health Service Executive (HSE). The administration costs of the supplementary welfare allowance scheme, including rent supplement and mortgage interest supplement, are met by the Department while the operational arrangements for the processing of applications and the payment to qualifying individuals, is a matter for the respective community welfare division areas.

The issue of increased demand on existing resources is a matter for the HSE in the first instance to prioritise workloads and re-deploy resources where necessary so that frontline services are maintained. The department is committed to working closely with the HSE in ensuring effective delivery of the supplementary welfare allowance scheme and associated income support payments. It is open to the HSE at anytime to approach the department to review its allocation for staff costs associated with delivery of these services. However, the question of any increase in expenditure for staffing within the community welfare service above that currently provided would have to be considered in the context of overall Government policy on public service manpower levels.

330. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if the number of recipients of family income supplement has increased in the past 12 months; the number of cases pending; and if she will make a statement on the matter. [3524/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Family Income Supplement (FIS) is designed to provide support for people with families who are on low earnings. This preserves the incentive for them to remain in employment in circumstances where they might only be marginally better off than if they were claiming other social welfare payments. The number of FIS recipients has increased by almost 5,000 in the last 12 months. In December 2007 there were 22,823 FIS recipients while by the end of December 2008 there were 27,798 FIS recipients. There are currently about 2600 claims pending.

*Questions Nos. 331 and 332 answered with Question No. 141.*

333. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if adequate provision has been made in her Department's budget to meet in full the expected payment arising from increased unemployment levels; and if she will make a statement on the matter. [3527/09]

334. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if her Department has adequately predicted and financially provided for the full extent of social welfare payments expected to arise in the course of 2009; and if she will make a statement on the matter. [3528/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I propose to take Question Nos. 333 and 334 together.

The vast bulk of expenditure by the Department of Social and Family Affairs is incurred on social welfare payments to individual recipients based on predetermined qualifying conditions and rates of payment. The expenditure, which is demand-led, is driven by a range of economic, social and demographic factors. There can also be complex interactions between schemes. The Estimates for the Department of Social and Family Affairs which were published with the 2009 Budget were based, in the main, on an analysis of trends as regards likely numbers of recipients and average value of payments in 2009. The estimates for Jobseeker's Benefit and Jobseeker's Allowance were based on the Department of Finance's prediction of an average Live Register of 290,000 for the year. Developments on the Live Register are being closely monitored by



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both Departments and the Estimate for Jobseeker's Benefit and Allowance will be reconsidered again in the context of the finalisation of the Revised Estimates Volume. The determination of the average Live Register figure to underpin the Estimate is the responsibility of the Department of Finance.

*Question No. 335 answered with Question No. 131.*

*Question No. 336 answered with Question No. 106.*

337. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if she will ease qualification requirements for the back to education allowance in view of the economic situation; and if she will make a statement on the matter. [3531/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The back to education allowance (BTEA) Scheme is designed to help those in receipt of a social welfare payment who have not worked for some time to improve their employability and job-readiness by acquiring educational qualifications. It is a recognition of the special difficulties which such persons can face when attempting to gain a foothold in the labour market. The allowance is paid at a standard weekly rate equivalent to the maximum rate of the relevant social welfare payment that qualifies the applicant for participation in the scheme. It essentially replaces their existing social welfare income and in addition an annual €500 cost of education allowance is payable.

To qualify for participation an applicant must be in receipt of a relevant social welfare payment and be at least 21 years of age prior to commencing an approved course of study. However, lone parents and persons in receipt of unemployment payments can qualify at 18 years of age provided they are out of formal education for at least 2 years. In general, an applicant must be in receipt of a relevant Social Welfare payment for 6 months if pursuing a second level course or 12 months if pursuing a third level course. In addition, the qualifying period for access to the third level option has been reduced to 9 months for persons who are participating in the National Employment Action Plan (NEAP) process, where a FÁS Employment Services Officer recommends pursuance of a third level course of study as essential to the enhancement of the individual's employment prospects. Also people who are awarded statutory redundancy may access the scheme immediately, provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study. The requirement to be in receipt of a relevant social welfare payment for a minimum period has always been a feature of the BTEA scheme and is considered necessary to ensure that limited resources are directed at those most in need.

The current scheme has been subject to review and modification over the years to ensure it continues to support those people who are most distant from the labour market and whose need is greatest. The qualifying conditions will continue to be monitored in the context of the objectives of the scheme and the changing economic circumstances.

#### **Departmental Expenditure.**

338. **Deputy Joe McHugh** asked the Minister for Defence the annual financial savings that will be made for the State by the closures of Rockhill and Lifford Army barracks, County Donegal; if he will provide this information in account form; and if he will make a statement on the matter. [2978/09]

**Minister for Defence (Deputy Willie O'Dea):** The closure of barracks and the consolidation of the Defence Forces formations into a smaller number of locations is a key objective of the

White Paper on Defence. While the decision was made in the context of realising savings in the Defence budget, the decision was not purely a financial one. The consolidation process is designed to facilitate collective training and improved training standards, while also freeing up under-utilised resources and personnel for operational duties. The dispersal of personnel over an extended number of locations is a major impediment to essential collective training. It also imposes increased and unnecessary overheads on the Defence Forces in terms of barrack management, administration, maintenance and security. The current plan has been put together in close consultation and cooperation with the Defence Forces General Staff. It provides an overall package that will serve the needs of the Defence Forces into the future.

A detailed cost benefit was compiled by the Department on the overall package of consolidation proposals. The immediate costs which will be incurred in preparing the barracks to receive the troops will cost approximately €3.2million, against annual recurring savings estimated at €2.7 million. Over a three year period, with the disposal of the properties, the net benefit to the Defence Forces will amount to some €23.6 million. I am fully satisfied that the proposals are justified on cost grounds, on the contribution which receipts from the sale of the properties will make to Defence Forces equipment and infrastructure funding and on the basis of the qualitative benefits accruing in terms of Defence Forces training.

#### Public Order Offences.

339. **Deputy Jimmy Deenihan** asked the Minister for Defence if he had recent discussions with the Minister for Justice, Equality and Law Reform regarding the possible use of the Defence Forces under their ATGP commitment in cases of serious public order circumstances; and if he will make a statement on the matter. [3037/09]

**Minister for Defence (Deputy Willie O'Dea):** I have not had recent discussions with the Minister for Justice, Equality and Law Reform on this matter.

#### Irish Language.

340. **Deputy Ciarán Lynch** asked the Minister for Defence the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3407/09]

**Minister for Defence (Deputy Willie O'Dea):** Since the introduction of the Official Languages Act 2003, my Department has spent a total of €34,394.54 in translation costs, required for implementing its provisions. As the printing costs for documents are not disaggregated into English language and Irish language costs, the specific costs of the Irish language element are unavailable.

Year	Translation Costs
	€
2003	1,798.48
2004	10,631.54
2005	4,671.88
2006	2,653.77
2007	7,048.94
2008	7,550.34
Total	34,354.95

**Ferry Services.**

341. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he will engage with the Northern Ireland First Minister, Mr. Robinson and Deputy First Minister, Mr. McGuinness, to ensure that the Lough Foyle and Lough Swilly ferry services are funded into the future; if his attention has been drawn to the fact that the contract for the service is up for renewal shortly and that the contractors are unwilling to renew it without an improvement in their terms; if his attention has been further drawn to the importance of the ferry services to the critical tourism corridor in north Ulster; and if he will make a statement on the matter. [3002/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I have no function in relation to the matters raised in the Question.

**Tax Code.**

342. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the rationale used to arrive at an across the board €200 tax imposed in budget 2009 on all second houses regardless of location, valuation, size or potential to yield rental income; and if he will make a statement on the matter. [3482/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The proposed charge on non-principal private residences is set at a relatively modest level and should not, therefore, give rise to concerns of equity in the context of those to whom it will apply.

It is intended that the charge should be as simple and straightforward to administer as possible. This is an important principle in the introduction of any new taxation measure.

**Housing Aid for the Elderly.**

343. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government if he will make funding available under the housing adaptation grant schemes for older persons and persons with a disability to Cork City Council; if reimbursements will be made to people who had to personally finance and carry out immediate works in 2008 when funding ran out; and if he will make a statement on the matter. [3016/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Housing Adaptation Grant Schemes for Older People and People with a Disability are funded by 80% recoupment available from my Department together with 20% contribution from the resources of the local authority. Local authorities will be notified of their combined capital allocations for the operation of the Schemes in 2009, following the publication of the Revised Estimates for Public Services 2009.

In 2008, my Department made an initial combined capital allocation of €1,855,620 to Cork City Council for the operation of the Housing Adaptation Grant Schemes for Older People and People with a Disability. This was supplemented by a further Exchequer allocation of €300,000 in October 2008. It is a matter for each local authority to decide on the specific level of funding to be directed towards each of the schemes, from within the combined allocation notified to them by my Department, and to manage the operation of the schemes in their areas from within this allocation. In light of the heightened level of demand for grant aid following the introduction of the revised framework of grants in November, housing authorities have been requested to operate the grant schemes on a prioritised basis, with particular consideration to be given to applicants requiring adaptations to facilitate discharge from hospital or alleviate

the need for hospitalisation in the future, and those applicants requiring improvement works to facilitate the continuance of care in their own homes.

Under the provisions of the Housing Adaptation Grant Schemes for Older People and People with a Disability, all applicants are advised that grant aid is not available in respect of any works which are undertaken without the prior written approval of the local authority.

### **Environmental Policy.**

344. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government if his removal of the national ban on incandescent light bulbs is an admission that his plans for the phasing out of such bulbs was rushed and ill thought in regard to health and safety implications; and if he will make a statement on the matter. [3024/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Inspired by my plans and those of other Member States, the European Commission accelerated its proposal in relation to an EU-wide phasing out of incandescent light bulbs. While the Commission's proposal, published in December 2008, is slightly later in terms of commencing the phase-out process, its overall scope is much broader than expected. If adopted and implemented as proposed, the Commission proposal obviates the need for any national measures either proposed, taken or under consideration in Member States, including the Irish proposal.

Rather than having to introduce domestic primary legislation, the elimination of inefficient incandescent light bulbs will now take place under the 2005 EU Ecodesign of Energy-Using Products Directive, and will now begin in September 2009.

### **Local Authority Housing.**

345. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government the position regarding regeneration projects (details supplied); the efforts he is taking to support these communities; and if he will make a statement on the matter. [3070/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The regeneration of Croke Villas and Dominick Street are two of a number of projects included in Dublin City Council's Housing Regeneration Programme. It is a matter for Dublin City Council to finalise the approach to progressing these projects and, subject to the outcome, to submit proposals to the Department for project approval and funding from within the annual housing allocation made available to the local authority.

### **Decentralisation Programme.**

346. **Deputy Paul Kehoe** asked the Minister for the Environment, Heritage and Local Government the status of the decentralisation to an area (details supplied); if there are vacancies which members of the public can apply for; and if he will make a statement on the matter. [3072/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The decentralisation of my Department's Headquarters (HQ) to Wexford (270 posts) is proceeding as planned. The construction of the Headquarters is expected to be completed and the building handed over to my Department by end March 2009. Following ICT and furniture fit-out, it will be ready for occupation from April 2009, with the transfer of staff taking place in phases during the April to June period.

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The majority of posts have now been filled and the remaining posts will be filled by the transfer into the Department of civil servants currently serving in other Departments/office. It is not envisaged that any new competitions will be held to recruit staff for the Wexford office.

### **Grant Payments.**

347. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government if he will issue payment due to a group (details supplied) in County Limerick. [3084/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I very recently approved funding under my Department's Capital Assistance Scheme for this project. Limerick County Council is responsible for the administration of the scheme and it is a matter for the Council to deal with any payment claims from the housing body in question.

### **Proposed Legislation.**

348. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the position regarding amending legislation to ensure that the Private Residential Tenancies Board can make detailed information on landlords available to the Revenue Commissioners, allow automatic access by the Revenue Commissioners to the PRTB's landlord database and provide for automatic reporting by the Private Residential Tenancies Board of new registrations to the Revenue Commissioners. [3099/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The Residential Tenancies Act 2004 allows for information held by the Private Residential Tenancies Board (PRTB) to be shared with the Revenue Commissioners on a case by case request basis.

The Public Accounts Committee, in its report Taxation of Rental Income Receipts published on 4 September 2008, recommended that the Residential Tenancies Act 2004 should be amended to enable the Revenue Commissioners to have full access to landlord records held by the PRTB for the purposes of enabling tax compliance checks.

My Department has accepted this recommendation and, in conjunction with the Attorney General's Office, is working on preparing the necessary amendment to the Residential Tenancies Act 2004. I hope to be in a position to table an appropriate amendment at Dáil Committee stage of the Housing (Miscellaneous Provisions) Bill 2008.

### **EU Directives.**

349. **Deputy Michael Noonan** asked the Minister for the Environment, Heritage and Local Government if, under the terms of Article 17 of the European Communities (Good Agriculture Practice for the Protection of Waters) Regulations 2006, farmers are excluded from applying fertiliser within 250 m of a public water source; if compensation will be awarded to farmers for losses incurred arising from the exclusion; if exceptions will be made in certain circumstances; and if he will make a statement on the matter. [3137/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The EU Nitrates Directive aims to protect all waters against pollution from agricultural sources. Particular care is required for the protection of public health in the case of waters which serve as the source of drinking water. The European Communities (Good Agricultural Practice for



Protection of Waters) Regulations 2006 and 2007 implement the Directive in Ireland and provide statutory support for good agricultural practice to protect waters against pollution from agricultural sources.

Article 17(2) of the Regulations includes a prohibition on the application to land of organic fertiliser or soiled water within specified distances from watercourses. In the case of drinking water abstraction points the specified distance for larger water supply schemes is 200 metres and for smaller supplies is 100 metres or 25 metres, depending on the size of the supply. These distances are measured from the actual abstraction point.

These prohibitions are necessary for the protection of sources of drinking water generally. However, in the case of specific abstraction points, Article 17(5)(a) of the Regulations provides that a local authority may, following consultation with the Environmental Protection Agency, specify an alternative distance following prior investigations and where the authority is satisfied that it is appropriate for the protection of waters being abstracted at that point. Compensation is payable where it is necessary for a local authority to acquire land.

#### **Local Authority Staff.**

350. **Deputy Martin Ferris** asked the Minister for the Environment, Heritage and Local Government if he will provide a list of all payments and bonuses to the director of services in each county council for 2008. [3187/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Salaries of Directors of Service are set out in the City and County Managers (Remuneration) (No. 2) Order 2008. The salary scale for a Director of Service, from the 1 of September 2008, is €93,231 increasing by annual increments to €110,183.

The Review Body on Higher Remuneration in the Public Sector (Part 2 of Report No. 38 of September 2000 dealing with Rewarding Exceptional Performance) recommended the introduction of a performance related awards scheme for Managers, Assistant City Managers and Directors of Service of local authorities. Accordingly, a scheme was introduced in 2003. The pool for performance awards is 10% of the pay bill for the group concerned. Individual participants may receive payments of up to 20% of pay. No decision has been made on performance awards for 2008.

#### **Social and Affordable Housing.**

351. **Deputy Brian Hayes** asked the Minister for the Environment, Heritage and Local Government his plans for social housing and accommodation on land (details supplied) in Dublin 7; when funds will be released to fund this project; and if he will make a statement on the matter. [3189/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** In June 2008 my Department issued approval to Dublin City Council to proceed to detailed design stage for a social housing project at the site referred to. My Department is currently awaiting Dublin City Council's detailed proposal for this project.

#### **EU Directives.**

352. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government when he proposes to delete sections 23(7)(a) to (c) of the Wildlife Act 1976, as amended by the Wildlife (Amendment) Act 2000 (details supplied). [3336/09]



**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The amendments to Section 23(7) of the Wildlife Act 1976 referred to in the question were given effect by the European Communities (Natural Habitats) (Amendment) Regulations 2005.

**EU Directives.**

353. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the location at which practical information on access to administrative and judicial review procedures is available to the public in accordance with Article 10a of Directive 85/337 as amended by 03/35/EC. [3381/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Directive 2003/35/EC concerning public participation in certain environmental decision-making procedures, requires the amendment of a number of consent systems pertaining to Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment.

While amendments to a number of consent systems remain outstanding, where those amendments have been completed, information regarding the relevant review procedures is set out in the implementing legislation. In relation to practical information on judicial review procedures, the Citizen's Information Board, and the services it provides are relevant, comprehensive information on judicial review procedures is available from the Citizens Information Service, [www.citizensinformation.ie](http://www.citizensinformation.ie)

354. **Deputy Michael Ring** asked the Minister for the Environment, Heritage and Local Government the measures his Department will take to remedy a situation in view of the fact that obligations under directives (details supplied) have not been complied with here; and if he will make a statement on the matter. [3382/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The European Commission is currently in correspondence with my Department in respect of 28 cases relating to possible infringements of EU environmental legislation including the directives referred to in the question. These cases are at various stages of proceedings as listed in the following table.

Since taking up office, I have prioritised the resolution of issues arising from environmental infringement cases and my Department is working hard to resolve these cases as soon as possible. In this regard I welcome the decision by the Commission, on 29 January 2009, to close two long-standing nature protection cases that it had taken against Ireland under the European Union Habitats (92/43/EEC) and Birds (79/409/EEC) Directives.

## Stage in Proceedings

Directive Number and General Reference for the main directive in each case	Article 226 Letter of Formal Notice	Article 226 Reasoned Opinion	Being Referred to the European Court of Justice	Before the European Court of Justice for a hearing or awaiting judgement	European Court of Justice Decision to be Implemented	Article 228 Letter of Formal Notice	Article 228 Reasoned Opinion
75/442/EEC the waste directive	2	1	0	1	0	1	0
76/464/EEC on dangerous substances in water	0	0	0	0	0	0	1
79/409/EEC on wild birds	0	0	0	0	1	0	0
79/923/EEC on the quality required of shellfish waters	0	0	0	0	0	1	0
80/68/EEC on groundwater	0	0	0	0	1	0	0
80/778/EEC on the quality of drinking water for human consumption	0	0	0	0	0	0	1
85/337/EEC on the assessment of the effects of certain public and private projects on the environment	1	0	1	0	2	0	0
91/271/EEC on urban waste water treatment	0	0	1	0	1	0	0
92/43/EEC on habitats	0	0	1	0	0	1	0
98/81/EC on the contained use of genetically modified micro-organisms	1	0	0	0	0	0	0
99/31/EC on landfill	0	1	0	0	0	0	0
2000/60/EC the water framework directive	1	0	0	0	0	0	0
2002/96/EC on waste electrical and electronic equipment	1	0	0	0	0	0	0
2001/42/EC on the assessment of the effects of certain plans and programmes on the environment	1	0	0	0	0	0	0
2003/35/EC on public participation in certain plans and programmes relating to the environment	0	0	0	1	0	0	0
2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage	0	0	0	1	0	0	0
2004/107/EC on Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air	0	1	0	0	0	0	0
2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC	1	0	0	0	0	0	0
2008/01/EC concerning integrated pollution prevention and control (codified version of 1996/61/EC)	1	0	0	0	0	0	0

### **Irish Language.**

355. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3410/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In accordance with the Official Languages Act 2003 and the principles of Quality Customer Service, my Department is committed to providing quality services in Irish and/or bilingually to its customers.

As set out in the Department's Irish Language Scheme, a wide range of range of services and initiatives are implemented by my Department to support the provisions of the Official Languages Act 2003. These include publication in Irish and English of key strategy documents, reports, consultation documents, information leaflets, posters and advertisements; the provision of stationery and website material in Irish and English; the provision of Irish language training supports for staff, and the erection of signage and information displays in Irish and English across the Department's different office locations, national parks and nature reserves. The cost of providing the services in Irish is not recorded separately and its compilation would involve a disproportionate amount of time and work.

### **Social and Affordable Housing.**

356. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government the number of local authority direct starts, the number of Part V social rented units, the number of Part V affordable units, the number of voluntary and cooperative units, the number of voluntary units under Part V and the number of 1999 affordable initiative units completed by Meath County Council between 2004 and 2008; and if he will make a statement on the matter. [3449/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Details of activity on social and affordable housing programmes in County Meath for the years 2004 to 2007 and for the first two quarters of 2008 are set out in my Department's Housing Statistics Bulletins, copies of which are available in the Oireachtas library and on my Department's website at [www.environ.ie](http://www.environ.ie). Data for quarters three and four of 2008 are currently being compiled, and will be made available on the Department's website as soon as they are finalised.

### **Local Authority Funding.**

357. **Deputy Enda Kenny** asked the Minister for the Environment, Heritage and Local Government when and the way in which his Department will issue the previously allocated budget funding to local authorities for 2009; and if he will make a statement on the matter. [3468/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I assume the question is referring to the €935.2m in General-Purpose Grants from the Local Government Fund for 2009 which I allocated in October 2008. In general, payment of the allocated grants will be made to local authorities in quarterly tranches during 2009. Payment of the first 25% of the allocation was made to local authorities on 22 January 2009.

### Fisheries Protection.

358. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the rationale for the decision to ban eel fishing here with the approval of the European Commission; the reasoning behind establishing a working group that did not include representatives from the eel fishing community, until strong representations were made from various fishery boards for their inclusion; the most recent eel stock survey data that are in his possession; and the way that compares to stock numbers over the past five years. [3123/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Seán Power):** Recent scientific advice issued by the International Council for the Exploration of the Sea (ICES), indicated that the European eel fish stock is so depleted that it is now outside safe biological limits. Subsequently, the EU brought forward Council Regulation 1100/2007 establishing measures for the recovery of the stock of European eel. The purpose of the Regulation is to put in place a new framework for the protection and sustainable use of the stock of European eel and to achieve recovery of the stock to previous high levels.

A Working Group was established at the outset to prepare a National Eel Management Plan (EMP) as required under the Regulation. The Working Group comprised officials from the Departments and agencies responsible for providing advice on the management of the fishery, i.e. the Department of Communications, Energy and Natural Resources, the Department of Environment, Heritage and Local Government, the Central and Regional Fisheries Boards, Marine Institute, Bórd Iascaigh Mhara, ESB and the National University of Ireland, Galway.

A detailed fact sheet was circulated to all interested parties by the Regional Fisheries Boards in March 2008 to advise of the approach being adopted to comply with the Regulation. The elected eel representatives on the Regional Fisheries Boards were kept informed by the fisheries boards' officials on progress towards preparation of the EMP. Conservation bye-laws were introduced in May 2008, which capped the number of licences and restricted the season. A public consultation was launched on the draft EMP from 1 August 2008. Information meetings were organised in each region by the Regional Fisheries Boards during the consultation period, which ended on 15 September 2008 and some 16 submissions were received. These were largely from eel fishermen representatives and, while acknowledging the decline in stocks, sought to continue fishing. A number of eel fishing representatives joined the Eel Working Group in October 2008.

Having considered the scientific and management advices the Working Group recommended a number of management measures in order to reach the targets set in the Regulation including closure of the commercial and recreational fishery from 2009. I am advised that surveys of eel stocks were undertaken by the Marine Institute (MI) throughout the 1960s into the mid 1990s. Eels were also recorded in the mixed stock surveys undertaken by the Central and Regional Fisheries Boards. The MI has funded in 2008, a multi-agency project to collate all available eel survey data into a national database which will support assessments of the stock into the future.

In order to inform decision making in the preparation of the EMPs, scientists developed a stock assessment model based on current best available data. This model was developed to estimate the historic quantity of silver eels being produced in the absence of human mortality and also to estimate current escapement and the impact of reductions in fishing and hydro-power mortality on recovery time.

Current stock assessments were based on time series of juvenile recruitment, adjusted fisheries catch returns, estimates of turbine mortalities, silver eel escapements, sizes and growth rates of brown and silver eel. Graphs showing the outputs from the stock assessments are available

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in Section 5.2.4.4 “Summary of individual RBD Targets” in the draft Eel Management Plan, which can be found at [www.dcenr.gov.ie](http://www.dcenr.gov.ie).

The outputs from these stock assessments are, I understand, consistent with 2001-2007 observed data and when the last 25 years of poor recruitment is taken into account, it is clear that the adult eel stock in Irish waters will continue to decline for at least the next decade.

### **Housing Grants.**

359. **Deputy Billy Timmins** asked the Minister for Communications, Energy and Natural Resources if there are grants available for the insulation of a house and for the replacement of windows in a house; and if he will make a statement on the matter. [3138/09]

360. **Deputy Paul Connaughton** asked the Minister for Communications, Energy and Natural Resources when an application form in respect of the new house insulation grant will be made available to a person (details supplied) in County Galway; and if he will make a statement on the matter. [3434/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 359 and 360 together.

The improvement of energy efficiency in the building stock is one of the most cost effective ways of reducing emissions and energy bills and is a key Government priority as reflected in the significant funding provided in Budget 2009. Energy efficiency measures to tackle deficiencies in households will also support employment in the construction sector and the development of an energy services industry.

Experience of the pilot phase of the Home Energy Saving Scheme in 2008 has demonstrated that there is considerable demand for a support scheme for energy efficiency measures, not only among householders, but also among building energy rating assessors, product manufacturers, installers and other market players. Sustainable Energy Ireland (SEI) estimates that demand among householders across the country could well exceed 100,000 homes over the lifetime of the scheme. Homeowners can expect to save up to €700 on their energy bills if they implement the full suite of measures being proposed under the national scheme.

SEI is at present finalising the details for the national roll-out of the Home Energy Savings scheme and I intend to announce the details of the scheme shortly. While the pilot phase of the Scheme last year did not specifically include Galway, it will of course be included in the national scheme.

361. **Deputy Olwyn Enright** asked the Minister for Communications, Energy and Natural Resources the progress made by the inter-departmental group on energy affordability; and if he will make a statement on the matter. [3539/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Government is committed to protecting vulnerable consumers from the impact of high energy costs through a combination of institutional supports and investment in improving the energy efficiency of the housing stock. I am working closely with the Minister for Social and Family Affairs to deliver a fully cohesive approach across Government.

I established, last year, an Inter Departmental/Agency Group led by my Department and the Department for Social and Family Affairs, and which also includes the Departments of Finance, Taoiseach, Environment, Heritage and Local Government and Health and Children, the Commission for Energy Regulation, Sustainable Energy Ireland (SEI), ESB and BGÉ and

the Institute of Public Health. The Group is also liaising with relevant groups and Agencies in Northern Ireland.

This intensive cooperation and coordinated working by all the relevant Departments, agencies and the utilities is ensuring the effective delivery of a comprehensive approach to addressing energy affordability. The Group has been conducting a series of meetings with representative groups and agencies including Age Action Ireland and Energy Action.

The group has finalised an advisory booklet to inform and assist those seeking advice about supports in relation to energy affordability. The booklet will be published this month alongside a new complementary website and will be widely disseminated. I have increased the 2009 funding for the Warmer Homes Scheme and secured further funding from ESB Customer Supply and BGÉ. At the request of the Group, SEI in consultation with ESB and BGE and other stakeholders, is reviewing the operation of the Warmer Homes Scheme with the aim of ensuring that maximum impact is delivered from the enhanced funding.

### **Energy Resources.**

362. **Deputy Enda Kenny** asked the Minister for Communications, Energy and Natural Resources the amount of the €26 million grant for ocean energy research which has been released; the progress Sustainable Energy Ireland and the Marine Institute have had in developing ocean energy resources; if he is satisfied with the progress made to date and the rate of such progress; if his Department has received complaints from industry or from universities regarding supports for ocean energy research and development; and if he will make a statement on the matter. [2990/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Government is giving high priority to supporting the development of Ireland's ocean energy potential. The multi annual Ocean Energy Package, which I launched last year, encompasses the establishment of the Ocean Energy Development Unit based in Sustainable Energy Ireland; the creation of a state-of-the-art National Ocean Energy facility in University College Cork; the development of a grid-connected wave energy test site off the west coast; the establishment of an Ocean Energy Prototype Fund; and the introduction of a new feed-in-tariff under the REFIT scheme for wave and tidal technologies of €220 per Megawatt Hour. I am pleased to confirm that all components of the Package are under way and are being progressed as a priority, with the full involvement of stakeholders, by the Ocean Energy Development Unit.

Expenditure in 2008, at just over €1m, reflects the fact that each of the component measures was in the process of being established and I am advised that the full allocation of €7m in 2009 will be spent. My Department and the Ocean Energy Development Unit are working closely and constructively with all players to progress all dimensions of the Ocean Energy Package.

### **Telecommunications Services.**

363. **Deputy Billy Timmins** asked the Minister for Communications, Energy and Natural Resources the position in relation to the provision of broadband to an area (details supplied); the person who is responsible for providing same; when it will be provided; and if he will make a statement on the matter. [3020/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of broadband services is, in the first instance, a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated, where appropriate, by the independent Commission for Communications Regulation, ComReg. Broadband services are available from competing service providers over multiple platforms, including DSL



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(telephone lines), cable, fixed wireless, and mobile. I understand that broadband is available in the Kilmacanogue area from a number of service providers.

### **Housing Grants.**

364. **Deputy Paul Gogarty** asked the Minister for Communications, Energy and Natural Resources if he will introduce schemes to encourage the carrying out of energy efficiency audits on older housing stock, or for energy efficient retrofitting of houses with low energy efficiency performance; and if he will make a statement on the matter. [3114/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Home Energy Savings Scheme operated on a pilot basis in 2008 and provided grants towards the cost of retrofitting energy efficiency improvement measures in older housing. I intend to announce the details of a national roll-out of the scheme shortly.

For households on low incomes, such as those in receipt of fuel allowance, invalidity or disability benefit, the Warmer Homes Scheme can also assist with retro-fitting of energy efficiency improvement measures. This scheme arranges for the installation of measures free or at a nominal cost to the householder. The service is delivered principally through community based organisations. There are 20 such groups currently approved by Sustainable Energy Ireland (SEI). Applications for assistance under this Scheme should be made via the relevant community organisation, details of which can be found under the grants section of SEI's website ([www.sei.ie/grants](http://www.sei.ie/grants)).

Ireland's Building Energy Rating (BER) scheme is recognised by the EU Energy End Use Efficiency and Energy Services Directive as an energy audit scheme. Since 1 January 2009, any person selling or leasing a house is obliged to have a BER assessment of the house carried out and present the BER certificate to any prospective buyer or tenant. However, any other person is also free to contract a BER assessor to rate the energy performance of their home and will benefit from the accompanying Advisory Report, which will assist them in identifying the investments they could make to lower their energy costs and reduce their carbon emissions.

### **Telecommunications Services.**

365. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources when it is expected that broadband services will be available in the Bunaninver and Brinlack area of County Donegal; and if he will make a statement on the matter. [3135/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department has entered into a contract with "3", a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS). 3 will be required to provide services to all residences and businesses that are within the NBS area and who seek a service. 3 is currently planning the construction and roll-out of the required infrastructure for the purposes of the provision of the service. Challenging roll out targets have been agreed with 3. Services will begin to be rolled out in April 2009 and the entire NBS area must be covered by September 2010. Details of the areas to be covered by 3 under the NBS are available at [www.three.ie/nbs](http://www.three.ie/nbs). The Bunaninver and Brinlack area of County Donegal will be covered by the NBS.

### **Irish Language.**

366. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the cost to his Department, in each year since its introduction, of implementing

the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3405/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The implementation of the Irish Languages Act 2003 is an integral function of the day to day activities carried through in my Department.

As it is embedded in the administrative processes it is not possible, without a considerable allocation of resources, to easily disaggregate costs that may have been incurred.

### **Energy Regulation.**

367. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources if he will amend legislation to compel the energy regulator to review and set electricity prices to customers on a quarterly basis rather than on an annual basis as at present. [3418/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Statutory responsibility for the regulation of electricity prices resides with the independent Commission for Energy Regulation (CER) under the Electricity Regulation Act as amended.

The Act is not prescriptive in terms of the methodology to be used by CER in its regulation of charges by ESB Customer Supply. The legislation does not, by definition, preclude the regulator reviewing electricity prices more frequently.

I have agreed with the CER that their fundamental review of energy tariff structures will be expedited this year in consultation with all stakeholders.

### **Telecommunications Services.**

368. **Deputy Dara Calleary** asked the Minister for Communications, Energy and Natural Resources the district electoral divisions in County Mayo that are not part of the national broadband scheme; the reason they are not part of the scheme; and the details of the broadband service available in each of the these districts. [3473/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department has entered into a contract with “3”, a Hutchison Whampoa company, for the delivery of the National Broadband Scheme (NBS). 3 will be required to provide services to all residences and businesses that are within the NBS area and who seek a service.

3 is currently planning the construction and roll-out of the required infrastructure for the purposes of the provision of the service. Challenging roll out targets have been agreed with 3. Services will begin to be rolled out in April 2009 and the entire NBS area must be covered by September 2010.

Details of the areas to be covered by 3 under the NBS are available at [www.three.ie/nbs](http://www.three.ie/nbs). The following table is a list of the electoral divisions (EDs) in County Mayo and it shows those that will and those that will not be covered by the NBS.

EU State Aid and competition rules govern how states can intervene in areas where there are existing service providers. Accordingly, the NBS, which was approved by the EU Commission, is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion. Accordingly, the NBS will not address certain EDs listed in the table herewith.

A list of service providers offering broadband services in any particular location is available at [www.broadband.gov.ie](http://www.broadband.gov.ie).

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	ED Reference	
Addergoole DED	157002	NBS
Aghagower North DED	157003	NBS
Aghagower South DED	157004	NBS
Aghamore DED	157005	NBS
Aillemore DED	157006	NBS
An Geata Mor Theas DED	157007	NBS
An Geata Mor Thuaidh DED	157008	NBS
Ardnaree North DED	157010	NBS
Attymass East DED	157012	NBS
Attymass West DED	157013	NBS
Ballinchalla DED	157019	NBS
Ballycastle DED	157022	NBS
Ballycroy North DED	157023	NBS
Ballycroy South DED	157024	NBS
Ballynagoraher DED	157028	NBS
Ballyovey DED	157029	NBS
Ballysakeery DED	157030	NBS
Bangor DED	157031	NBS
Barroosky DED	157032	NBS
Bekan DED	157033	NBS
Beldergmore DED	157034	NBS
Belmullet DED	157036	NBS
Bohola DED	157037	NBS
Brackloon DED	157038	NBS
Bunaveela DED	157040	NBS
Bundorragha DED	157041	NBS
Burriscarra DED	157043	NBS
Callow DED	157044	NBS
Cappaghduff DED	157045	NBS
Caraun DED	157046	NBS
Carrowmore DED	157047	NBS
Clare Island DED	157050	NBS
Clogher DED	157052	NBS
Clogher DED	157053	NBS
Cloghermore DED	157054	NBS
Cloonmore DED	157056	NBS
Coolnaha DED	157058	NBS
Coonard DED	157059	NBS
Corraun Achill DED	157060	NBS
Course DED	157061	NBS
Croaghmoyle DED	157062	NBS
Croaghpatrick DED	157063	NBS
Crossmolina South DED	157066	NBS
Cuildoo DED	157067	NBS
Culnacleha DED	157068	NBS
Dalgan DED	157069	NBS

	ED Reference	
Deel DED	157070	NBS
Derry DED	157071	NBS
Derryloughan DED	157072	NBS
Doocastle DED	157073	NBS
Dooega DED	157074	NBS
Drummin DED	157075	NBS
Erriff DED	157077	NBS
Fortland DED	157078	NBS
Garrymore DED	157079	NBS
Glenamoy DED	157080	NBS
Glencastle DED	157081	NBS
Glenco DED	157082	NBS
Glenhest DED	157083	NBS
Goolamore DED	157084	NBS
Hollymount DED	157085	NBS
Houndswood DED	157086	NBS
Islandeady DED	157087	NBS
Kilbeagh DED	157088	NBS
Kilcommon DED	157090	NBS
Kilfian East DED	157091	NBS
Kilfian South DED	157092	NBS
Kilfian West DED	157093	NBS
Kilgarvan DED	157094	NBS
Kilgeever DED	157095	NBS
Kilkelly DED	157096	NBS
Killala DED	157097	NBS
Killavally DED	157098	NBS
Killedan DED	157099	NBS
Kilmaclasser DED	157100	NBS
Kilmaine DED	157101	NBS
Kilmeena DED	157102	NBS
Kilsallagh DED	157104	NBS
Kilvine DED	157106	NBS
Knappagh DED	157107	NBS
Knock South DED	157109	NBS
Knockadaff DED	157110	NBS
Knocknalower DED	157111	NBS
Lackan North DED	157112	NBS
Lackan South DED	157113	NBS
Letterbrick DED	157114	NBS
Mayo DED	157118	NBS
Meelick DED	157119	NBS
Mount Falcon DED	157120	NBS
Muingnabo DED	157121	NBS
Muings DED	157122	NBS
Murneen DED	157123	NBS
Neale DED	157124	NBS
Newbrook DED	157125	NBS

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	ED Reference	
Newport East DED	157126	NBS
Newport West DED	157127	NBS
Owenbrin DED	157128	NBS
Owennadornaun DED	157129	NBS
Portroyal DED	157131	NBS
Rathhill DED	157132	NBS
Rathoma DED	157133	NBS
Roslee DED	157134	NBS
Sallymount DED	157135	NBS
Sheskin DED	157136	NBS
Shrule DED	157137	NBS
Slievemahanagh DED	157138	NBS
Sonnagh DED	157140	NBS
Srahmore DED	157142	NBS
Tagheen DED	157145	NBS
Tawnynagry DED	157146	NBS
Toocananagh DED	157147	NBS
Tumgesh DED	157149	NBS
Achill DED	157001	Non-NBS
Ardagh DED	157009	Non-NBS
Ardnaree South Rural DED	157011	Non-NBS
Ardnaree South Urban DED	157154	Non-NBS
Balla DED	157014	Non-NBS
Ballina Rural DED	157015	Non-NBS
Ballina Urban DED	157016	Non-NBS
Ballinafad DED	157017	Non-NBS
Ballinamore DED	157018	Non-NBS
Ballindine DED	157020	Non-NBS
Ballinrobe DED	157021	Non-NBS
Ballyhaunis DED	157025	Non-NBS
Ballyhean DED	157026	Non-NBS
Ballyhowly DED	157027	Non-NBS
Bellavary DED	157035	Non-NBS
Breaghwy DED	157039	Non-NBS
Burren DED	157042	Non-NBS
Castlebar Rural DED	157048	Non-NBS
Castlebar Urban DED	157049	Non-NBS
Claremorris DED	157051	Non-NBS
Cloonkeen DED	157055	Non-NBS
Cong DED	157057	Non-NBS
Crossboyne DED	157064	Non-NBS
Crossmolina North DED	157065	Non-NBS
Emlagh DED	157076	Non-NBS
Kilcolman DED	157089	Non-NBS
Kilmovee DED	157103	Non-NBS
Kiltamagh DED	157105	Non-NBS
Knock North DED	157108	Non-NBS

	ED Reference	
Loughanboy DED	157115	Non-NBS
Louisburgh DED	157116	Non-NBS
Manulla DED	157117	Non-NBS
Pontoon DED	157130	Non-NBS
Slievemore DED	157139	Non-NBS
Sraheen DED	157141	Non-NBS
Strade DED	157143	Non-NBS
Swineford DED	157144	Non-NBS
Toomore DED	157148	Non-NBS
Turlough DED	157150	Non-NBS
Urlaur DED	157151	Non-NBS
Westport Rural DED	157152	Non-NBS
Westport Urban DED	157153	Non-NBS

### Media Funding.

369. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he has made inquiries to ascertain if funding has been made available directly or indirectly through sponsorship or other form of financial support or patronage to the broadcasting or print media, public or private, from any source associated with euro scepticism; the basis or nature of such funding or support; if understandings, agreements or arrangements have been entered into; the basis on which they have been entered into; and if he will make a statement on the matter. [3511/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I have not made inquiries in relation to any of the matters raised by the Deputy insofar as they relate to broadcasting. I have no function in relation to the print media.

### Garda Investigations.

370. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the progress made on a Garda inquiry into a matter (details supplied); and if he will make a statement on the matter. [3164/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An Garda Síochána are continuing their investigation into the dioxin contamination incident that arose in a food recycling premises. My Department is assisting them in whatever manner required. They are also being assisted by other Agencies. I am not in a position to comment further.

### Farm Waste Management Scheme.

371. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the waiting times for inspections on a county basis under the farm waste management scheme; and if he will make a statement on the matter. [2991/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** 17,397 payment applications remain to be brought to final payment stage under the Farm Waste Management scheme in 2009, including those who have which completed the inspection process in 2008. As all these applications are at different stages of finalisation, including those under query with



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the farmer, etc., it is not possible to determine an average waiting time for inspection in regard to each county.

However, my Department will endeavour to ensure that inspections are completed within the shortest time possible and has introduced revised arrangements to expedite the process.

372. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food when farmers can expect to receive payment under the farm waste management scheme; if he will confirm that payment will be made in one single payment as opposed to a series of staged payments; and if he will make a statement on the matter. [2992/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of the grants due to farmers under the revised Farm Waste Management Scheme which closed for payment applications at the end of 2008 are currently under review.

#### **Rural Environment Protection Scheme.**

373. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food if new entrants are being accepted on to a scheme (details supplied). [3011/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Entry to REPS 4 continues to be available to eligible applicants.

#### **Grant Payments.**

374. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when a slatted house grant will be awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [3030/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named is an applicant for grant-aid under the Farm Waste Management Scheme. A decision will be made in respect of the application as soon as possible.

375. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan will be granted the farm waste management grant. [3036/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named is an applicant for grant-aid under the Farm Waste Management Scheme. A decision will be made in respect of the application as soon as possible.

376. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) will receive the farm waste management grant. [3041/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Farm Waste Management Scheme. A decision will be made in respect of the application as soon as possible.

377. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) will receive the farm waste management payment. [3042/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Farm Waste Management Scheme. A decision will be made in respect of the applications concerned as soon as possible.

**Food Labelling.**

378. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when country of origin labelling will be displayed on all pork products sold here; and if he will make a statement on the matter. [3082/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Minister for Health and Children has overall responsibility for the general food labelling legislation. Under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer to a material degree. The European Commission is currently undertaking a major review of all food labelling legislation. In this context the Commission has prepared draft revised labelling regulations and these are being discussed at Council Working Party level in Brussels. These draft regulations will be submitted to the EU Council of Health ministers during 2009.

Notwithstanding the outcome of the current review on origin labelling my Department has taken steps to try to introduce origin labelling for other meats other than beef, which is already subject to specific legislation since September 2000.

My Department, in conjunction with the Department of Health and Children, drafted regulations that would require the country of origin to be indicated on pigmeat, poultry and sheepmeat. This was notified to the EU Commission in December 2007 as required by legislation. The Commission was not prepared to adopt the draft regulations in their present format on the grounds that the proposed legislation is not in compliance with EU food labelling regulations. The Commission's main contention is that only harmonised rules with EU-wide applicability may be applied to food labelling other than in exceptional circumstances. In March, the EU Commission delivered a negative opinion on the regulations but afforded Ireland an opportunity to provide further information in support of them. In the meantime, the Department provided additional details, including the current misleading labelling practices and evidence of consumers' desire for country of origin labelling. However the EU Standing Committee on the Food Chain and Animal Health formally adopted the negative opinion in December 2008.

I will continue to pursue the question of labelling at EU level in the context of the current review. In the mean time products carrying the Bord Bia quality assurance label provide consumers with assurance on product origin.

**Grant Payments.**

379. **Deputy Edward O'Keeffe** asked the Minister for Agriculture, Fisheries and Food if an applicant (details supplied) in County Cork has been approved for payment. [3085/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** If the application and plan submitted by the person named pass the administrative checks, his REPS 4 contract will have a starting date of 1 January 2009 and his first payment will be due when the administrative checks for all 2009 payments are completed towards the end of 2009.

380. **Deputy Edward O'Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment of a grant scheme will issue to a person (details supplied) in County Cork. [3086/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named is an applicant for grant-aid under the Farm Waste Management Scheme. A decision will be made in respect of the application as soon as possible.

381. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment of a grant will issue to a person (details supplied) in County Cork; and if this payment is to be made in one lump sum or over a phased period of time. [3087/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named is an applicant for grant-aid under the Farm Waste Management Scheme. A decision will be made in respect of the application as soon as possible.

382. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be granted a REP scheme four. [3092/09]

**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 EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. The first payments for 2008 REPS 4 applications issued last week to those whose applications required no correction following the administrative checks. Further payments will continue to be made as applications are cleared. Queries have arisen during the administrative checks on the plan of the person named and it is currently under further examination.

383. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be granted REP scheme four. [3093/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department has no record of an application for REPS 4 from the person named. He received payment on 15 December 2008 for the third year of his REPS 3 contract.

384. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be granted the farm waste management grant. [3094/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named is an applicant for grant-aid under the Farm Waste Management Scheme. A decision will be made in respect of the application as soon as possible.

385. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when payment of a scheme will issue to a person (details supplied) in County Cork. [3098/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has 21 cows for payment processing under the scheme. Payments totalling €931.20 in respect of 12 animals have already issued. The remaining 9 animals are ineligible for payment at present, as their calves were moved from the holding to a mart on 2 September 2008, which was during the compulsory 4 weeks meal-feeding period prior to weaning. Although these animals were returned to the holding on the same date, my Department considers this to be a breach of the Terms and Conditions of the Suckler Welfare Scheme. The person named was written to on 23 October 2008 and informed that the 9 animals were ineligible for payment and given the right of appeal. A letter of appeal was received on 10 November 2008, and following contacts with the Suckler Herds Section of my Department in Portlaoise, further written explanation regarding the movement dated 2 September 2008 is awaited from the person named. Following receipt of this explanation, a final written decision will be made.

### Departmental Funding.

386. **Deputy Seán Sherlock** asked the Minister for Agriculture, Fisheries and Food the amount of money paid to a company (details supplied) in view of its closure following the restructuring of the sugar industry; and if he will make a statement on the matter. [3108/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In the context of the reform of the EU sugar regime in 2006, EU restructuring aid was made available where a sugar processor renounced sugar quota and undertook to dismantle the associated sugar production facilities. The amount of the aid available was based on the size of the quota involved. The sugar processor concerned had to implement a restructuring plan including social commitments in respect of former employees and environmental commitments related to factory dismantling and site remediation. At least 10% of the aid was reserved for former beet growers and specialized beet machinery growers.

Following its decision to renounce its entire sugar quota and close the sugar plant at Mallow, the company in question qualified for EU restructuring aid of €127m approximately under the relevant EU regulations and in accordance with a High Court ruling in the matter. The aid was paid in two instalments, in June 2007 and February 2008.

### Common Agricultural Policy.

387. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the amount of unspent CAP funds of 2008 available to his Department; the criteria that he will use in providing funding from this source to vulnerable sectors; and his views on whether the poultry industry is vulnerable. [3118/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** During the negotiations on the Health Check of the CAP I pressed very strongly for and was successful in getting agreement that Member States be allowed to use unspent Single Farm Payment funds for a range of measures including specific sectors in need of assistance. These funds which amount to approximately €29m will be available from 2010.

In addition I secured agreement for the early introduction of this provision in 2009 using funding available in the national reserve which in Ireland's case, amounts to approximately €7m. I have consulted widely with all stakeholders and a number of submissions have been received. These are currently being evaluated having due regard to the provisions of the Regulations and I will be announcing my decision shortly.

As regards the poultry sector, I appreciate that it faces a number of issues and these will be examined by the Poultry Expert Group. It is not, however, one of the sectors specified as in need of assistance under the EU Regulation.

### Rural Development.

388. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the amount of money received in 2008 from compulsory modulation; and the percentage of this fund which has been used for projects in the rural environment. [3119/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Under the 2007-2013 Rural Development Programme modulated funds of €225.5m were included as an integral part of the overall funding available. Over the period of the programme the total allocation of funding of €5.778bn was based on three sources: EU co-funding €2.114bn, Modulation €0.225bn, Exchequer €3.439bn. In the year approximately 2008 €41m of modulated funds were included in the funding of the various support measures under the programme. The programme

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addresses three priorities, competitiveness, the environment and the wider rural economy, and encompasses the following main measures: REPS, Compensatory Allowances, Early Retirement, Installation Aid, Farm Modernisation.

### **Grant Payments.**

389. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded their REP scheme four payment. [3131/09]

**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 EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. The first payments for 2008 REPS 4 applications issued last week to those whose applications required no correction following the administrative checks. Further payments will continue to be made as applications are cleared. Queries have arisen during the administrative checks on the plan of the person named and it is currently under further examination.

390. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded a grant. [3132/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named is an applicant for grant-aid under the Farm Waste Management Scheme. My Department is currently examining the application and a decision will be made as soon as possible.

391. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 47 of 30 October 2008, his views regarding the farm waste management scheme; when farmers can expect to receive payments under this scheme; and if he will make a statement on the matter. [3184/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Farm Waste Management Scheme closed for the receipt of payment applications at the end of 2008 and 17,397 payment claims remain to be brought to final payment stage. My Department is endeavouring to ensure that all inspections and outstanding payments are completed within the shortest time possible.

392. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 407 of 9 December 2008, when the installation aid payment will be issued; and if he will make a statement on the matter. [3192/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Installation Aid Scheme. Further information has now been requested from the person concerned and his application cannot be further processed until this information is received.

### **Aquaculture Protection.**

393. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the preventive measures in place, including licence conditions to minimise risk of the Pacific oyster gigas spawning and settling in high value bays and estuaries around the coast, particularly



Natura 2000 sites and sites with indigenous native oyster beds; and if he will make a statement on the matter. [3193/09]

396. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the rapid action he is taking to halt the spread and to try to get the Pacific oyster under control in effected Natura 2000 sites in view of reports from local fishermen and the first study by Coastwatch in Lough Swilly, County Donegal demonstrating that the Pacific oyster is behaving as a typical invasive alien species and out competing native oyster species; the way local fishermen and other concerned knowledgeable stakeholders are being included in prevent and control plans and actions; and if he will make a statement on the matter. [3196/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I propose to take Questions Nos. 393 and 396 together.

The Pacific oyster (*Crassostrea gigas*) is included in Annex IV of Council Regulation (EC) 708/2007 concerning use of alien and locally absent species in aquaculture. Article 2(5) of the Regulation specifically exempts those species listed in Annex IV from the provisions of the Regulation, with the exceptions of articles 3 and 4. The justification of exempting the Pacific Oyster from the general provisions of the Regulation is that it has been in production for many years, has been moved from jurisdiction to jurisdiction and until recently has had very limited recruitment in many EU Member States.

Article 4 requires Member States to ensure that all appropriate measures are taken to avoid adverse effects to biodiversity, and especially to species, habitats and ecosystem functions which may be expected to arise, inter alia, from the spreading of alien and locally absent species into the wild. My Department is advised that, to date, there is little evidence that any decline in Native Oyster numbers have been linked with the presence of the Pacific Oyster although it is accepted that recruitment has been recently documented in Ireland.

In order to assist in determining the future potential risk of widespread proliferation of the Pacific Oyster in Ireland the Marine Institute is funding a research study to document the level of reproductive effort of oysters grown on the seabed compared with the more traditional culture methods for this species. This study is expected to be completed by September 2010. The results of this study can be used to inform any actions that may be required to prevent and control movement of the Pacific Oyster.

#### **Aquaculture Licences.**

394. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food his views on whether licensed dredging activities in Lough Swilly, County Donegal, are damaging the native oyster and that failure to ensure an adequate impact assessment before the automatic renewal of the licence has contributed to the decline in oyster stocks; and if he will make a statement on the matter. [3194/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application to renew an aquaculture licence in Lough Swilly is under consideration by my Department. In considering an application for an aquaculture licence, including an application to renew an aquaculture licence, the licensing authority must consider:

- the potential impacts on safety and navigation,
- the ecological impacts on wild fisheries, natural habitats, flora and fauna,
- the suitability of the waters,



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- the other beneficial uses of the place or waters,
- the likely effects on the economy of the area, and
- the statutory status under European legal frameworks of the area under application.

Section 16 of the Fisheries (Amendment) Act 1997 provides that the licensee shall, by virtue of, but subject to the conditions of, the licence and the requirements of any regulations made under section 71, have the exclusive right to do within the boundaries or limits specified in the licence activity authorised by the licence or necessary or expedient to conduct the operations specified in the licence.

Last year my Department was notified by the EU Commission of a complaint regarding alleged damage through dredging to the Natura 2000 site in Lough Swilly. My Department investigated the complaint and concluded that the activity in question was a legitimate use of a licensed aquaculture site by the licence holder. My Department's response was communicated to the EU Commission and the complainant.

395. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food if he will confirm that there was no appropriate assessment undertaken for licence renewals given to all aquaculture operators who reapplied for licences they held when the Fisheries (Amendment) Act 1997 was amended to include section 101 of the Sea Fisheries and Maritime Jurisdiction Act 2006; his views on whether failure to incorporate assessment procedures in to licence renewals undermines conservation procedures; and if he will make a statement on the matter. [3195/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In accordance with section 19A(4) of the Fisheries (Amendment) Act 1997 (as inserted by section 101 of the Sea Fisheries and Maritime Jurisdiction Act 2006) a licensee who has applied for the renewal or further renewal of an aquaculture licence shall, notwithstanding the expiration of the period for which the licence was granted or renewed but subject otherwise to the terms and conditions of the licence, be entitled to continue the aquaculture or operations in relation to aquaculture authorised by the licence pending the decision on the said application.

Section 61 of the Fisheries (Amendment) Act 1997 requires that the licensing authority, in considering all applications for aquaculture licences, considers, inter alia, the likely ecological effects of the aquaculture or proposed aquaculture on wild fisheries, natural habitats and flora and fauna, and the effect or likely effect on the environment generally in the vicinity of the place or water on or in which that aquaculture is or is proposed to be carried on.

In addition my Department is in consultation with the National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government and the EU Commission to agree future procedures to ensure that all applications for aquaculture licences are fully compliant with the requirements of the EU Birds and Habitats Directives. €1.46 million has been set aside specifically to support compliance of fisheries and aquaculture with respect to activities in Natura 2000 sites.

*Question No. 396 answered with Question No. 393.*

### **Food Labelling.**

397. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food if he will provide commitment and date when country of origin labelling will be introduced into law for

the white meat sectors together with effective policing procedures; and if he will make a statement on the matter. [3337/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Minister for Health and Children has overall responsibility for the general food labelling legislation. Under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer to a material degree. The European Commission is currently undertaking a major review of all food labelling legislation. In this context the Commission has prepared draft revised labelling regulations and these are being discussed at Council Working Party level in Brussels. These draft regulations will be submitted to the EU Council of Health ministers during 2009. Notwithstanding the outcome of the current review on origin labelling my Department has taken steps to try to introduce origin labelling for meats other than beef, which is already subject to specific legislation since September 2000.

Regarding the labelling of poultry meat, there are EU Regulations, which provide for the labelling of unprocessed poultry meat at retail level. The Regulations require such poultry meat to be labelled with the information regarding class, price, condition, registered number of slaughterhouse or cutting plant and, where imported from a Third Country, an indication of country of origin.

My Department, in conjunction with the Department of Health and Children, drafted regulations that would require the country of origin to be indicated on pigmeat, poultry and sheepmeat. This was notified to the EU Commission in December 2007 as required by legislation. The Commission was not prepared to adopt the draft regulations in their present format on the grounds that the proposed legislation is not in compliance with EU food labelling regulations. The Commission's main contention is that only harmonised rules with EU-wide applicability may be applied to food labelling other than in exceptional circumstances. In March, the EU Commission delivered a negative opinion on the regulations but afforded Ireland an opportunity to provide further information in support of them. In the meantime, the Department provided additional details including the current misleading labelling practices and evidence of consumers' desire for country of origin labelling. However the EU Standing Committee on the Food Chain and Animal Health formally adopted the negative opinion in December 2008.

We will continue to pursue this issue at EU in the context of the current review. In the meantime products carrying the Bord Bia quality assurance label provide consumers with assurance on product origin. The Food Safety Authority has overall responsibility for the enforcement of food labelling legislation in Ireland. This is done through service contracts with the relevant authorities.

### **Grant Payments.**

398. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when he will make full payment of the farm waste management scheme. [3363/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of the grants due to farmers under the revised Farm Waste Management Scheme which closed for the receipt of payment applications at the end of 2008 are currently under review.

399. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if he will take steps to review a decision not to award a grant to a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [3392/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In December last I announced ex-gratia payments to a number of animal welfare organisations involved in the delivery of animal care. In order to be considered for such payments, animal welfare organisations were required to fulfil a number of conditions including the completion of a standard application form. Advertisements inviting applications for funding were placed in the national press in July 2008 and details were also posted to my Department's website.

While the person concerned submitted some documentation to my Department in connection with ex-gratia funding, a completed application form was not received. My Department was in contact with the person concerned by phone, email and by letter on this matter between September and December 2008 but despite this the person concerned did not submit an application form for funding and therefore it was not possible for my Department to make an assessment for funding.

If my Department is in a position to provide ex-gratia funding to animal welfare organisations in 2009 and if the person concerned submits an application for funding at the appropriate time, it will be considered in the light of resources available and having regard to competing claims submitted by other animal welfare bodies and providing all eligibility criteria is fulfilled.

#### **Information Request.**

400. **Deputy Niall Collins** asked the Minister for Agriculture, Fisheries and Food if he will supply information (details supplied); and if he will make a statement on the matter. [3400/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested by the Deputy will be forwarded to him as soon as possible.

#### **Grant Payments.**

401. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food when the REP four scheme payment will be made to a person (details supplied) in County Sligo; if he will ensure that payment is made as a matter of urgency in view of financial difficulties; and if he will make a statement on the matter. [3401/09]

**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 EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. The first payments for 2008 REPS 4 applications issued last week to those whose applications required no correction following the administrative checks. Further payments will continue to be made as applications are cleared.

Queries have arisen during the administrative checks on the plan of the person named and it is currently under further examination.

#### **Farm Inspections.**

402. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 1315 of 27 January, 2009, if he will supply the information requested; and if he will make a statement on the matter. [3402/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Farm Waste Management Scheme. My Department is currently examining the application and will carry out the farm inspection concerned as soon as possible.

**Irish Language.**

403. **Deputy Ciarán Lynch** asked the Minister for Agriculture, Fisheries and Food the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3403/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The table below shows the translation and printing costs of implementing the Official Languages Act 2003:

Year	Amount
	€
2005	19,641.05
2006	44,430.91
2007	40,171.94
2008	49,737.63
Total	153,981.53

**Grant Payments.**

404. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a hardship grant has not been awarded in view of the fact that reactors were found in a herd belonging to a person (details supplied) in County Galway; and if he will make a statement on the matter. [3435/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Hardship Grant Scheme 2008/2009 is aimed at assisting eligible owner/keepers(s) whose herds continue to be restricted during the period 1 November to 20 April following a reactor re-test. Payment is also subject to compliance with other terms and conditions of the scheme, including those relating to off-farm income, buying-in of cattle etc.

In the case of the person concerned, the holding was restricted on 18 September 2008, following which one animal was removed and valued under the On Farm Market Valuation Scheme. An application under the Hardship Grant Scheme was received by my Department on 28 October 2008 but, since the full herd reactor re-test was not carried out until 16 January 2009, eligibility of the herdowner for payment could not be considered before that date. His eligibility will now be assessed and, if he is found to be in compliance with the terms and conditions of the scheme, payment will issue shortly after 16 February, in accordance with normal practice.

**Installation Aid Scheme.**

405. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if young farmers who had their farms transferred to them but had not applied for the installation aid grant will have their cases examined in the near future; and if he will make a statement on the matter. [3436/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Only fully completed applications made under the Young Farmers' Installation Scheme and received up to and including 14 October 2008 are being processed by my Department at present.

Due to budgetary constraints, I am not in a position at present to re-consider the decision to suspend entry to the Scheme.

406. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that a person (details supplied) in County Galway had inherited the farm from their father and was in the process of making application for the installation aid for young farmers when the scheme was withdrawn; if cases such as this are being examined in his Department; and if he will make a statement on the matter. [3440/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Only fully completed applications made under the Young Farmers' Installation Scheme and received up to and including 14 October 2008 are being processed by my Department at present.

Due to budgetary constraints, I am not in a position at present to re-consider the decision to suspend entry to the Scheme.

#### **Pigmeat Sector.**

407. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when all of a fund will be awarded to a group of people (details supplied); if both categories have been awarded; and when they will be awarded. [3480/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The agreement concluded with pigmeat processors in December provides a facility of €180 million from the public finances to assist processors in funding the recall and destruction of certain pork products from the market and products in storage. The agreement covers both large and small processors. The details of the scheme have been published on my Department's website and final payments will be effected without delay once the relevant conditions have been satisfied. Interim payments of €36 million were made in December. My Department hopes to be in a position to make further payments shortly.

#### **Schools Building Projects.**

408. **Deputy Seán Barrett** asked the Minister for Education and Science when work will commence on the rebuilding of the main building of a school (details supplied) in County Dublin, the design for which has been completed by his Department since 2007; and if he will make a statement on the matter. [2995/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The proposed building project 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.

409. **Deputy Paul Kehoe** asked the Minister for Education and Science if there is additional assistance with tuition available to a person (details supplied); and if he will make a statement on the matter. [2997/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENO), for allocating resource teachers and special needs assistants to schools to support children with special needs. The precise level of additional support, if any, for the child in question would be determined by the SENO and would depend on a number of factors including the extent of the assessed needs, whether these needs are

significantly impacting on the child's ability to learn in school and the level of support already available in the school. The NCSE operates within my Department's criteria in allocating such support.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on [www.ncse.ie](http://www.ncse.ie).

### **Schools Refurbishment.**

410. **Deputy Paul Kehoe** asked the Minister for Education and Science the status of the application from a school (details supplied) under the summer works scheme; and if he will make a statement on the matter. [2998/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** There is no record in my Department of a further application for funding under the Summer Works Scheme (SWS) from the school in question. Applications under the 2005, 2006 and 2007 schemes were approved for the school.

It is my intention 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 are currently being considered.

### **Disadvantaged Status.**

411. **Deputy Enda Kenny** asked the Minister for Education and Science the difference in value to a school given the designation of urban DEIS as distinct from rural DEIS; the funding, resources and facilities available to a rural school as opposed to an urban school; the cost of each scheme for the past five years; the criteria set out for each designation; and if he will make a statement on the matter. [3001/09]

**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 the 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.

The ERC's overall approach was guided by the definition of educational disadvantage in the Education Act (1998), as: "... the impediments to education arising from social or economic disadvantage which prevent students from deriving appropriate benefit from the education in schools".

In the primary sector, the identification process was based on a survey carried out by the ERC in May 2005, from which a response rate of more than 97% was achieved. The analysis of the survey returns from primary schools by the ERC identified the socio-economic variables that collectively best predict achievement, and these variables were then used to identify schools for participation in the School Support Programme. The variables involved were:

% unemployment,

% local authority accommodation,



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% lone parenthood,

% Travellers,

% large families (5 or more children),

% pupils eligible for free books.

The identification process was in line with international best practice and had regard to and employed the existing and most appropriate data sources available. Primary schools serving rural communities including towns with populations below 1500 are designated as rural.

In relation to the supports available under the DEIS programme, the following supports are available to both urban and rural DEIS schools:

- additional non-pay/capitation allocation based on level of disadvantage.
- financial allocation under the School Books Grant Scheme.
- access to the School Meals Programme.
- access to Home, School, Community Liaison services or access to Rural Co-ordinator.
- access to planning supports.

In addition to this, urban DEIS schools also benefit from:

- reduced class size of 20:1 in junior classes and 24:1 in senior classes (Band 1 urban schools only);
- allocation of administrative principal on lower enrolment and staffing figures than apply in primary schools generally;
- access to literacy/numeracy supports such as Reading Recovery, First Steps, Maths Recovery;
- access to the School Completion Programme.

A new streamlined model for allocating financial supports was devised in 2006 which took account of level of disadvantage and relevant financial supports already in place and replaced all other models of grants paid to schools under previous disadvantaged programmes.

The grants paid per eligible pupil are based on schools' level of disadvantage relative to other schools as identified by the new DEIS identification process. The same rate of grant is paid in respect of each eligible pupil in both DEIS Urban and DEIS Rural schools.

For the 2008/2009 school year, urban DEIS schools received DEIS grants totalling €8.66 million and rural DEIS schools were in receipt of DEIS grants totalling €1.86 million.

For the 2007/2008 school year, urban DEIS schools received DEIS grants totalling €8.3 million and rural DEIS schools were in receipt of DEIS grants totalling €1.84 million.

For the 2006/2007 school year, urban DEIS schools received DEIS grants totalling €7.06 million and rural DEIS schools were in receipt of DEIS grants totalling €1.5 million.

### **Schools Building Projects.**

412. **Deputy Pádraic McCormack** asked the Minister for Education and Science the position

regarding the provision of a new secondary school (details supplied) in County Galway, at the location of the second level community school; and if he will make a statement on the matter. [3008/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently at an advanced stage of architectural planning.

The commencement and progression of all large scale building projects from initial design stage through to construction phase, including this 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 the project at this time.

413. **Deputy Simon Coveney** asked the Minister for Education and Science the position in relation to a school (details supplied) in County Cork; if previous assurances in relation to timescale and commencement of building time are accurate; and if he will make a statement on the matter. [3025/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A project to provide a new building for the school to which the Deputy refers is in the early stages of architectural planning. In this regard, a revised stage 2A submission (Developed Sketch Scheme) has been received in my Department and is currently being examined.

The further progression of this project, in common with all large scale projects, will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. This position has been articulated to the school authority at all times.

414. **Deputy Simon Coveney** asked the Minister for Education and Science the progress made in relation to a school (details supplied); the timescale for the commencement of building on site for the school; and if he will make a statement on the matter. [3026/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Officials of my Department recently met with representatives of the School to which the Deputy refers and agreed to progress the design of the proposed project.

The Department is currently considering the most appropriate method of procurement of this project and will be in contact shortly with the school authorities in this regard. Progression of the project will be considered in the context of the multi-annual school building programme.

### **Site Acquisitions.**

415. **Deputy Pádraic McCormack** asked the Minister for Education and Science the position regarding the provision of a site for a school (details supplied) in County Galway; and if he will make a statement on the matter. [3031/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I wish to advise the Deputy that the Office of Public Works (OPW) which acts generally on behalf of the Department to acquire sites for schools was asked to source a site for the school in question. On foot of advertisements a number of proposals were received and a technical assessment of the proposed sites was conducted.

The further progression of the site acquisition will have to be considered in the context of the capital budget available to my Department for school buildings generally. In light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the acquisition of the site at this time.

### School Enrolments.

416. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support the case of a person (details supplied) in Dublin 3. [3050/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The question of enrolment in individual schools is the responsibility of the managerial authority of those schools and the Department does not seek to intervene in decisions made by schools in such matters. The Department’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

In 1993, the Department issued a circular (M 51/93) to post-primary schools, advising of a memorandum of agreement between the Department and the post-primary schools managerial association, that selection for the purposes of enrolment based on academic ability should be discontinued.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department. In the case of the latter, only where an appeal under Section 29 is upheld can the Secretary General of my Department direct a school to enrol a pupil.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school placement. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

### Higher Education Grants.

417. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a person (details supplied) in Dublin 15. [3057/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required.

If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC. Where an individual applicant has had an

appeal turned down, in writing, by the assessing authority, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department.

### **School Staffing.**

418. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a matter (details supplied). [3058/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Details of the job-sharing scheme are set out in my Departments circular letter 18/98. This scheme has not been withdrawn and there have been no recent amendments to this circular letter. Under this scheme, the decision to approve an application for job-sharing is a matter for the authorities of the employing school.

### **School Accommodation.**

419. **Deputy Brian Hayes** asked the Minister for Education and Science his plans to provide alternative permanent school premises for a school (details supplied) in Dublin 7 during the short to medium term; if he will confirm that this school will move into the Grangegorman Dublin Institute of Technology site in the first wave of new buildings; and if he will make a statement on the matter. [3068/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department is exploring the possibility of the relocation, on a temporary basis, of the school in question to an alternative site from the academic year beginning September 2009. The Department is liaising with the school, who are aware of the proposal.

The progression of all large scale building projects from initial design through to construction phase is considered on an ongoing basis in the context of my Department’s Multi-Annual Building and Modernisation Programme. In light of the current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the completion of this project at this time.

### **Vocational Education Committees.**

420. **Deputy Brian Hayes** asked the Minister for Education and Science the amount spent on the administration of all vocational educational committees here, that is the amount spent on the administration of the bodies as distinct from the schools under the control of the VEC’s; the number of VEC’s here; and if he will make a statement on the matter. [3079/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** There are 33 vocational education committees (VECs) established under, and governed according to, the Vocational Education Acts, 1930 to 2001. Each VEC is a statutory body with its own corporate status.

Financial allocations are made to the VECs as part of a block grant. VECs are given a high level of autonomy in the management and appropriation of their budgets and each VEC is allowed to distribute its allocations in line with its priorities and perceptions of need. Accordingly, my Department does not have available to it a detailed breakdown of the distribution of funds by VECs across their schools and head offices.

However, I can inform the Deputy that VECs spent approximately €58.5 million on what is termed administration pay in 2008. I should clarify for the Deputy that this figure does include an element of expenditure on the pay of secretaries in VEC schools.

**Schools Building Projects.**

421. **Deputy Brian Hayes** asked the Minister for Education and Science the progress his Department is making in the provision of a new school building (details supplied) in Dublin 7; and if he will make a statement on the matter. [3097/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Officials from my Department met with the City Council and representatives of the GAA club on the 23 January 2009 to discuss the issue of entering into a lease arrangement with the City Council which in time will require the GAA club to surrender its interest on some of the lands required for a building project. My Department has confirmed its intention, as sought by the local authority, to enter into negotiations in relation to the terms of a lease for the lands required.

422. **Deputy James McDaid** asked the Minister for Education and Science the status of a school (detail supplied) in County Donegal in relation to its school building programme application. [3109/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers has applied to my Department for capital funding for a large scale 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.

423. **Deputy James McDaid** asked the Minister for Education and Science the status of a school (details supplied) in County Donegal in relation to its school building application. [3110/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently 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 will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

424. **Deputy James McDaid** asked the Minister for Education and Science the status of a school (details supplied) in County Donegal in relation to their school building application. [3111/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers has applied to my Department for capital funding for a large-scale 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 my Department’s capital budget, it is not possible to give an indicative timeframe for the progression the project at this time.

425. **Deputy James McDaid** asked the Minister for Education and Science the status of a school (details supplied) in County Donegal regarding its school building application. [3112/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently 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 will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

426. **Deputy James McDaid** asked the Minister for Education and Science the status of a school (details supplied) in County Donegal. [3113/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently 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 will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

427. **Deputy Seymour Crawford** asked the Minister for Education and Science the progress made regarding the building programme for a national school (details supplied) in County Cavan in which the prefabs have been in place since 1972; his views on whether it would be better to supply a properly built building for this school thus giving employment rather than replacing the existing prefabs with expensive leased prefabs; and if he will make a statement on the matter. [3167/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school to which the Deputy refers has applied to my Department for capital funding for a large scale project. The long term accommodation requirements of the school have been determined. 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 overall level of demand on the Department’s capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time.

428. **Deputy Seymour Crawford** asked the Minister for Education and Science the situation regarding the building programme at a school (details supplied) in County Monaghan; his views on whether this project is a priority in view of the fact that it is the only college of its kind in the country with a national primary road running through its campus as well as the fact that the building above the road is completely out of date, cold and damp; and if he will make a statement on the matter. [3168/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently 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 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



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budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

429. **Deputy Seymour Crawford** asked the Minister for Education and Science the position regarding the upgrading and extension to a school (details supplied) in County Monaghan which has been long promised and needed; and if he will make a statement on the matter. [3169/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers is currently 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 will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

430. **Deputy Seymour Crawford** asked the Minister for Education and Science if he will take immediate steps to deal with the serious and unacceptable situation at a school (details supplied) in County Cavan; his views on whether it is unacceptable and dangerous that a leaking roof is dripping directly on worktops in the home economics rooms and that if this was a food related industry it would be closed immediately. [3170/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** A large scale project at 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 will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

My Department is currently considering an application from the school for emergency funding to deal with some of the problems referred to by the Deputy. A decision on this application will be conveyed to the school in due course.

431. **Deputy Seymour Crawford** asked the Minister for Education and Science the progress made towards the restructuring and extension of a national school (details supplied) in County Cavan; his views on the fact that this school got the go ahead in April 2007 but nothing has happened since; his further views on the fact that the school have to pay leases on nine to ten prefabs, carrying cost of same on delayed refunds from his Department while the building and renovations of such a major project would give significant and much needed employment in the area; and if he will make a statement on the matter. [3171/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The project to which the Deputy refers 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 my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

### Whole School Evaluations.

432. **Deputy Brian Hayes** asked the Minister for Education and Science if he will estimate the amount that his Department will spend during 2009 on whole school evaluations. [3175/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Whole-school evaluations (WSE) form just one part of the Inspectorate’s business plan in any given year. In addition, inspectors are 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 and participation in appeal boards established under Section 29 of the Education Act. Inspectors also provide advice on an on-going basis to various sections within the Department including teacher education, special education, and curriculum, qualifications and assessment policy.

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. Costs exclusively associated with whole-school evaluations are not recorded separately from the cost of other work done by the Inspectorate or the cost of other evaluations such as subject inspections which frequently take place at the same time. Furthermore, inspectors are involved in the wide range of work outlined above on a continuing basis.

The gross salary cost for the Inspectorate in 2008 was €13,575,860. The total travel and subsistence expenses paid, in accordance with Civil Service rates, in 2008 was €1,545,038. The outputs achieved in 2008 included 3,787 inspections (WSE, subject/programme inspections, probationary teachers, etc) and the publication of composite/thematic reports on Music, Home Economics, Materials Technology (Wood) and Construction Studies, Junior Cycle Science and ICT in schools. The outputs planned for 2009 are in line with those achieved in 2008, thus it is expected that similar costs will be incurred in 2009.

### Schools Building Projects.

433. **Deputy Emmet Stagg** asked the Minister for Education and Science if he will appoint an official to resolve the accommodation problems at a school (details supplied) in County Kildare in view of the fact that the contractor is unable to carry out the work and his Department appear to be still dealing with it. [3177/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The matter to which the Deputy refers is being proactively being dealt with by my Department. Details of the accommodation needed at the school are being finalised with the contractor with a view to his moving on site to carry out the works as quickly as possible.

### Early Childhood Education.

434. **Deputy Joan Burton** asked the Minister for Education and Science the nature of both the recruitment process, and contracts offered, within his Department to the former director and assistant director of the Centre of Early Childhood Development and Education; if the posts were advertised through a public recruitment process; if the new posts were created on a permanent basis; and if he will make a statement on the matter. [3360/09]

**Minister of State at the Department of Education and Science (Deputy Barry Andrews):** Section 8 of the Public Service Management (Recruitment and Appointments) Act 2004 allows for temporary unestablished posts to be excluded positions for the purposes of that Act. The Commission for Public Service Appointments granted an excluding order for the two Early Education specialist posts within my Department. These Early Education specialist posts were

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offered as alternative employment to staff within the Centre for Early Childhood Development and Education. On the basis of the selection criteria that applied to the staff made redundant when the Centre closed, the Early Education specialist posts were offered to the former director and assistant director of the CECDE. The posts are temporary unestablished posts and the contracts are fixed term contracts.

### **Garda Vetting Unit.**

435. **Deputy Brian Hayes** asked the Minister for Education and Science the number of teachers at first and second levels who have been vetted by the Garda vetting unit; and if he will make a statement on the matter. [3373/09]

436. **Deputy Brian Hayes** asked the Minister for Education and Science the number of teachers at primary and second level who have been vetted by the Garda vetting unit each year since vetting commenced; and if he will make a statement on the matter. [3374/09]

437. **Deputy Brian Hayes** asked the Minister for Education and Science if special needs assistants have been vetted by the Garda vetting unit; if so, the proportion of SNAs who have been vetted each year since vetting was introduced; and if he will make a statement on the matter. [3375/09]

438. **Deputy Brian Hayes** asked the Minister for Education and Science the ancillary staff other than teachers in school who are vetted by the Garda vetting unit; the proportion of ancillary staff who have been vetted to date; and if he will make a statement on the matter. [3376/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 435 to 438, inclusive, together.

The specific data on vetting requested by the Deputy is not readily available from the Garda Vetting Unit. The arrangements for vetting of teaching and non-teaching staff are set out in Department Circular 0094/2006 which is available on my Department’s website. The vetting arrangements were introduced in September 2006 for vetting of new teachers at the time of their initial registration with the Teaching Council.

An indication of the level of vetting carried out for teachers can be gauged from data from the Teaching Council which shows that to date a total of 14,960 applicants for registration with the Council have been referred to the Garda Vetting Unit for the purposes of having vetting done. The vetting procedures also apply to prospective employees for posts that involve working with children such as Special Needs Assistants (SNAs), bus drivers, bus escorts to children with special needs, caretakers and other ancillary staff in schools.

As the expansion of service by the Garda Vetting Unit is rolled out my Department will be consulting the relevant education stakeholders on how best to introduce vetting of existing teachers and other existing education staff working with children. The circular does require the vetting of any person being appointed to a teaching position who has not been employed in the school system in the previous 3 years.

Irrespective of the position on vetting by the Garda Vetting Unit where facts or information comes to a Board of Management’s attention calling into question a person’s suitability to work with children it is a matter for the Board to satisfy itself that the person is suitable to work in that capacity. This will naturally have to be assessed on a case by case basis. The Board will

have to consider all the circumstances of the case, give due weight to all relevant factors, and afford fair procedures to the individual concerned before making a decision.

### **Teaching Qualifications.**

439. **Deputy Brian Hayes** asked the Minister for Education and Science the number of unqualified persons who are on a regular teaching contract of employment within the primary and secondary sectors; and if he will make a statement on the matter. [3377/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The recruitment and appointment of teachers to fill vacancies in an individual school is a matter for the Board of Management of the school concerned. It is the policy of my Department that unqualified personnel should only be employed in exceptional circumstances and when all avenues for recruiting qualified personnel have been exhausted. Unqualified personnel should therefore only be employed for short periods pending the recruitment of a fully qualified teacher.

I have indicated my intention to commence Section 30 of the Teaching Council Act in the near future. I have also indicated that the commencement of the section will also provide for it to be regulated that a school may employ unregistered personnel on a time limited basis in extreme circumstances.

There are currently of the order of 430 persons who are not qualified as primary school teachers employed in teaching posts in primary schools. This figure may include some new teachers who are awaiting recognition of their existing qualifications by the Teaching Council which, when received, will enable their re-classification on my Department’s payroll to qualified teachers.

The number of untrained post-primary teachers is currently being compiled and will be forwarded directly to the Deputy by the Post Primary Payroll Section of my Department.

### **Teaching Council.**

440. **Deputy Brian Hayes** asked the Minister for Education and Science when section 30 of the Teaching Council Act 2001 commenced; and if he will make a statement on the matter. [3378/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I have indicated my intention to commence Section 30 of the Teaching Council Act in the near future. I have also indicated that the commencement of the section will also provide for it to be regulated that a school may employ unregistered personnel on a time limited basis in extreme circumstances.

### **School Management.**

441. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if his Department has had contact with the boards of management of private fee-paying schools with regard to their desire to change to public status; his views on this change of status; and if he plans to contact these schools in relation to this matter. [3380/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I have not had any contact with boards of management of fee-charging schools concerning admission to the free education scheme.

It is open to any fee-charging school to apply to join the free education scheme. As such a decision is very much a matter for the schools concerned, I do not have any plans to contact boards of management in relation to this matter.

### **Irish Language.**

442. **Deputy Ciarán Lynch** asked the Minister for Education and Science the cost to his Department, in each year since its introduction, of implementing the provisions of the Official Languages Act 2003; and if he will make a statement on the matter. [3408/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Since the implementation of the provisions of the Official Languages Act 2003 relating to the translation of publications the following are the costs incurred by my Department: 2007 — €181,322.31; 2008 — €156,060.40.

Prior to 2007 the amount spent on the Irish translation of publications was not separately identified and accordingly my Department is unable to provide this information.

There may be additional costs that have been incurred by various sections of my Department with regard to implementing the provisions of the Act. These costs have been from within existing allocations and are not readily identifiable.

In addition, Section 31 of the Education Act 1998 obliges the Minister to establish a body to provide supports to schools for the teaching and learning of Irish and through Irish. Accordingly, my Department provides a range of services and supports through Irish.

### **School Management.**

443. **Deputy Michael D. Higgins** asked the Minister for Education and Science the progress made regarding the moving of a school (details supplied) in County Galway from the local vocational educational committee to the local county council. [3432/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I assume the Deputy is referring to the proposed transfer of a site for the school in question between Galway City Council and City of Galway VEC. My Department has recently written to the VEC instructing them to proceed with negotiations regarding the site acquisition with the local authority.

### **School Transport.**

444. **Deputy Paul Connaughton** asked the Minister for Education and Science his views on re-routing a school bus at Ballymoe, County Galway which would take in the villages of Cloonruff, Cornamuckla, Treanboy, Turla and Knockagonnell which brings 15 fare paying children to a school (details supplied) in County Galway; and if he will make a statement on the matter. [3439/09]

**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.

Bus Éireann, which operates the school transport schemes on behalf of my Department, has advised that the specific school transport service referred to by the Deputy is operating to capacity catering for 33 eligible pupils and 12 concessionary fare paying pupils.

The Deputy will be aware that pupils in the concessionary fare paying category may only avail of transport if spare capacity exists on the service in question. In general, school transport routes are not extended or altered to cater for such pupils. As all eligible pupils are availing of a service within the guidelines of the primary school transport scheme I do not propose to change the existing arrangements.



**Disadvantaged Status.**

445. **Deputy Brian Hayes** asked the Minister for Education and Science if he will re-consider the loss of the home school community liaison teacher from September 2009 to those schools in the post-primary and primary sector which were originally included in the disadvantaged area scheme but were subsequently not included in the delivering equality in schools scheme, but retained resources under the DAS scheme; the number of schools in this category which are expected to lose a home school liaison teacher; if, in view of the small number of schools in question, he will reconsider his proposal in this area given the impact of this decision for these schools; and if he will make a statement on the matter. [3451/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** Following the introduction of DEIS (Delivering Equality of Opportunity in Schools) the Action Plan for Educational Inclusion, a commitment was given, as a concessionary measure to Non DEIS schools in receipt of resources under pre-existing schemes, that they would retain a level of support in line with their size and disadvantage levels for the duration of the DEIS Initiative.

Given the current volatile and challenging economic climate, difficult choices had to be made in order to contain public sector spending. One of these decisions is the withdrawal of disadvantaged area scheme posts, Home School Community Liaison posts and additional financial resources from all Non DEIS schools with effect from 31 August 2009. The main focus of Social Inclusion measures is to retain resources in schools participating in DEIS, as there is a need to focus targeted resources on the schools serving the most disadvantaged communities. 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.

From September 2009 some 62 Home School Community Liaison posts, currently serving 20 primary and 73 post primary schools will be withdrawn. These schools 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.

**Schools Building Projects.**

446. **Deputy Leo Varadkar** asked the Minister for Education and Science the progress made to date in providing a sports hall and extension to a school (details supplied) in Dublin 15; and if he will make a statement on the matter. [3452/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. My Department has received a Stage 2/3 (sketch scheme) addendum and it is being reviewed. Officials in my Department will be in further contact with the Design Team on completion of this review.

Progression of all projects to tender and construction will be considered in the context of the Department’s multi-annual School Building and Modernisation Programme.

447. **Deputy Leo Varadkar** asked the Minister for Education and Science the progress made to date in providing an extension for a school (details supplied) in Dublin 15; and if he will make a statement on the matter. [3453/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The major capital project for the School to which the Deputy refers has been assigned the highest priority band rating of 1.



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A design team has been appointed and the project is currently at Stage 1 — preliminary design and sketch scheme.

The progression of all large scale building projects from initial design stage through to tender and construction, including this project, will be considered on an on-going basis in the context of my Department’s Multi-Annual School Building and Modernisation Programme. In light of current competing demands on my Department’s capital budget, it is not possible to give an indicative timeframe for the completion of the project at this time.

448. **Deputy Leo Varadkar** asked the Minister for Education and Science the progress made to date in providing an extension and new car park for a school (details supplied) in Dublin 15; and if he will make a statement on the matter. [3454/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The major capital project for the School to which the Deputy refers has been assigned the highest priority band rating of 1 and a design team has been appointed.

The progression of all large scale building projects from initial design stage through to tender and construction, including this project, will be considered on an on-going basis in the context of my Department’s Multi-Annual School Building and Modernisation Programme. In light of current competing demands on my Department’s capital budget, it is not possible to give an indicative timeframe for the completion of the project at this time.