



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Thursday, 19 February 2009.*

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# DÁIL ÉIREANN

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*Déardaoin, 19 Feabhra 2009.*  
*Thursday, 19 February 2009.*

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

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*Paidir.*  
*Prayer.*

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

**An Ceann Comhairle:** Anois, iarratais chun tairisceana a dhéanamh an Dáil a chur ar athló faoi Bhuan Ordú 32, requests to move the adjournment of the Dáil under Standing Order 32.

**Deputy Finian McGrath:** I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of national importance and concern, namely, the €9 million cut to special education and particularly the effect this will have on pupils of St. Brendan's national school in Artane, Scoil Cairtriona in Coolock and St. Eithne's school in Edenmore. I call on the Minister to end this cut as a matter of urgency. I call on all Members of the Oireachtas to support the campaign against cuts in special education and to support the pupils, families and teachers.

**Deputy Joe McHugh:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the growing number of burglaries of houses and the ongoing inability of Inishowen Garda Síochána to prevent their occurrence which illustrates there are insufficient Garda Síochána resources on the peninsula and that the distribution of Garda Síochána resources does not consider the fact that Inishowen circles Derry city which is the fourth largest city in Ireland.

**An Ceann Comhairle:** Tar éis breithnithe a dhéanamh ar na nithe ardaithe, 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. 8a, motion re referral to joint committee of the proposed approval by Dáil Éireann for a Council decision on the establishment of the European Criminal Records Information System, ECRIS; No. 8b, motion re referral to joint committee of the proposed approval by Dáil Éireann of a regulation of the European Parliament and of the Council concerning the establishment of "Eurodac" for the comparison of fingerprints and establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection; and No. 6a, Financial Emergency Measures in the Public Interest Bill 2009 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Nos. 8a and 8b shall be decided without debate.

**An Ceann Comhairle:** There is one proposal to be put to the House today. Is the proposal for dealing with Nos. 8a and 8b without debate agreed?

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

**Deputy Eamon Gilmore:** Prior to agreeing to anything on the Order of Business today, there are a number of matters I would like the Tánaiste to clarify for the House. I understand the annual report of Anglo Irish Bank is to be published tomorrow. We have also been led to believe that the PricewaterhouseCoopers report, or at least a version of it, will be made available tomorrow. Will we be told the names of the ten investors in Anglo Irish Bank in either of the reports to be published tomorrow? What arrangements are being made to make the reports available to Members of the House? Will they be circulated?

Does the Taoiseach intend to make a statement today on the newspaper report this morning that he had a private meeting with the board of Anglo Irish Bank last April? If he does intend to make such a statement, will he do so in the House and answer questions on it?

**Deputy Caoimhghín Ó Caoláin:** I cannot agree to the Order of Business as presented not only with regard to the specific proposals, but also the fact that we are being asked to accommodate in the ordering of business a piece of legislation which is misdescribed as the “Financial Emergency Measures in the Public Interest Bill”. Nothing about the proposed legislation coming before us today is in the public interest. Its title is fraudulent in nature, which reflects much of what has gone before it.

**An Ceann Comhairle:** The Deputy can make this contribution in the course of the debate on the Bill.

**Deputy Caoimhghín Ó Caoláin:** Nonetheless, it is important to put it absolutely on the record.

**An Ceann Comhairle:** Deputy Ó Caoláin can do that later on.

**Deputy Caoimhghín Ó Caoláin:** Like the previous speaker, I want to ask, with regard to the PricewaterhouseCoopers report, whether we will have a full disclosure of the content of this report. What is the extent of the obliteration process, if this has been employed prior to its publication? What way will it be distributed to Members? Tomorrow is not a sitting day. What are the Government’s proposals on having the report made available to Members of the House in all parties and Members of the House who are not members of parties?

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

**Deputy Caoimhghín Ó Caoláin:** With regard to the ten green bottles hanging on the wall, can we have an indication from the Tánaiste that there will be a full disclosure of the identity of the people concerned in the context of the publication of the Anglo Irish Bank report? Now that the bank is in public ownership, is it anticipated that publication of the report will be through a press conference as Anglo Irish Bank has been great at lauding and applauding itself in the past?

**An Ceann Comhairle:** A brief contribution is allowed at this time.

**Deputy Caoimhghín Ó Caoláin:** We own this bank today. With respect, we are all shareholders in it. I want to know the way in which the report will be presented. Will it be done surreptitiously or openly, allowing an opportunity for members of the press to properly question whoever is making the presentation at the time?

Can we have further clarity on the exchanges over recent days, in particular the Taoiseach's responses to the questioning from Deputies Kenny and Gilmore during Leaders' Questions on Tuesday and Wednesday of this week? With regard to the identity of the persons concerned, is it the case that the right question has not been posed——

**An Ceann Comhairle:** This is not Question Time. Brief contributions——

**Deputy Caoimhghín Ó Caoláin:** ——and that the Taoiseach has been able to avoid responding with the full raft of information he possesses?

**An Ceann Comhairle:** I call the Tánaiste. Can she assist the House?

**The Tánaiste:** I assume the objection was to taking both motions without debate. I assume, on the basis of what has been said, that is not the case. The motions need to be put to the House as quickly as possible as the committee is very anxious to discuss them next Tuesday.

I have been asked two specific questions, one on the availability of the Anglo Irish Bank report and also the part of the PricewaterhouseCoopers report that refers to Anglo Irish Bank. This will be laid before the Oireachtas Library, as is normal.

**Deputy Eamon Gilmore:** Tomorrow?

**The Tánaiste:** Yes, when it is available.

I have been asked to clarify what will be in the report. I am not familiar with what is in it but I have been advised on the issue of whether the names of the people in question will be disclosed in the report. The names of the ten persons were not disclosed. They are not disclosed to the Taoiseach or the Minister for Finance. It is a matter for the regulator, which is under a strict obligation of confidentiality.

**Deputy Paul Kehoe:** I am sure somebody knows.

**An Ceann Comhairle:** Allow the Tánaiste to finish.

**The Tánaiste:** The names were not contained in any report to the Minister. The Minister, as a shareholder, has no right to this information.

**Deputy Pádraic McCormack:** Were they not whispered or anything?

**The Tánaiste:** The shareholder in any bank does not have a right to information——

**Deputy Alan Shatter:** The Minister could have asked for the information——

**The Tánaiste:** Sorry, a Cheann Comhairle, this is very serious.

**Deputy Alan Shatter:** ——before the loan guarantee scheme was put in place.

**An Ceann Comhairle:** Allow the Tánaiste to finish.

*(Interruptions).*

**An Ceann Comhairle:** For goodness sake, let her finish. She has been asked a question and should be allowed to finish.

**Deputy Dermot Ahern:** The legal views are alive and well.

**The Tánaiste:** The shareholder in any bank does not have a right to information about customers to that bank. It would completely undermine the confidence of customers generally in Anglo Irish Bank and, therefore, confidence in the bank if the Minister, as a shareholder, could obtain access to confidential information about customers.

*(Interruptions).*

**Deputy Fergus O'Dowd:** What about us, the shareholders?

**The Tánaiste:** Therefore, it is important to say, for clarity, that those names will not be available in the public domain. However, it is equally important to say——

**Deputy Pádraic McCormack:** What were they buying?

**The Tánaiste:** ——as the Taoiseach indicated in answers to this House on a number of occasions, as did two colleagues of mine last night and earlier this morning, that neither the Taoiseach nor any member of this Cabinet, nor, for that matter, any Member of this House in any way wants to deter from due process. At the same time, it is very important that, arising from that due process, the full rigour of the law will be applied.

**An Ceann Comhairle:** Is the first proposal agreed to?

**Deputy Caoimhghín Ó Caoláin:** No, it is not.

Question put: “That the proposal for dealing with Nos. 8a and 8b, without debate, be agreed to.”

The Dáil divided: Tá, 75; Níl, 65.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
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.  
Dooley, Timmy.  
Finneran, Michael.  
Fitzpatrick, Michael.  
Flynn, Beverley.  
Gallagher, Pat The Cope.  
Gogarty, Paul.  
Gormley, John.  
Grealish, Noel.

Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hoctor, Máire.  
Kelleher, Billy.  
Kelly, Peter.  
Kenneally, Brendan.  
Kennedy, Michael.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Michael P.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
Lowry, Michael.  
McEllistrim, Thomas.  
McGrath, Mattie.  
McGrath, Michael.  
McGuinness, John.  
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.

Tá—*continued*

O'Hanlon, Rory.  
 O'Keeffe, Batt.  
 O'Keeffe, Edward.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Seán.  
 Roche, Dick.

Scanlon, Eamon.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Mary.  
 White, Mary Alexandra.  
 Woods, Michael.

## Níl

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

Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Neville, Dan.  
 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.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P. J.  
 Sherlock, Seán.  
 Stagg, Emmet.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Wall, Jack.

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

Question declared carried.

**Deputy Enda Kenny:** The Tánaiste referred to the confidence of customers. In the context of the legislation dealing with the credit institutions and the guarantee scheme, is the Government considering proposals to nationalise, support or merge Irish Nationwide with another institution, particularly in light of the comments of that building society's former chairman to the effect that, without Government support, the future looks bleak? Were the Ministers who represent the Green Party fully apprised of the contents of the PricewaterhouseCoopers report into Anglo Irish Bank?

**An Ceann Comhairle:** We cannot discuss that matter now.

**Deputy Enda Kenny:** I am referring to this matter in the context of the guarantee scheme.

**An Ceann Comhairle:** On the Order of Business, the Deputy must inquire about legislation.

**Deputy Enda Kenny:** If that company had carried out its work on Anglo Irish Bank in a proper manner, the persons and mechanics relating to the Quinn overhang would have been dealt with.

**An Ceann Comhairle:** We cannot discuss that matter now.

**Deputy Enda Kenny:** The Tánaiste might wish to discuss it. This is a matter of major importance.

**An Ceann Comhairle:** The Tánaiste cannot do so. I am obliged to implement Standing Orders.

**Deputy Enda Kenny:** This matter relates to the guarantee scheme.

**An Ceann Comhairle:** As previously stated, under Standing Orders there are no Leaders' Questions on Thursday mornings.

**Deputy Pádraic McCormack:** Deputy Kenny is not posing any such questions.

**An Ceann Comhairle:** That makes matters difficult for the Chair.

**Deputy Enda Kenny:** I am asking questions on the legislation.

**An Ceann Comhairle:** The Deputy's questions are not appropriate to the Order of Business. In light of the fact that I am obliged to operate within Standing Orders, which are made not by me but by Members of the House, I must ask that the Deputy do so also.

**Deputy Pádraic McCormack:** Soon no business will be transacted in this House.

**Deputy Enda Kenny:** My questions arise on foot of legislation passed by the House. Is it intended to publish the letter sent by the legal advisers to Anglo Irish Bank to the Financial Regulator in order that——

**An Ceann Comhairle:** Members may only ask questions relating to legislation.

**Deputy Enda Kenny:** ——people might be made aware of the detail of what was involved?

**An Ceann Comhairle:** We cannot discuss that matter.

**Deputy Enda Kenny:** The Minister for Justice, Equality and Law Reform has stated that it would be preferable if the names of the ten persons involved in a so-called golden circle were published.

**An Ceann Comhairle:** We cannot discuss that matter.

**Deputy Enda Kenny:** Does the Tánaiste share the Minister's view? Given that the people now own the bank in question, will she publish the names of those involved?

**An Ceann Comhairle:** The Tánaiste may only comment on legislation. Is legislation promised in respect of the banks?

**The Tánaiste:** No. The legislation is as laid before the House.

**Deputy Enda Kenny:** So the Tánaiste will not answer any questions.



**An Ceann Comhairle:** I call Deputy Gilmore. Deputy Kenny may raise these matters on Question Time.

**Deputy Paul Kehoe:** The Tánaiste wishes to answer.

*(Interruptions).*

**The Tánaiste:** I would be more than happy to answer questions. However, this is the Order of Business.

**An Ceann Comhairle:** Leaders' Questions are not taken on Thursday mornings.

**Deputy Paul Kehoe:** This is an important issue on which the Tánaiste has refused to answer a question.

**An Ceann Comhairle:** There are several important issues. That is not my fault.

**Deputy Michael Creed:** Leaders' answers are not provided on Tuesdays or Wednesdays.

**Deputy Pádraic McCormack:** This might be the final Thursday on which the House sits.

**Deputy Eamon Gilmore:** The Tánaiste informed the House that it was intended to place in the Oireachtas Library the annual report of Anglo Irish Bank and the PricewaterhouseCoopers report. I interrupted her reply to ask when this would be done. I ask her to clarify when these reports will be made available to Members.

I asked the Tánaiste if the Taoiseach would take the opportunity of making a statement in connection with a report that he held a private meeting with the board of Anglo Irish Bank. I have submitted to the Ceann Comhairle a Private Notice Question on that matter and do not wish to pre-empt his decision on it, other than to point out to the Tánaiste that it is desirable that the Taoiseach make a statement on this issue as soon as possible, rather than allow speculation to develop in connection with it over the weekend. The Private Notice Question I submitted would allow him an opportunity to do this. Will the Tánaiste indicate whether the Taoiseach intends to make a statement?

*11 o'clock*

**An Ceann Comhairle:** There are methodologies for raising these matters.

**Deputy Caoimhghín Ó Caoláin:** On the same matter if I may——

**An Ceann Comhairle:** The Deputy must be brief and in order.

**Deputy Caoimhghín Ó Caoláin:** Yes.

**An Ceann Comhairle:** The Deputy was not in order earlier.

**Deputy Caoimhghín Ó Caoláin:** I asked the Tánaiste what would be placed before the Houses of the Oireachtas. Will the unabridged version of the PricewaterhouseCoopers report be placed in the Oireachtas Library? On the matter of the so-called “unnamed ten”, it strikes me——

**An Ceann Comhairle:** We will not return to that issue. The Deputy may raise it later.

**Deputy Caoimhghín Ó Caoláin:** The Ceann Comhairle is right that we will not return to the issue. However, it strikes me as strange, given the nature of the Taoiseach who could turn——

**Deputy Dermot Ahern:** Will we include the Northern Bank in that?



**A Deputy:** It is not guaranteed.

*(Interruptions).*

**Deputy Dermot Ahern:** The Deputy has no knowledge of the Northern Bank robbery. What about the money Sinn Féin has in America?

**Deputy Caoimhghín Ó Caoláin:** Given the Taoiseach's failure to turn to——

**Deputy Noel Dempsey:** Will Deputy Ó Caoláin tell the House about the Northern Bank golden circle?

**Deputy Caoimhghín Ó Caoláin:** What is the situation in relation to the Minister for Finance? How could he say there was no interest and not find out what it was that has inspired Deputy Kenny to pursue this matter so relentlessly over the past number of days?

**Deputy Dermot Ahern:** The Deputy has a hard neck.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Ó Caoláin is close to the door.

**Deputy Caoimhghín Ó Caoláin:** Why does the Government feel so comfortable about the whole matter? The problem, I believe, is that it is aware of the full facts.

**Deputy Dermot Ahern:** The Deputy is an arch pontificator.

**An Ceann Comhairle:** I ask the Deputy to resume his seat. This is my final warning.

**Deputy Caoimhghín Ó Caoláin:** A question has not been properly answered.

**An Ceann Comhairle:** I will have ask Deputy Ó Caoláin to leave. He is close to the door.

**Deputy Caoimhghín Ó Caoláin:** I have to leave at any rate.

**An Ceann Comhairle:** That may be just as well.

**The Tánaiste:** The first document, the annual report of Anglo Irish Bank, is a public document which will be made available when published. The second document to which the leader of the Labour Party referred is the PricewaterhouseCoopers report which will be laid before the Houses. I assume the documents will be laid before the Houses simultaneously but I will discuss the matter and advise the Deputy of the position straightaway.

**Deputy Fergus O'Dowd:** Will it be published on the Internet?

**The Tánaiste:** As I indicated, the annual report will be published and made available tomorrow. Everyone will be able to read it as it is a public document.

**Deputy Pat Rabbitte:** Will it be available in Irish?

**Deputy Michael D. Higgins:** Will it have a photograph of the Taoiseach on the cover?

**An Ceann Comhairle:** Allow the Tánaiste to answer the question, please.

**The Tánaiste:** On the other issue, which is not appropriate to the Order of Business, aspersions are being cast on the Taoiseach to the effect that it is inappropriate, as part of our

day-to-day work, to have a social occasion or dinner with a particular company or companies, banks or otherwise. This is the normal day-to-day work of the Taoiseach, Minister for Finance and other Cabinet Ministers.

**Deputy Brian Hayes:** The Order of Business is about legislation, not Facebook entries.

**The Tánaiste:** I am sure the leaders of the Opposition parties also do what is appropriate.

**Deputy Ciarán Lynch:** The Housing (Miscellaneous Provisions) Bill has not come before the House this week as scheduled. When will it be taken in the House?

Given the backlog in the legislative programme caused by the introduction of a raft of emergency Bills in the House, will the Tánaiste, Taoiseach and Whip consider extending the sitting time of the House before the summer? Will the Government consider arranging for sittings of the House to clear the backlog during the scheduled Easter recess and break for St. Patrick's Day?

On the recent discussion about the compellability of witnesses before Oireachtas committees, is the Government considering introducing legislation on compellability and the powers of Oireachtas committees? In the event of constitutional difficulties arising in this regard, as has been indicated in a number of reports, will the Government consider holding a constitutional referendum on the date of the local and European elections to iron out and correct anomalies in legislation to ensure committees can fully perform their functions?

**The Tánaiste:** As the Deputy will be aware, legislation taken in the House yesterday ran on with the unfortunate result that debate on the Housing (Miscellaneous Provisions) Bill could not commence. Subject to the agreement of the Whips, I understand the legislation will come before the House in the week after next.

On compellability, while the Government has not received a request to introduce legislation on the matter, it will consider the issue if a committee of the House requests the introduction of legislation.

**Deputy Ruairí Quinn:** Two Bills are required from the Department of Education and Science. The Chairman and members of the Joint Committee on Education and Science have been informed that Committee Stage of the Student Support Bill cannot advance because the Department wishes to introduce a series of amendments. Students depend on the enactment of the Bill to have rationalisation of the grants system proceed. Will the Tánaiste advise what course of action Opposition Members can take on behalf of their constituents to advance the Bill?

Two primary schools established in north County Dublin under the aegis of the VEC are currently illegal and do not enjoy legal cover. The Minister has not made an order under existing legislation to provide such cover on a temporary basis. When will the relevant legislation be published and debated?

**The Tánaiste:** I will discuss the position regarding the Student Support Bill with the Minister for Education and Science and revert to the Deputy on the availability of Government amendments. On the education (patronage) Bill, which the Deputy is anxious to have before the House, it is anticipated that heads of the Bill, which are at an advanced stage, will be available this month, with publication expected in early spring.

**Deputy Denis Naughten:** On primary legislation, following the withdrawal of the education Ireland Bill, the Minister for Education and Science informed me the legislation would be merged with the qualifications (education and training) Bill, the purpose of which is to amalga-

[Deputy Denis Naughten.]

mate the National Qualifications Authority of Ireland, HETAC and FETAC. Will the Tánaiste ensure the legislation is expedited given the potential for the Exchequer to gain additional income from the regulation of this sector, including education?

I am disappointed that for the third day in a row none of the Green Party Ministers considered it worthwhile to come into the House today. I have questions on secondary legislation in two areas which fall within the remit of the Minister for the Environment, Heritage and Local Government. When will secondary legislation be introduced regarding the designation of bogs and the banning of turf cutting on them? I understand that that secondary legislation is to be brought before Cabinet and then before the House. When will we see it?

Following from the European Court of Justice decision on the environmental impact assessment directive, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, indicated that he would introduce secondary legislation requiring EISs for agricultural construction. When will we see that secondary legislation?

**The Tánaiste:** It will probably be next year before the education legislation is available. I will ask the Minister to revert directly to the Deputy on the two items of secondary legislation.

**Deputy Simon Coveney:** Yesterday Bord Gáis entered the domestic electricity supply market very aggressively. I will be in order if the Ceann Comhairle gives me a chance. As a result of that we are seeing quite significant reductions in the cost of electricity for house owners, which is good. The Government, through both the Taoiseach and the Minister, has promised an energy price review that will result in reductions of up to 15% in electricity costs. We now have the crazy situation whereby the ESB through a regulated price is being prevented from competing with Bord Gáis and is losing market share at a time when two large energy companies could be competing on price to drive price down. When will we get a result from the Government's energy price review, which has been promised and may require regulation?

**The Tánaiste:** There is no legislative requirement.

**Deputy Simon Coveney:** There is a regulatory requirement.

**The Tánaiste:** The energy price review is moving on and progressing very quickly. When regulations are needed they will also be introduced very quickly.

**Deputy Simon Coveney:** They are needed today.

**An Ceann Comhairle:** I should explain that when questions are asked on secondary legislation, which are quite legitimate questions of course, the Taoiseach, Tánaiste or whoever is standing in for either may refer the answer to the question to another day in accordance with Standing Orders because there are so many regulations, directives and so on.

**Deputy Simon Coveney:** On that point, the Tánaiste is representing the Government today.

**An Ceann Comhairle:** Yes.

**Deputy Simon Coveney:** This is something that was promised by both the Taoiseach and the Minister.

**An Ceann Comhairle:** I am just outlining the situation with secondary legislation.

**The Tánaiste:** I cannot give a date yet because the review has not been completed.

**Deputy Brian Hayes:** On a point of clarification, Deputy Ciarán Lynch asked the Tánaiste a very important question on the compellability of witnesses appearing before committees of this House. In her reply she said that if the Government received a request it would consider the matter. My understanding is that the Government made its views on this matter known through the Chief Whip last weekend when he said the Government would be favourably disposed to such a request. Given the urgency of this matter and that a very small elite group of people regard themselves as being above and beyond the law and unable to come before the committees of this House to answer questions from the elected Members of Dáil and Seanad Éireann, would the Tánaiste not agree that the Government needs to make an urgent decision and that legislation is required to ensure our committees have proper powers in order to ask appropriate questions to persons they chose to request to appear before those committees?

**An Ceann Comhairle:** In the first instance this is a matter for the committee concerned. It must formally request the power to compel. I am not sure that that has happened. I will allow the Tánaiste to answer the question on compellability.

**The Tánaiste:** Let me say——

**Deputy Seán Barrett:** New legislation is required.

**Deputy Brian Hayes:** The context for this the comments made by the Chief Whip over the weekend, where he clearly stated, as a representative of the Government, that there would be a favourable response.

**Deputy Noel Dempsey:** If a request was made.

**An Ceann Comhairle:** I am merely outlining the procedure.

**The Tánaiste:** A Cheann Comhairle, you are correct. No formal request has been made. That being said, this matter was discussed among the Whips. Legal advice is being obtained and I believe the Whips will discuss the matter further next week.

**Deputy Brian Hayes:** There is no view from the Government.

**Deputy Enda Kenny:** Is the Minister for Finance or any other representative of the Government available to provide a further update on the liquidity of Irish banks at an appropriate time?

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

**The Tánaiste:** Yes is the answer. It can be done.

**Deputy Joe McHugh:** I refer to No. 61 on Tuesday's Order Paper regarding Duchenne muscular dystrophy. I wish to acknowledge the Tánaiste's own personal attention to this matter. I request Government time to take this debate. Since my colleagues and I tabled this motion four months ago, circumstances have changed. Time is now running out for boys nearing the age of 18 and it is a life and death situation. We need a debate on whether we are going to ring-fence money and follow up on commitments made two years ago. I ask the Tánaiste to allow Government time on this very pertinent and important issue.

**Deputy Andrew Doyle:** On the same matter, members of the Joint Committee on Health and Children have unanimously supported funding for the exon skipping trials. Existing legislation will not allow this to happen. There is a genuine willingness to do this. It needs to be

[Deputy Andrew Doyle.]

moved on. Research has established proven benefits for the people who have undertaken the trials. I urge the Government to speed this up.

**An Ceann Comhairle:** As this is a request for Government time arising from an item on the Order Paper, the question is in order.

**The Tánaiste:** I am very familiar with the issue, which is a very serious one. The Whips should discuss the matter to see if it can be facilitated.

**Deputy James Bannon:** With the 2012 Olympic Games to be held in London fast approaching and given the cutbacks in sports funding which are crippling Irish sport through lack of coaching and other facilities, when can we expect the Irish Sports Council (amendment) Bill to come before the House?

**The Tánaiste:** Later this year.

**Deputy Mary Upton:** Yesterday in my constituency there were two events, one violent and the other potentially violent. In one case a man was gunned down in cold blood — the sixth gun murder so far this year. In the second one a viable explosive device was found under a car with the potential to explode and cause serious damage or death. Are there any plans to increase the Garda's power of surveillance or for a witness protection programme?

**An Ceann Comhairle:** Is legislation promised in this area? If not, I will need to ask the Deputy to raise the matter for discussion on the Adjournment.

**The Tánaiste:** The covert surveillance Bill would be the relevant legislation, which will be taken later this session.

**Deputy Joan Burton:** The Tánaiste spoke earlier about the possibility of compellability legislation. Could we include in that a mechanism to compel the Green Party Ministers and Members to attend the Dáil occasionally? Would the Government be prepared to consider that?

**An Ceann Comhairle:** Of course the content of legislation may not be discussed on the Order of Business.

**Deputy Eamon Gilmore:** The scope of the legislation.

**An Ceann Comhairle:** It does not matter whether it is green, yellow or black.

**Deputy Joan Burton:** We will wait until we get the motion from the committee.

When will the legislation to amend the National Pensions Reserve Fund come before the House? On Tuesday I asked the Taoiseach about people who are wards of court and have funds managed by the courts system. The difficulty is that many families are worried about what his happening to the funds and whether parts of the funds and equities have been lost.

**An Ceann Comhairle:** I talked about preambles and epilogues before.

**Deputy Joan Burton:** When that legislation or the other possible legislation that the Minister referred to yesterday is being brought in, would it be possible to include some mechanism whereby the regulatory and information systems cover that issue so that families in that situation can readily get information that they can understand? They are finding it very difficult.

**An Ceann Comhairle:** I have explained a number of times that this is not Question Time. The details of the measures do not fall within the ambit of the Standing Orders. That is the problem. That really is a problem of course.

**Deputy Joan Burton:** I thank the Ceann Comhairle. However, it is a big issue for the families involved.

**An Ceann Comhairle:** The Deputy can understand my problem.

**Deputy Joan Burton:** I just want to mention it so that the Tánaiste is aware of it.

**An Ceann Comhairle:** The Deputy is not supposed to mention it. That is the problem.

**Deputy Joan Burton:** The Chief Whip did come back to me about it.

Yesterday during Question Time, the Minister for Finance said he had received on Tuesday a significant report on the reform of the regulatory sector. Will any arrangements be made to brief Opposition parties on this? From the tenor of what the Minister said, and said on other occasions, he clearly intends to introduce new legislation on the regulation of the banks and finance in Ireland. Could we get an indication from the Tánaiste if she has a time line for that legislation?

**The Tánaiste:** On the National Pensions Reserve Fund legislation, it will be dealt with the week after next. Regarding wards of court, as the Deputy knows, the Minister spoke to her personally and indicated that equities were no longer used and the President of the High Court looks after wards of court. On the reform of the regulatory sector, a Bill will be brought very quickly to the Government. After it has made its decision any additional legislative measures required will be introduced.

**Deputy Michael D. Higgins:** Last week I asked about ports legislation. I raise this issue because there is a Bill on port authorities and companies currently before the Seanad. My question is on the list and concerns the foreshore (amendment) Bill. Since I raised this issue I have received communication that this Bill will deal primarily with fisheries. On the other hand, the ports legislation which is currently before the Seanad has a clause in it which mentions the acquisition and disposal of property. However, we are left with a net issue. Which part of the Bill will govern the reclamation of land from the sea for port development? This is an issue which arises in all of the port development proposals made to Government. I am trying to be of assistance. When will we have the foreshore (amendment) legislation? Will it deal exclusively with fisheries issues or will it be able to address the issue——

**An Ceann Comhairle:** The Tánaiste cannot possibly know that.

**Deputy Michael D. Higgins:** ——of port authorities reclaiming land from the sea and proposing to develop or even dispose of it when in fact they have no clear title?

**The Tánaiste:** The issue is quite complicated as a decision has been made to divide the responsibility for foreshore between the Department of Agriculture, Fisheries and Food and the Department of the Environment, Heritage and Local Government. All aspects of fishery harbour development and anything attached to the fisheries and seafood sector will remain within the Department of Agriculture, Fisheries and Food. Everything else will be transferred to the Department of the Environment, Heritage and Local Government, which includes all of the commercial decisions which have to be made, alternative energies and other matters.



[The Tánaiste.]

That Bill has not yet been completed but the Department of Agriculture, Fisheries and Food will continue to process all foreshore applications until such time as its powers have been transferred to the Department of the Environment, Heritage and Local Government.

**Deputy Michael D. Higgins:** Who processes foreshore licences?

**The Tánaiste:** The best thing is for me to ask the relevant official to make himself or herself available to the Deputy.

**Deputy Andrew Doyle:** No. 2 on the legislative list is the industrial relations (miscellaneous provisions) Bill to amend the law regarding JLCs. This is causing a number of problems in the catering industry and in restaurant and bars located outside Dublin and needs to be harmonised. In view of the fact we are entering the tourist season, can this Bill be brought forward as quickly as possible?

A Bill on the sale of alcohol is expected to be published in the middle of the year but needs to be addressed much more quickly. Does the Government intend to proceed with a Bill to increase funding from the Exchequer for the George Mitchell fund?

**The Tánaiste:** The industrial relations (miscellaneous provisions) Bill is scheduled for this session but the issue the Deputy raised is being dealt with now by the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Billy Kelleher who has amalgamated—

**Deputy Andrew Doyle:** Can it be dealt with by way of an amendment without coming before us?

**The Tánaiste:** I do not think so. It refers specifically to the regulatory framework of NERA. The other aspect the Deputy is discussing has been dealt with by the Minister of State, Deputy Kelleher, between the unions and employers. On the second issue, a Bill on the sale of alcohol is scheduled for the middle of the year. On the final issue, it is intended to move ahead with the George Mitchell scholarships.

### **Anglo Irish Bank Corporation (No. 2) Bill 2009: First Stage.**

**Deputy Joan Burton:** I move:

Bill entitled an Act to provide for the appointment of an inspector into the affairs of Anglo Irish Bank Corporation Limited; and to provide for connected matters

**An Ceann Comhairle:** Is this Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Pat Carey):** No.

Question put and agreed to.

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

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

Question put and agreed to.



**Juries (Amendment) Bill 2008: Leave to Withdraw.**

**An Ceann Comhairle:** I call on Deputy Aengus Ó Snodaigh to move the motion.

**Deputy Aengus Ó Snodaigh:** I move:

That, notwithstanding anything in Standing Orders, leave be granted to withdraw the Juries (Amendment) Bill 2008.”

Question put and agreed to.

**Treaty of Amsterdam: Referrals to Joint Committee.**

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

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

a proposal for a Council Decision on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2008/XX/JHA,

a copy of which proposed measure was laid before Dáil Éireann on 28th November, 2008, be referred to the Joint Committee on Justice, Equality, Defence and Women’s Rights in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 25th February, 2009, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.”

Question put and agreed to.

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

That the proposal that Dáil Éireann approves the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council that it wishes to take part in the adoption and application of the following proposed measures:

(i) a proposal for a Regulation of the European Parliament and of the Council concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EC) No. [. . .] [establishing the criteria and mechanisms for determining the Member State responsible for examining the application for international protection lodged in one of the Member States by a third-country national or a stateless person]; and

(ii) a proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person,

copies of which proposed measures were laid before Dáil Éireann on 5th January, 2009, be referred to the Joint Committee on Justice, Equality, Defence and Women’s Rights in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than

[Deputy Pat Carey.]

25th February, 2009, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.”

Question put and agreed to.

**Financial Emergency Measures in the Public Interest Bill 2009: Order for Second Stage.**

**An Ceann Comhairle:** Before we begin, I wish to clarify for the benefit of member the application of Standing Order 56 on reopening the debate on a matter discussed in the last six months. It might appear that the Second Stage of the Bill following so immediately after the Private Members’ motion on the economic crisis, which concluded yesterday, is in breach of Standing Order 56. That is not the case. There is a hierarchy of matters before the House in which Bills take precedence over all other matters. For that reason, debate on a Bill cannot be precluded by an earlier debate on a motion which addressed the same topic.

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

Question put and agreed to.

**Financial Emergency Measures in the Public Interest Bill 2009: Second Stage.**

**Minister for Finance (Deputy Brian Lenihan):** I move: “That the Bill be read a Second Time”.

As I said in this House last Tuesday evening, we are now fighting for the economic future of our country. The global financial crisis, the worst in 70 years, is having a profound effect on our banking and financial sector. As a small trading nation, we are exceptionally vulnerable to the serious worldwide recession with a contraction in economic activity on a scale not seen for many decades. Three successive years of economic contraction are in prospect, something we have never had to face before in our history.

The effect on the public finances is most serious. The Government must borrow €18 billion this year at far steeper interest rates to finance capital spending and also to meet the current budget deficit. In other words, we will have to borrow €4,5 for every man, woman and child in this State. Over a quarter of our current bills, including pay, will have to be paid for by borrowed money. The national debt is likely to rise to over 45% of GNP and spending on interest costs will come to €4.5 billion, or 12% of total tax revenue in 2009. This is dead money that should be going to pay for the public services we need. In short, this country faces exceptional circumstances and we must take exceptional measures in response. The Government cannot afford to delay.

The Government did achieve agreement with the social partners during our discussions on the scale of the problems we face and on the need for urgent and radical action to restore stability to our public finances. As the House knows, it was not possible for the unions to agree to our proposals for addressing our fiscal difficulties. In the circumstances we face, we have no option but to take clear and decisive action in the public interest to deal with these major problems. We are determined to remove the threats to the stability of the Irish economy and the long term interest of the Irish people. The nature and scale of what confronts us are such that painful decisions must be implemented as a matter of urgency. Failure on our part to act now would lead to an unsustainable level of public debt.

It is difficult to understate the seriousness of the position. The budgetary difficulties are a severe challenge to us as a country and as a people. However, I can assure Deputies that the Government is determined that this challenge will be met. Without stability in our public

finances, there is little or no prospect that Ireland will be in a position to take advantage of any future recovery in the world economy.

The framework we agreed with the social partners last month set out a shared perspective on the priority to be given to the stabilisation of the public finances through an equitable approach reflecting agreed principles in respect of both public expenditure and taxation. These include achieving an adjustment of €2 billion in 2009, measures to secure in the short term the stabilisation of the economy, maximising economic activity and employment, stabilising the financial and banking sector and helping those who lose their jobs. We will work together to implement a reform agenda involving building Ireland's smart economy, upskilling those in the labour market, delivering public service reform and finalising a comprehensive framework for future pension policy. The need to eliminate the current budget deficit by 2013 at the latest has been set out in the fiscal plan submitted to the European Commission.

As a first step in the process of adjustment agreed in the document, the spending reduction of €2 billion is required immediately. It was not possible to reach agreement on the details of the required measures and the unions were not in a position to agree to the pension-related deduction for public service workers. The Government, therefore, needed to take action in the national interest. For this reason, I am introducing the Bill.

The Bill provides for four of the measures to reduce or control public expenditure that were decided by the Government on 3 February and announced by the Taoiseach. These are the pension-related deduction of 7.5% on average on the total earnings of all public servants to realise savings of €1.16 billion in 2009 and €1.35 billion in a full year, the reduction in fees for certain professional services to realise savings of €67 million in 2009 and €80 million in a full year, the changes in the early child care supplement to reduce the payment from €1,104 to €996 per annum and to set a new age limit for payment of five years to realise savings of €51 million in 2009 and €77 million in a full year and the deferral of certain payments under the farm waste management scheme.

It is clear that the Bill calls on a number of sectors within the economy to make a contribution to the adjustment measures that are so urgently required. It is not just the public service that is being asked to contribute, as the burden is being spread more widely. Given its relative size, the public service pay and pensions Bill must be part of the measures taken and the Government expects that the public service will be willing and able to play its part in the overall economic recovery.

Public service pensions are secure, particularly when compared to the recent severe loss in value suffered by many private sector pension plans. In light of this fact and the overall budgetary position, the Bill proposes that all public servants serving on or appointed after 1 March 2009 will have an additional pension-related deduction of their annual pay with effect from 1 March 2009. This change is estimated to raise €1.16 billion in 2009 and €1.35 billion in a full year.

Pension reform, both in the public service and among the wider working population, is one of the central policy challenges facing governments internationally and will remain so for the coming decades. Improved longevity has placed us in the welcome situation whereby Irish people now expect to enjoy longer, healthier retirements. However, those social benefits bring with them costs to the individual, employers and the Exchequer. These demographic effects are already placing a strain on our public finances. Over the next ten years, the number of people over the age of 65 years is expected to increase by approximately 50% and it is estimated that the ratio of workers to pensioners will fall from approximately 6:1 today to 2:1 by 2060. A smaller proportion of our population will be working and will need to bear a greater burden.

[Deputy Brian Lenihan.]

The issues surrounding long-term pension policy and the pressing problems of private sector pension schemes in the here and now are complex. The Government has published its Green Paper on pensions and has engaged in an extensive public consultation process that has served to underline the difficulties we face. The Government is at an advanced stage in its development of a new and comprehensive long-term pensions framework, which we aim to bring forward shortly and that will give greater clarity to future policy. Those broader pension issues are for discussion another day, but they serve to underline the importance for the Government of taking decisive action early to ensure that when Ireland emerges from the current difficulties, pension policy is on a sound and sustainable footing.

The Government values public servants and is committed to providing them with good pension arrangements. Such arrangements will continue to be a defining feature of employment in the public service. While there has been significant reform of public service pensions following the work of the Commission on Public Service Pensions, the process of modernising and restructuring the system must continue in light of demographic and budgetary realities that pose a future risk to the public finances. In 1997, expenditure on public service pensions was 1.6% of GNP. By 2027, it is expected to account for 2.6% of GNP and 3% by 2050. Of course, long-term projections are notoriously difficult to make, but the core point remains valid in that the costs of public service pensions, relative to national output, will double in the medium term and will continue to rise. It is both important and fair that public servants make a significant contribution now towards this cost.

The pension-related deduction is a reasonable and reasoned response to a critical and deteriorating situation. The measures we are taking hurt, but they hurt far less than other measures, including across-the-board pay cuts, large tax increases and redundancies. My Government colleagues and I are aware of the important role played by the public service and are conscious of the natural concerns of public servants regarding this measure. However, we must all be prepared to contribute.

The claim has been widely made that the pension deduction is unfair and falls too heavily on the lower paid. This is not the case, as the deduction is progressive. Those on higher incomes will continue to pay proportionately more than those on lower incomes. For example, taking account of all taxes and other mandatory stoppages — income tax, PRSI, standard pension contribution, the health and income levies and the new pension-related deduction — an unmarried civil servant earning €20,000 per year will pay 11% of his or her gross income in total deductions when the new deduction is introduced. This compares with 43% of gross income for an equivalent civil servant earning €100,000 per year.

It is claimed that the deduction should not apply to non-pensionable pay. However, we have taken the decision that it must do so to achieve the public expenditure savings that this country needs. I want to stress that no additional pension benefits arise from the deduction, but this decision does not alter the pensionability of these elements of pay.

There have been suggestions that due to the integration with the State pension, some public servants on lower pay will not qualify for any occupational pension in addition to the State pension. This is not correct. Following a recommendation of the Commission on Public Service Pensions, a new system of integration was introduced with effect from 1 January 2004 for public service pension schemes. The revised system improved the position for those on lower rates of pay and ensured that every person who meets the requirements of the pension scheme gets an occupational pension, regardless of income.

I wish to outline the detailed provisions contained in the measure. The Bill includes recitals that follow the Long Title and link its provisions to the current economic and financial chal-

lenges facing the State. Section 1 defines “public service body” as including the Civil Service, the Garda Síochána, the Permanent Defence Force, local authorities, the Health Service Executive, the Central Bank, the Financial Services Authority of Ireland and vocational educational committees. The definition also includes primary and secondary schools, third level institutions and non-commercial semi-State bodies where a public service pension scheme exists or may be made.

“Public servants” are defined as officeholders or employees of public service bodies. Members of either House of the Oireachtas, Members of the European Parliament and qualifying officeholders, such as Ministers, the Attorney General, the Ceann Comhairle, the Leas-Cheann Comhairle and Ministers of State are also covered by the provisions of the Bill. Under the Constitution, the President and members of the Judiciary cannot be included in this measure.

“Remuneration” is defined as total earnings, including allowances, over-time or any other like payment payable by or on behalf of a public service body to a public servant for his or her services as a public servant. This definition draws on the definitions in the Taxes Consolidation Act 1997.

Under these definitions, the deduction shall be made from the remuneration accruing from 1 March 2009 at the rates decided, those being, a 3% deduction on the first €15,000, 6% on the next €5,000 and 10% on the remainder. The deduction will not be paid by those with no entitlement to a public service pension. In this context, three conditions broadly apply, namely, a person must be a public servant, be working in a public service body and be a member of a public service pension scheme or analogous arrangement.

Section 4 provides that regulations are to be made in respect of deduction and collection arrangements and the deductions are to be paid into the Exchequer in accordance with the directions of the Minister.

Section 5 provides that, with the exception of members of the Permanent Defence Force who have particular terms and conditions, public servants who have fewer than two years service on 1 March 2009 may, before 1 April 2009, terminate their employment without giving notice if they do not wish to make the deduction. Deductions are to be repaid to those who leave the public service with no preserved pension benefit, namely, those with fewer than two years service.

The Bill provides that no additional pension benefit is conferred by the deduction. The Minister for Finance has power under section 8 to exempt certain groups from the deduction or modify the extent of the deduction if he is satisfied that they are materially distinguished by some particular aspect of their employment terms from others subject to the deduction.

The Taxes Consolidation Act 1997 and the Income Tax (Employments) (Consolidated) Regulations 2001 will be amended by section 15 to ensure the tax deductibility of the payment. Public servants who are making additional voluntary contributions or other pension contributions will not be brought above the relevant limits as a result of the deduction.

The Government decided that the new pension-related deduction would apply to local authority staff. It was also agreed that to realise savings for the benefit of the Exchequer, it is necessary to amend the legislation pertaining to the Local Government Fund. At present, section 4 of the Local Government Act 1998 requires that the Exchequer contribution to the fund be increased annually in line with inflation. Accordingly, section 16 of the Bill repeals section 4 of the Local Government Act 1998 and introduces a new provision under which the annual allocation is agreed between the Minister for the Environment, Heritage and Local Government and the Minister for Finance.



[Deputy Brian Lenihan.]

As I noted, the Government has decided that it is not just public service employees who should contribute to tackling the serious problem of the deterioration in the public finances through a deduction from their remuneration but that professionals who provide services to the Government also should contribute their fair share through an 8% reduction in fees. A twin-track approach will be taken to securing this reduction in professional fees. Administrative steps will be taken by Departments and public bodies who engage the services of professionals through a public procurement process to secure best value for money or who engage professional services on a scale of fees. For professionals such as those engaged under the general medical service who traditionally have had their fees and contracts determined through negotiation, this legislation provides for a separate process for reducing their fees.

My Department will write to all Departments requiring that they and all public bodies under their aegis revise the scale of fees for legal services downward by 8% from 1 March next. The Departments also will be required to review the notice and change provisions of all contracts for all professional services to give notice that there will be a reduction in fees for services of an amount equivalent to an 8% reduction from 1 March. Professionals who are unhappy with this approach will be given the option of withdrawing from their contracts and ending the provision of services.

Sections 9 to 11 allow for savings of 8% reductions in fees. The sections provide for a process of consultation which will allow the Minister for Health and Children or any other Minister to determine payments, taking account of the views of the professionals involved, their contracts, expenses and obligations and the ability of the State to continue to provide health and other services or other services without a reduction of payments to the professionals concerned.

I trust that all professionals, who have and continue to enjoy the benefit of a substantial contribution to their income from taxpayer funds will co-operate fully with the steps now being taken by Government. I intend that the savings will be made by reducing the voted allocation of the relevant Departments and bodies.

Section 12 facilitates the payment of grants under the scheme of investment aid for farm waste management on a phased basis. The early child care supplement, ECS, is a direct, non-taxable payment paid to the parents of eligible children by the Department of Social and Family Affairs on behalf of the Office of the Minister for Children and Youth Affairs. The payment is designed to assist parents with the higher costs associated with caring for preschool children. When the ECS was introduced in 2006, it was payable in respect of all children eligible for child benefit who were under six years of age, the rationale being that six is the age at which school attendance becomes compulsory. The approach ensured that no child would lose eligibility for the payment before starting school. However, most children start school well in advance of their sixth birthday and it is considered that a more targeted approach is appropriate given the pressures on the public finances. For this reason, the age limit for eligibility is being reduced to five years, and the amount payable in respect of each child in a calendar year is being reduced from €1,104 to €996, to be paid in monthly instalments of €83. The savings resulting from these changes will amount to approximately €77 million in a full year.

An annual review of the operation of the measures in the Bill is provided for in Section 13. This will involve consideration of whether the provisions of the Bill continue to be necessary, and the making of findings as the Minister thinks appropriate. A report of the review will be laid before each House of the Oireachtas. Following the enactment of this legislation and the imposition of the pension-related deduction, I propose to make the necessary savings each year by bringing the proceeds to account as appropriations-in-aid in departmental Votes. The net Exchequer grants for the health and education sectors and the local government fund will be reduced by the amount of the contribution, with the proceeds of the deduction remaining with

the relevant bodies and agencies. The funding of these sectors will remain unchanged. For 2009, the changes will be made in the forthcoming Revised Estimates volume.

This Bill asks public servants and other members of the community to contribute to the required expenditure measures. While the changes have been met with concern by many, we must ensure that the sectors covered in the Bill play their part both in pulling the country through the current difficulties and in ensuring that our long-term decisions are based on sound and sustainable policies. Now that the details are publicly available in the Bill I am confident those affected, though they may not agree with it, will understand why it is happening and why it needs to happen. This Bill must be seen in its short-term context in which all those who are able to do so must shoulder some of the burden of solving the current national difficulties. I commend the Bill to the House.

**Deputy Richard Bruton:** I move amendment No. 1:

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

“Dáil Éireann declines to give the Financial Emergency Measures in the Public Interest Bill 2009 a second reading because:

(a) the Government has not set out a fair and balanced five year economic approach covering the correction of the public finances;

(b) the Government has not set out clear proposals to change the policies and personnel executing regulation of the financial services sector to usher in a new culture in banking; and

(c) the Government has not imposed an income cap on bank executives and has not insisted on new boards, new executives or new auditors in those banks that have or are to receive recapitalisation from the State.”.

As the Minister stated, we are indeed at a time of unique crisis in the economy. People seek a fair and balanced strategy from the Government to address the comprehensive range of challenges that we face. The Government has failed dismally to produce such a strategy, which is the reason it is in the dock and is suffering so much misunderstanding and abuse from people. No coherent set of proposals has emerged from the Government that would demonstrate there is a broad-based strategy that is fair in respect of sharing the burden fairly among different sectors, in respect of people’s ability to pay and regarding the extent to which people were complicit in creating the problems we face. Nor has the Government articulated a strategy that would be perceived to address some of the sources of the problems that are the cause of our difficulties. I refer to the loss of competitiveness, the culture in the public finances that has damaged our standing and many other issues. This is the reason there is a sense of extraordinary frustration. As I have stated elsewhere, people perceive the measures under consideration today and on which Members will vote as one leg of a stool that has at least two legs missing. People perceive it to be neither coherent in terms of addressing the problems nor fair in the manner in which it is structured.

It is not simply Members in this House who hold such a view. I refer to a matter for which the Department of Finance must take a great deal of the blame and which can be seen by anyone who reads the addendum to the Irish stability programme update of January 2009. It constitutes our fiscal strategy at present and is all we have. It consists of a table with a few numbers that are not underpinned by analysis of any kind. One does not know from where these figures came, what is the basis for the tax and spending forecasts or which taxes will generate the projected revenues. It is simply stated that on the basis of this flimsy document,



[Deputy Richard Bruton.]

it will be €2 billion this year, €4 billion the following year and another €4 billion the year after. This is not a strategy and if the Department of Finance has sunk so low that it believes this constitutes a strategy with which one can go to our colleagues in Europe or before the Dáil, we are in a sad and sorry state.

Moreover, while the Minister denies the accuracy of the comments that were attributed to officials regarding the European reaction to this response, they summarise my view of it, namely, that these are not ideas that are developed in any shape or form. They are not convincing and we must move on. Equally, while the Government makes heavy play of its smart economy document, that document is pathetic. It is merely a bulldog clip put around documents that Members have seen for the past ten years. It includes no timescales or budgets and nothing underpins it. It is simply a hit and hope document.

The only document that contains chapter heads regarding what might be required is that which was presented to the social partners. While it at least contains chapter heads, it includes neither decisions nor even indications of decisions. Vague principles are set out but there was an absolute expectation that the Government, having failed to generate the hoped-for consensus from the social partners, would have document B, that is, its view, under all these various headings, of how to move forward and what will be done in year 1, year 2 and so on. Such a document would provide a sense of direction and would indicate there was a genuine strategy to deal with the various sections. Many would recognise that section heads had been set out. They included sections on stabilising the public finances, public expenditure reform, taxation, an equitable approach, short-term stabilisation, how the Government was going to deliver the five-year stabilisation framework, a reform agenda, a job retention agenda and so on. We are bereft of any of these.

There was an expectation that the Government had a strategy. Even though it had not secured agreement in this regard, we nonetheless expected to be presented with a comprehensive document that might instil confidence that the Government was moving in some defined direction and that notwithstanding scarce resources, certain issues would be clearly set out for prioritisation so that there would be a sense of where we were going. Even if the Minister did not propose to introduce taxation measures in year one, as he said he would not, we expected some indication of the changes proposed for years two and three. The crucial issue now is that people have the confidence to make investment decisions. However, the Minister knows as well as anyone that people will not make those types of decisions if there is great uncertainty as to the future direction of tax policy. An indication of the likely future trajectory of taxation policy would at least provide a framework within which investment decisions could be made.

I understand the anger of public servants at apparently being singled out. That is one issue. However, the greater difficulty is the lack of a balanced programme of measures to deal with all the challenges we face. When we were discussing the public finances yesterday, I asked the Minister several times what would happen if we are way off-target in year one. If we are unable to live within the borrowing limit of €20 billion, what then is the Government's strategy? Will we see the agenda of "Bord Snip" brought forward so that decisions on taxation can be taken straight away?

The public expected the Minister to set out clearly how he proposes to respond to the different challenges we may face. However, there is an unwillingness to face up to that. I am sure everybody in the House, including Members on the Government side, recognises that the figures published by the Department of Finance are likely to prove wildly optimistic. It seems certain that the savings of €2 billion will be insufficient to contain borrowing at €20 billion. That is the reality. More recent economic forecasts indicate a decline of 6% rather than 4.5%, which would add some €2 billion to public debt. We must get real in regard to where we are

and how we should react to changing circumstances. My party has long advocated the introduction of a fiscal responsibility Bill under which Ministers would be obliged to account to the House for their Department's expenditure after the first quarter and, where it is off target, to set out their proposals to rectify that. Other countries have moved ahead with that type of legislation because they know that getting fiscal strategy right and putting it in a responsible context is vital to the survival of their economies. We have not done so.

What appals me as we debate these issues week after week is the failure of the Government to recognise any culpability on its part. It is as though terrible catastrophes befell us from abroad and blew us away, prior to which we were pursuing sound, sustainable and wonderful policies. If the Minister and those around him believe that, we are absolutely lost. We were not pursuing sound, sustainable and wonderful policies. It is not the case that a storm from overseas blew us off course. The reality is that the Government pursued policies that, as Fine Gael pointed out time and again, were destructive. It is not appropriate for a small, open economy to grow its building sector at the expense of destroying its export trade. It does not constitute sustainable management of public finances to grow public spending at twice the rate of growth of the economy, as was done in recent years. These are basic principles familiar to any first year economics student.

However, the Government dismissed the concerns put to it in this regard and claimed the economy was based on sound fundamentals and that everything should just go on as it was. Its entire general election campaign was built on the illusion that it had some magic formula to make water run up a hill.

**Deputy Brian Lenihan:** Fine Gael offered more optimistic forecasts than we did in the run-up to the last election.

**Deputy Richard Bruton:** The Minister's comment indicates the complete dearth of understanding on the part of the Government. One need only compare the commitments made by the Government in the last election in regard to public spending with its actions in the previous five years. Therein lies the problem. The Government increased public spending at double the rate of growth for five successive years before saying, in the run-up to the election, that it would now take a different approach by increasing public spending only at the rate of growth, as advocated by the Opposition parties. Now, however, the Government seems to be saying that parties on this side of the House were just as foolish as it was.

The reality is that we have been advocating for years something which the Government only took on board in a type of deathbed conversion, namely, the acceptance that the economy could not be run in the same manner as it was in the years leading up to the election. The mistakes for which we are now paying are not to do with the policies tabled in the last general election campaign by Fianna Fáil, Fine Gael, Labour or any other party. The flaws that have caused our current difficulties are the policies the Government pursued from 2001 onward. They were reckless, foolish and have exposed this country to huge risk.

It is imperative that the Minister for Finance faces up to the need for change, beginning with the system under which the budget is put together. The Minister cannot disagree that the budgetary process is bizarre. It chiefly consists of fielding demands from agencies as to their expenditure requirements without any corresponding commitment to deliver services according to contract and on time. There is never any commitment in terms of what will be delivered for the allocated expenditure. We vote the Estimates through without any scrutiny as to whether they constitute the correct priorities. It is no surprise to find, at the end of the year, that the desired objectives have not been delivered. Nobody takes responsibility for these failures. Moreover, the budgetary system rewards failure rather than success. As Professor Drumm observed when he was appointed chief executive officer of the Health Service Executive, the

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agencies which through mismanagement create a crisis in their unit are more likely to attract funds from the budgetary system than those that are a success.

That is the level of chronic dysfunction in our public finances and it is little wonder we have the problems we do. However, the Government has persisted, year after year, in resisting changes to that system. An all-party committee chaired by Deputy Rabbitte put forward proposals some time ago that would have initiated a process of reform. Those recommendations were brushed aside. That is the problem throughout the system. We must focus on revolutionising the budgetary process and affording absolute priority to our exporting sector. We can no longer tolerate the current practices of public utility providers, with the State having the highest electricity, waste management and telecommunications charges in Europe. Any service that is regulated or managed by the Government is a source of significant difficulties in regard to competitiveness. This situation arose over the seven years of looseness in the way the economy was run. High costs have been built into a range of areas and they must be driven down. However, there is no sense that this is what the Government is about. There is no sense that the Government has a prioritisation in terms of the investments it makes and the pressure it applies to companies to deliver. For example, Deputy Coveney pointed out the inconsistencies in the way in which the ESB is regulated, with the result that the opportunity for better and more competitive services is curtailed.

There is no sense of a commitment to change in any of these areas. If the Government showed a determination to abandon property and pensions as the pillars on which the tax system is based and to focus instead on enterprise and innovation, we could begin to have confidence that the necessary changes will be made. We could have hope that it would no longer be all about tax incentives the value of which is largely unknown and which are directed primarily, under the McCreevy dispensation, to pension and property investments which play no part in the resolution of the problems of a small, open economy. If that type of approach were articulated by the Government, we could be confident that it was, at long last, learning from the mistakes made in the McCreevy years. Mr. Rahm Emanuel, the enforcer appointed by the United States President, Mr. Obama, has remarked that we must be sure not to waste a good crisis. That is the challenge we face. This time of crisis must be a time for making radical change in the way we run our economy. The bank regulation system is at the heart of many of the concerns. People consider that the problems we are in stem from the regulatory failures that have occurred in the banking system and they are correct.

Adam Smith is the great father of economics and he taught a lesson that the people who regulate banks have forgotten. Two quotes from him are well worth restating: "It is not from the benevolence of the butcher, the brewer or the baker that we expect our dinner, but from their regard to their own interest" and "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices".

The trouble in our banking system is that people from the same trade have been regularly meeting for merriment and diversion and they have conspired against the public interest. Limited liability is an extraordinary benefit that a society gives business and it has brought great benefits, but it has its duties and responsibilities. In banking we have gone further than that, recognising that banks are of such systemic importance to the economy that the taxpayer will step in when they get into difficulties. Governments of all hues have recognised the need to step in to support banking when it is under pressure because it is so vital to everything we do. How did our regulators not understand and take seriously the sense of duty and that the fact that they should be aware of the problems Adam Smith wrote about in 1776?

**Deputy Brian Lenihan:** Obviously, unlike Deputy Bruton and I, they do not read Adam Smith.

**Deputy Richard Bruton:** Perhaps they do not.

**Deputy Damien English:** I bet they read their reports.

**Deputy Richard Bruton:** The exercise of power in our society must be met with probing scepticism by those responsible for regulating. Instead, it was met with accepting faith. The whole system got far too cosy and they got sucked into believing, as Lord Denning believed, that the appalling vista that the system was perverse could not be contemplated. That is what motivated much of what went on, why people turned in the other direction when strange things took place, why they did not ask probing questions about legal advice and why information rested in the Department and was not acted upon. These are symptoms of a system that is far too close and cosy. It must be changed totally.

We do not want to get into a big debate about institutional architecture, of whether there should be joint, separate or combined boards and who reports to who. What must change is the ethos, the culture, the people, what they believe, what they do and how they react to dysfunction. Ethics must be brought back into the system. I do not want the House to spend six months debating Bills, with institutional architecture changing, when the core issue is to get rid of the personnel, the policies and practices and make a fresh start. That does not need much legislation although it may need someone to set signposts and directions. This should be happening already and I deplore the delay. I am frustrated that the only body examining regulatory failure is the one that failed us, the Financial Regulator. This is not good enough. There must be a break and these things must happen together.

Fine Gael has recognised that public service pay must be addressed. Fine Gael does not support this pension levy but recognises that the underlying issue must be addressed. This must take place in the context of all other elements being addressed. In the Minister's defence of the Bill he states that the contribution by the low paid is fair. His statement refers to the move in 2004, to the effect that those on low pay would not be confined only to an increment over the social welfare pension and that they would get more benefit. I cannot recall the exact provisions made in 2004 but I am surprised that the Minister has not set them out. A porter will pay 4% in PRSI, a 6.5% pension contribution and now the 3% levy. If the Minister believes the arrangement made in 2004 compensates for this burden we need to see those figures presented. If that is the contention of the Minister, that this constitutes fair treatment of such low paid public servants compared to those higher up, let us look at the data and see if he can convince us.

The Department should also publish the actuarial cost of pensions in different categories. My recollection is that the actuarial value of the pension of low paid people was 6%, as calculated in respect of the contribution needed to fund the pension they receive. The contribution required to fund the pension of the Secretary General is approximately 40%. The Minister is asking people on low pay to accept that they pay 3% while the Secretary General pays 9%, with tax relief at 48%. That will not wash and people do not see it as fair. These actuarial tasks should be presented. If this levy is to balance the actuarial value of the pension we give people, we must see these tables as they apply to both sides. We could then begin to have a more meaningful debate about the fair allocation of the pension levy if this information was published.

Over the course of several debates, including the Labour Party motion on Private Members' time, the perverse interplay between the levy and tax relief has been raised. People earning €30,000 will pay a higher percentage than those on €45,000. How is this justified and what changes are proposed to allow for this? It is the amount that is taken out of people's pockets

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that matters to them and the net levy should be the basis on which one assesses the fairness of contributions of this nature. I do not know if the Minister is open to amendment; he seems to have given very little scope for it because he does not provide analysis of how he came to regard these elements as fair in the context of a pension payment. We must see change because people must have a sense that they are not being singled out and that there is fair play. This has not been conveyed.

There are two matters that I cannot figure out in the financial presentation. I cannot figure out how those writing the tax forecasts in January knew exactly what would emerge in February and built into their tax forecasts the correct buoyancy factor to compensate for these payments and the various cuts that were proposed in fees. Any other budget presentation has the gross cost or savings on one side of the measure and the tax buoyancy impact on the other side. They are presented on the same day and people can see them. For some mysterious reason, we are not seeing the tax buoyancy element and we are asked to believe it has been put into a flimsy document which has just one number as far as tax is concerned. It has not been justified.

Where did the saving go from deferring the September pay increase in the public service? This saving has not been recognised in any of the documentation. From a parliamentary question answer it was expected to cost €279 million but it has not appeared anywhere in the flimsy data with which we have been presented.

I will turn now to the fee restraint provisions in the Bill. Everybody recognises that this element of the Bill seems fair in that this is an opportunity to get savings in the various costs taken on by the Exchequer. I am unclear as to the full scope of this. If we are including professional fees, why are we not including rents or other elements of what the State contracts in services? It seems to have singled out certain categories and not others.

The more important question is whether the legal basis on which this money is taken is robust? In the past we have seen cases where a Minister is given the power to be a sort of judge and decide what is appropriate, and this has been challenged. The Oireachtas is the only body that can legislate for what is appropriate but we seem to be giving the Minister the power to decide what is appropriate, albeit after discussions and considering various issues. At the end of the day, the Minister will make these decisions by fiat rather than legislative authority. It is proposed that they will be tabled later and if they are not annulled, they will come into effect. I do not know if this is sufficient to give the Minister the right to rewrite people's contractual agreements. I notice there are many citations detailing how we are in a crisis and that there are greater problems. Perhaps that is designed to say the normal rights of private property are now balanced by public interest issues and, as a result, Ministers have the right to make certain administrative decisions.

I would like to ensure these will not be challenged. I have not had the time to consider the matter but I recall that when the HSE made similar moves to unilaterally alter the terms and conditions of pharmacists, there were very significant problems and the HSE ultimately had to back down on the basis that the matter was legally doubtful. The Minister should clarify the basis on which this power has been given to the Minister and whether it is adequately overseen by the Oireachtas in constituting legislation that is not vulnerable to challenge in the courts.

I will finish where I started. We recognise the country is in a deep crisis, that we must make significant savings in the public finances and that savings in the public service pay bill will inevitably be a part of this. We also recognise that the country will not be governable unless there is a sense that contributions are being made from people right across the range and there is a credible broader economic strategy, which will lead to people having the confidence to make decisions and spend their money. Until we get that in place, this measure will be seen as



isolated and will not command the necessary public confidence. We must think again and put measures like this in a much broader and fairer context.

**Deputy Joan Burton:** Everybody knows there is a great and understandable amount of anger among public servants and their families. It is not that they are unwilling to share the burden but they resent being scapegoated and singled out by Fianna Fáil to share all the burden.

It is important to note that many public servants looked to Fianna Fáil as a one-nation party that considered the interests of both private and public sector employees. In terms of its policy making, it now seems set on driving a wedge between different categories of workers. In the example of a nurse married to a foreman on a building site, the nurse is the lesser being than the person in the private sector. From a social harmony perspective, that is a great mistake as we are facing into very difficult times as a country, and it is clear this Government lacks any comprehensive strategy on the economy.

The Minister for Finance is in many ways an apprentice and has been thrown in at the deep end. He does not induce confidence, particularly with the Opposition in this House. More seriously, his actions are not inducing confidence in the markets or the European Central Bank. The Minister may have talked the good talk yesterday in indicating the comments of the Commission relating to the stability pact were soft enough. They were soft enough but these are the usual comments which came from the Commission in the past regarding much larger and more powerful countries in Europe who parted from the strict guidelines set out in the Maastricht and other agreements relating to countries in the euro.

The Minister's speech today lacked conviction in proposing a coherent framework and programme that would get people back to work and money moving in the economy. By getting people back to work, keeping people in employment and getting credit flowing in order to get the economy off the ropes, we could get back to some form of hopefulness and forward thinking. Some 20% of the economy is now on the ropes and we need such action.

What the Minister has chosen as the key element of strategy is deflationary from an economic perspective. This will address part of the fiscal issue but not the key economic issues. To quote Bill Clinton, "It's the economy, stupid" and this is about job creation and credit flow. As a British politician used to say long ago, people must feel the pound in their pockets. In this case it is the euro in one's purse. People must have the confidence to do up their kitchens, paint their spare rooms or put down a new garden, when Dermot O'Neill comes on Pat Kenny's radio show talking about how to build a pergola or something like that. This money, which people should be very confident about spending, employs local people, buys goods from local shops and keeps the flow of VAT and other taxes jingling in the Government's cash registers.

The Minister's actions will not help in this regard, but instead will amount to classically deflationary economics. Perhaps the Minister and the top officials have read it already but, if not, they should read a new paperback on the Great Depression by Galbraith. It is only a short book. This Government is bound hand and foot to taking the same action as the Hoover Administration that made the Great Depression worse.

I found it ironic that in his first budget speech, the Minister for Finance quoted Roosevelt's famous dictum, which is now on the monument in Washington to him and his wife, Eleanor, that we had nothing to fear but fear itself. Fianna Fáil Members, displaying their herd instinct, jumped to their feet to applaud because, in their heart of hearts, they have a feeling Fianna Fáil is a one nation party that should be Rooseveltian. Everything in this speech and these arrangements, however, owes more to the Hoover Administration which made the Great Depression even worse.

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Unfortunately, this is about deflation. I do not know if the Minister gets the chance to read the newspapers, but David McWilliams made the point in a recent article that no economy has ever deflated its wage growth and that the most important factor to bear in mind is that companies that close due to lack of demand do not re-open when times are better. The most crucial objective, therefore, must be to preserve employment.

The distinguished Irish man of letters, and great admirer and defender of Mr. Haughey, Mr. Anthony Cronin, quoted Mr. Micawber's axiom — annual income, £20, annual expenditure, £19/9/6d, result: happiness; annual income £20, annual expenditure £20/0/6d, result: misery. The Minister for Finance has a Micawberish cast of mind in the speech he has just delivered. Mr. Cronin, however, stated that shops and manufacturing businesses of all kinds were closing their doors, people were losing their jobs and some were looking forward with understandable dread to losing their homes as well. He noted that it is apparently easy to confuse fiscal problems with economic ones but by the grimmest and most cruel of ironies, the measures taken to cure the fiscal crisis may finally have the effect of killing the economy, decreasing the level of economic activity still more sharply. He continued by saying that every move that seems to offer alleviation of the one is a blow struck at the other; every euro taken out of the economy and, as in the Minister's speech, "saved" is a euro less in circulation.

This is the conundrum the Government is caught in but it is a bind of its own making. This Government inherited an economy set fair and doing well in 1997 when the rainbow coalition left office. Exports were thriving and employment was increasing at the rate of 1,000 jobs a week when Deputy Ruairí Quinn was Minister for Finance. The economy was set to grow and expand. When Fianna Fáil took over in 1997, until 2000 it broadly continued the policies of the rainbow coalition, which, in turn, owed a lot to the policies of the Fianna Fáil-Labour Government of 1992-4.

In 2000 and 2001, however, former Minister Charlie McCreevy got his head. The then Taoiseach, Deputy Bertie Ahern, decided to let him have his way while the Minister, Deputy Harney, and her former party, the Progressive Democrats, were at the height of their late blossoming before their ultimate collapse. What did they do? They caused a series of bubbles in the economy, creating the untold wealth of the bankers and exempting from taxation critical high net worth people in Irish society. They did not just want low tax, they wanted a no tax economy. So Charlie McCreevy fuelled the boom.

The irony is that when he went to Europe as our Commissioner, although he does not wear the green jersey like Pádraig Flynn, not only did he not regulate the financial markets as the storms gathered over the last three years, but he constituted a considerable barrier in Europe to the reform of regulation of derivatives and financial products. In the irony of ironies, it was unregulated trading in derivatives, of which CFDs are an important sort, that brought the troubles in the Anglo Irish Bank model to their sad conclusion, where the taxpayer is now carrying the brunt, particularly public servants, who are being asked to contribute a special €1.36 billion annually to the cost of bailing out that bank. The saying "in my end is my beginning" can be seen as Charlie McCreevy sits in Europe while the Minister reads out statistics on our likely borrowing. At a time when countries and banks across the globe are trying to borrow in international markets, we are trying to borrow with an incredibly impaired credit rating.

Where is Charlie McCreevy in this picture? Has the Commissioner regulated the credit rating agencies in any way? Has anyone heard him making a speech in which he called for regulation? The agencies, from Moody's to Standard and Poor, are those that during the last seven years of hyper-capitalism gave every kind of bank and venture involving derivatives and financial



transactions that very few people could properly understand an AAA rating. Did they get it wrong? They got it wrong on almost every occasion.

Did that give Commissioner McCreevy pause to say to his fellow Commissioners that a framework should be put in place for these agencies? No. He is still a convinced apostle of total non-regulation, opposing detailed proposals from the Party of European Socialists in the European Parliament, of which the Labour Party is a member, for regulation to be put in place for markets, credit rating agencies and products such as derivatives and sub-prime lending, something the Taoiseach claims we do not have much of, although we have an awful lot of everything else. He is correct about that but we have a lot of everything else.

The National Treasury Management Agency did well when it tried to borrow some time ago because there was a fair amount of demand from the two big Irish banks to make the market. When the National Treasury Management Agency went to borrow, it got a good response but what will happen the next time it goes to borrow? What impact will these rating agencies have? They will have a very unfair negative impact on Ireland's ratings because Ireland is now a byword for a Government which is incompetent, has lost its nerve and its ability to govern and which is deflating its own economy. On every ranking, we are likely to get a very tough time from these agencies.

Now that he is in splendid exile in the Commission, does Mr. McCreevy have any sense of responsibility towards this country and the regulation of financial markets? The answer is "No". The same Mr. McCreevy, as the apostle of no regulation, is probably delighted that public servants will be asked to pay for the fiasco of this economy which Fianna Fáil has brought about and of which he and the former Taoiseach, Deputy Bertie Ahern, are the true architects. The Taoiseach must feel very sorry about his time as Minister for Finance. In fairness to him, when he came into office, the plot and the course had been set by those two captains, Deputy Bertie Ahern and Mr. McCreevy. I understand why he may feel hard done by at times.

I refer to the figures the mandarins put forward. They can try all they like to suggest that this levy is progressive but I wish to refer to a few figures. A teacher working for some time on €39,000 per year will have a loss of pay of €2,030 per year, which is 5.2% of his or her take-home pay. A civil servant on €43,000 per year — €4,000 more than the teacher — will pay a levy of only €1,711, which is 8.98% of his or her take-home pay. A civil servant on €48,000 per year will pay only €1,992, which is 4.15% of his or her pay.

Like Mr. Micawber, I do not know what is this Government's approach to misery, happiness and arithmetic. I do not understand it but in anybody's language, the civil servant on the higher income will pay the levy at a net rate of approximately 4% whereas the teacher on €39,000 will pay at least 1% more in levy in terms of his or her net take-home pay. That is unfair in anybody's language. For the Minister to fail to address that anomaly is to carry into the levy the imperfections, inequalities and inherent unfairness in our tax system.

In a fine piece of parliamentary parsing, the Minister stated further that the levy will apply to all income. The Bill states that remuneration is defined as total earnings, including allowances, overtime or any other like payment payable by or on behalf of a public service body to a public servant for his or her services as a public servant. That means all allowances, all overtime earnings and so on will be subject to the levy but, of course, very few of the overtime or other allowances public servants receive are pensionable or reckonable for pension purposes. Therefore, public servants will pay the levy, in theory, towards their pension. There is no doubt that reform is required in regard to public service pensions and that is a very serious issue. However, this levy will be charged on everything and, in effect, it is an additional tax on public servants.

[Deputy Joan Burton.]

The Minister stated, “I want to stress that no additional pension benefits arise from the deduction, but this decision does not alter the pensionability of these elements of pay.” That is very fine phrasing and it must have taken somebody in the Department of Finance a long time to work out the wording of that paragraph. Basically, what it means is that one will pay the levy on all one’s income, including allowances and overtime, but that one will get no additional pension benefits. It will not go into a fund or be set aside so that in, say, five or seven years’ time, public service workers can say they are building up a fund which they loaned to the Government during the hard times but which secures their pensions for them. At least that would be reasonable and sensible. Instead, it will be used and it will be gone.

Not only that, but the Minister is obviously saying that, because overtime, etc., is levied but not pensionable, it is not an argument for making any of those payments pensionable. Given that the lower paid in the public service will pay more in terms of the impact of the levy on their take-home pay than those at the top level and that all income and allowances will be included, many public servants will rightly feel that is inherently unfair. They are right to hold that viewpoint.

I refer to the definition of total earnings, including allowances, overtime or any other like payments. Will the Minister clarify the situation for people working in the emergency services, the Garda, the fire brigade and the Defence Forces who take on special service duties in, for example, a flood or another emergency. They normally get some remuneration. Will that be levied, because that is what the Bill states?

I refer to soldiers in the Defence Forces who serve abroad and who receive additional UN payments. Is it proposed to levy the extra payments the soldiers in Chad receive arising from their UN duties? Is it intended to levy the additional payments soldiers receive for serving with the UN or other forces on peacekeeping and peace enforcement duties? They are important principles the Minister must clarify.

It is difficult, in the context of this levy, to understand how this is a proportionate response in terms of other sectors of society. Fianna Fáil Deputies, backbenchers and a couple of Green Party representatives have publicly beaten their breasts about the behaviour of bankers. Some have suggested bankers committed economic treason. The Labour Party proposed that the pay of people in the financial services sector and in institutions guaranteed by the Government’s bail-out should be capped at the same level as the combined pay, emoluments, allowances and privileges of the Minister for Finance. The combined salary and expenses package of the Minister comes to around €260,000. He also has a chauffeur driven car and various other allowable expenses. If this measure were adopted the pay of bankers would be capped at around €300,000. I do not believe many bankers could picket and claim to have been reduced to poverty if their incomes were capped at a level comparable with that of the Minister for Finance. Why should they expect more?

If the Minister had a notion of social solidarity in mind he could have used this Bill as a vehicle to implement the arrangement suggested by the Labour Party. Instead we have been told that a committee consisting of the great and the good, all either Secretaries General of Departments or other eminent people, are looking at the issue of bankers’ pay. Like a dog with no teeth chewing a bone, the committee has chewed on this bone nearly three months and has not got to the meat and marrow of the issue. We have heard nothing from the committee.

The Fianna Fáil Party has become detached from reality. In my constituency some 1,200 people in SR Technics were told last week that they will lose their jobs and they do not know what sort of redundancy scheme will be in place. At the same time, some bankers have appeared in the media complaining that they will have salaries of less than €2 million this year.

Fianna Fáil would like to pit public servants, including nurses and teachers, against their spouses in SR Technics; many workers in SR Technics are married to public servants. The Government is suggesting only public servants should help save the SR Technics plant and jobs along with it. If banks can be saved then the SR Technics plant can be saved.

The Government is silent on people in the financial services institutions who earn astonishing sums of money but made very bad decisions and got everything wrong. The Government's approach may be encapsulated by paraphrasing St. Augustine: "Lord we will reform the salaries of bankers at some stage, but not yet". The Government's delivery has been depressing and will deflate, rather than grow, the economy.

**Deputy Michael Kennedy:** I welcome the opportunity to speak on this important Bill, the title of which, Financial Emergency Measures in the Public Interest Bill 2009, sums up the current situation. It is a worldwide economic crisis that we now face and anyone who denies this is living in cloud cuckoo land. Occasionally I believe some members of the Opposition fit this description because they are not facing the reality that an €18 billion deficit faces us this year; that amounts to a minimum of €55 million per day.

I do not profess to be an economist, although I come from the business world, but this type of deficit is unsustainable. No person, company or organisation can sustain expenditure of €55 while earning only €37. To multiply this, Ireland could spend €55 billion this year and take in a maximum of €37 billion, or €38 billion if we are lucky. The Government has formulated a plan to get the public finances back in order; it has been proposed that we will save €2 billion this year and €14.5 billion over the coming four years.

Everyone in this Chamber must put his or her shoulder to the wheel, rather than apportion blame. The last time I spoke here on finance, a couple of weeks ago, I asked the Opposition to recognise the difficulties we face and for all of us to work collectively towards a solution to the crisis. What has happened has happened and it is not just an Irish problem, it is an American problem, a British problem and a European problem. I would have thought that at this stage, having gone through the process with the social partners, all political parties would recognise the severe difficulties we face. The Labour Party is still living in cloud cuckoo land by deluding itself that we do not have this problem. The unions recognise that we must save €2 billion this year and more in future years.

Talking down banks and the economy will not do us any good in Ireland or internationally. The reality is we must live within the financial confines laid down by the European Union. We rely on international investors and bankers to loan us money to allow us trade our way out of the crisis we are in.

I believe certain bank executives have broken laws and I want to see them brought to justice. However, I do not feel that we, as politicians, should make rash statements in this Chamber or outside it that might prove useful to legal eagles in defending bankers in future court cases. The Director of Corporate Enforcement and the Financial Regulator are carrying out investigations and I look forward to their findings as much as anyone in this chamber. However, we must not make rash statements that could facilitate people in avoiding justice.

I agree with Deputy Burton on the salaries executives receive. Regardless of whether it is €2.9 million or €2 million, the amount of money is obscene in the context of how people are suffering at the moment. The Minister has given a commitment that salaries will be investigated and capped — I believe this is necessary and I look forward to the findings of the report. I cannot see how one can justify anyone, whether in Ireland or elsewhere in the world, receiving a salary more than twice what the Taoiseach receives. The report should recommend a salary cap across the board.

[Deputy Michael Kennedy.]

I am sick of comments in this Chamber in the past few days smearing the Taoiseach, the Government and backbenchers. This smear is that somehow we are involved in a golden circle. I remind the Opposition that in the past it has used the little inner circle quite well. While I hesitate to use the name of Dr. Garrett FitzGerald, a man I hold in the highest esteem, and I cast no aspersions on his integrity, he had a major loan paid off by AIB.

**An Leas-Cheann Comhairle:** It is not practice to mention individuals who are not Members of the House in any way that might cause an adverse reaction to them.

**Deputy Michael Kennedy:** I will refrain from doing so and I will state that a former Member of this House who was a leader of a political party——

**An Leas-Cheann Comhairle:** I think Deputy Kennedy actually named the person.

**Deputy Michael Kennedy:** ——had a loan paid back by AIB.

**Deputy Joan Burton:** Was it Mr. Haughey?

**An Leas-Cheann Comhairle:** The same admonition applies to all Members.

**Deputy Joan Burton:** We are a bit confused. Was it Mr. Haughey? That former leader of Fianna Fáil had far more financial issues——

**Deputy Michael Kennedy:** The inference is that all of this is on the Fianna Fáil side and I am stating it is equally on the Opposition's side. To me, this person is no different to anybody else. If it was an ordinary individual I do not think the bank would have been as accommodating. I do not cast any aspersions on the integrity of the person, a man who did great work for this country and who I hold in the highest regard. When one wants to talk about smears and inferences one must balance it.

With regard to the famous builders who were mentioned, I remind Fine Gael that some years ago it had a loan of €3 million or €4 million which was paid off with the help of these same builders. It is ridiculous for Fine Gael to state that this is a one-way process. It used these builders to pay off its loans.

Fine Gael holds fundraising events. It did not have a tent in Galway but it has Fairyhouse races and the dogs in the street in my constituency and in Meath know that every year Fine Gael runs a major fundraiser in Fairyhouse at which its party members wine and dine with the same set of builders the party speaks about. It also holds golf classics and every one of these builders subscribes to its annual golf classics. I do not suggest there is anything untoward in this, I am just making the point that in terms of the criticisms we have heard and the smears thrown around that Fine Gael should look at its own scene.

Speaking about banks and the ins and outs of this, it is my recollection that in evidence which came before tribunals, ingenious methods were used to conceal donations to Fine Gael. I will mention a donation of €127,000 from Ben Dunne which eventually found its way into the Fine Gael bank account in a long and convoluted manner, as did a donation of \$50,000 from Telenor, a Norwegian company. This money went 80 days around the world's banks before it eventually came to the Fine Gael bank account. I do not state there was anything wrong with the donation. I am stating that in terms of fairness and balance, let us consider the issues. Fine Gael also has its "ins" with the banking circles.

Equally, the Labour Party has used builders for fundraisers. Deputy Burton is aware of this in her constituency and in mine.

**Deputy Joan Burton:** No.

**Deputy Michael Kennedy:** I know them. I have seen them.

**Deputy Joan Burton:** Who does Deputy Kennedy know?

**Deputy Michael Kennedy:** I remind Deputy Burton that some years ago——

**Deputy Joan Burton:** I do not know whether the Deputy is allowed to make allegations.

**An Leas-Cheann Comhairle:** Allow Deputy Kennedy to speak.

**Deputy Joan Burton:** If he has allegations let him make them.

**Deputy Michael Kennedy:** ——the front page of the *Evening Herald* had one of the Labour Party's public representatives who was part——

**Deputy Joan Burton:** Why does Deputy Kennedy not make the allegations?

**Deputy Barry Andrews:** Deputy Burton does not mind dishing it out.

**Deputy Joan Burton:** No, there is no such thing.

**Deputy Barry Andrews:** Be consistent.

**An Leas-Cheann Comhairle:** Deputy Kennedy is in possession.

**Deputy Michael Kennedy:** I have the evidence and if Deputy Burton wants me to produce it——

**An Leas-Cheann Comhairle:** I ask the Minister of State and Deputy Burton to allow Deputy Kennedy to make his comment.

**Deputy Joan Burton:** Will Deputy Kennedy talk directly?

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

**Deputy Joan Burton:** Spit it out.

**Deputy Michael Kennedy:** I remind Deputy Burton that some years ago the *Evening Herald*——

**An Leas-Cheann Comhairle:** Deputy Kennedy should make his remarks through the Chair.

**Deputy Michael Kennedy:** ——had a picture of some of the golfing enthusiasts within the Labour Party at a golf course known as Druids Glen.

**Deputy Joan Burton:** Spit it out.

**Deputy Michael Kennedy:** For those who do not know Druids Glen, the green fee is more than the old age pension, to put it in context.

**Deputy Joan Burton:** Fianna Fáil had a gaggle of Ministers at the tribunals taking millions.

**Deputy Michael Kennedy:** The story in the *Evening Herald* listed the support the Labour Party received——



**Deputy Joan Burton:** Really.

**Deputy Michael Kennedy:** —from the same people it is criticising.

**Deputy Joan Burton:** Why did the tribunals not follow up on it if there was something wrong because members of Fianna Fáil were never out of the tribunals?

**An Leas-Cheann Comhairle:** Deputy Burton should allow Deputy Kennedy to make his contribution.

**Deputy Michael Kennedy:** I do not suggest there was anything wrong.

**Deputy Joan Burton:** Thank you.

**Deputy Michael Kennedy:** I am merely making the point in terms of—

**Deputy Joan Burton:** There was nothing wrong.

**Deputy Michael Kennedy:** —balance and fair play that Fine Gael and the Labour Party sought donations from the same people—

**Deputy Joan Burton:** No.

**Deputy Michael Kennedy:** —from whom they accuse Fianna Fáil of seeking donations.

**Deputy Joan Burton:** Nobody from the Labour Party was found guilty before any tribunal unlike Fianna Fáil.

**An Leas-Cheann Comhairle:** Please allow Deputy Kennedy to make his contribution.

**Deputy Michael Kennedy:** No Fianna Fáil person was found guilty either.

**Deputy Barry Andrews:** The Labour Party gave them a tax amnesty.

**An Leas-Cheann Comhairle:** Allow Deputy Kennedy to make his contribution.

**Deputy Joan Burton:** Fianna Fáil has kept the tribunals going for years.

**Deputy Michael Kennedy:** While I am at it now that Deputy Burton has got me going—

**An Leas-Cheann Comhairle:** Will Deputy Kennedy please make his remarks through the Chair?

**Deputy Michael Kennedy:** I am endeavouring to do so.

I remind Deputy Burton, now that she is really getting me on my feet, that when she was last in Government a fundraiser was held at which the by-line was, “get an audience with the Minister for Finance”, who was Deputy Quinn, again on whose integrity I cast absolutely no aspersion. However, the dinner was sold on the basis of getting an audience with the Minister for Finance. I do not suggest that anything untoward happened. I merely make the point that the Labour Party utilised whatever bit of influence it had. When Deputy Burton reflects on this—

**Deputy Joan Burton:** Deputy Kennedy should try to save some jobs in our constituencies. Nothing is being done for the 1,200 people who lost their jobs.

**An Leas-Cheann Comhairle:** Allow the Deputy to speak without interruption.

**Deputy Joan Burton:** Deputy Kennedy cannot even meet the workers. He cannot even help the people becoming unemployed in our constituencies.

**Deputy Michael Kennedy:** I did meet the workers.

**An Leas-Cheann Comhairle:** Allow Deputy Kennedy to make his contribution.

**Deputy Joan Burton:** He is hopeless.

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

**Deputy Joan Burton:** He cannot even meet the 1,200 workers who are losing their jobs.

**An Leas-Cheann Comhairle:** Deputy Burton had 30 minutes uninterrupted to make a contribution. I ask her please to allow Deputy Kennedy.

**Deputy Michael Kennedy:** I thank the Leas-Cheann Comhairle and I assure Deputy Burton that I have met the workers in SR Technics. I met the Tánaiste to discuss the issue. I spoke with various people about this very serious issue. What Deputy Burton and the Labour Party have to offer is zilch to help these workers. They have no constructive plans to do anything to get our economy back on track. They are bereft of ideas. Two weeks ago, the media asked the Labour Party to come forward with costed items to save €2 billion. So far, not alone has the Labour Party not costed anything but it can hardly come up with an idea.

*I o'clock*

I feel for the SR Technics people, 330 of whom are on the dole queues. We must support them but the way to do so is to get our economy and public finances back into shape. It will not happen through the waffle which is how the media described the Labour Party's programmes. At this juncture, we need to get public finances back into order. We need to get our banking system solidified.

**Deputy Kieran O'Donnell:** The Government needs to restore the integrity of the banking system.

**Deputy Michael Kennedy:** Yes, certainly we want the integrity——

**Deputy Kieran O'Donnell:** Deputy Kennedy is not doing it with this speech.

**Deputy Michael Kennedy:** Talking the banking system in general down will only do more damage. We need a stable banking institution.

**Deputy Kieran O'Donnell:** How is this a positive measure?

**Acting Chairman (Deputy Jack Wall):** Will the Deputy please refrain from interrupting?

**Deputy Michael Kennedy:** We do not need the comments made last night by Deputy Tommy Broughan, who referred to pouring €7 billion into a bankrupt bank. What will this do for the status of Ireland? How will the Government and businesspeople be helped by the making of such ridiculous statements in the Chamber?

**Deputy Joan Burton:** Like the Deputy's.

**Deputy Michael Kennedy:** We need to stabilise our banking system. We took the actions that every businessperson in this State knows were correct. We gave the guarantees on deposits——

**Deputy Joan Burton:** It was the greatest disaster ever.



**Deputy Michael Kennedy:** —so ordinary people, retired people, small businesses and local authorities would have their savings protected.

**Deputy Joan Burton:** It was the most disastrous decision ever.

**Acting Chairman:** Please, Deputy.

**Deputy Michael Kennedy:** The Labour Party opted out. I heard Deputy Burton using the term “green jersey”, in respect of which I made an accusation concerning the Labour Party last September. Its members are not even fit to wear their village jerseys.

**Deputy Joan Burton:** I was right.

**Deputy Michael Kennedy:** They would not be fit to wear the blue and white of St. Brigid’s, much less a county jersey or an national one.

**Deputy Joan Burton:** Unfortunately I was right and the Deputy was wrong and stupid.

**Deputy Michael Kennedy:** The Labour Party copped out and shirked its responsibilities. At least Fine Gael believed guaranteeing the deposits in the bank was necessary.

**Deputy Joan Burton:** Unfortunately I was right.

**Acting Chairman:** Deputy Burton should please refrain from interrupting.

**Deputy Michael Kennedy:** You were not right. No country, from the United States to the United Kingdom or any other country in Europe, has agreed with your philosophy.

**Acting Chairman:** Deputy Kennedy should speak through the Chair and not encourage interruption.

**Deputy Michael Kennedy:** I apologise but I wish the Acting Chairman could control his colleague.

**Acting Chairman:** If the Deputy addressed me, perhaps I would not have to.

**Deputy Kieran O’Donnell:** Deputy Kennedy is a chancer.

**Deputy Michael Kennedy:** I listened to Deputy Burton for 30 minutes without interruption.

We must consider those who have lost their jobs, those whose jobs are less than secure and those who have lost a substantial amount of their pension savings.

**Deputy Joan Burton:** We know the Government considered the regulator and gave him a big pay-off of €644,000. We know it thought about the regulator losing his job.

**Deputy Michael Kennedy:** I did not interrupt Deputy Burton.

**Acting Chairman:** Please, Deputy Burton.

**Deputy Joan Burton:** The Government was very nice in that regard and it looked after the bankers who were leaving. They got their money——

**Deputy Michael Kennedy:** Those with no jobs or insecure jobs deserve the support of this House. I recognise that tweaking may be necessary regarding some public servants on the lower scale. I have spoken to the Minister for Finance and believe he will examine the matter.

However, those on middle and higher incomes are making a contribution to their pensions and are not suffering salary reductions. The money being deducted is going into their pension funds. Most of these income earners are reasonable. I met quite a few of them last Saturday, I have spoken to them on the telephone and have received e-mails from them. They want everybody to play their part.

I suggest, particularly to the Labour Party and, to a lesser degree, Fine Gael, that we have the opportunity to get our country back on track. Inaction will let it slip further into the quagmire of financial instability. This Bill will allow us to make the savings of €2 billion, the minimum saving required at present. More savings may be required at the end of the year. Anyone who suggests a different figure is living in cloud-cuckoo-land.

**Deputy Kieran O'Donnell:** I am delighted to contribute to this debate. Deputy Kennedy's contribution was probably one of the most negative——

**Deputy Joan Burton:** It was sad.

**Deputy Kieran O'Donnell:** ——Ballymagash, tripe——

**Deputy Michael Kennedy:** It is the reality.

**Deputy Kieran O'Donnell:** It is tripe and does this House no justice.

*(Interruptions).*

**Deputy Kieran O'Donnell:** I listened to Deputy Kennedy. Would the Chairman mind asking him to refrain from interrupting?

**Acting Chairman:** Please, Deputy.

**Deputy Kieran O'Donnell:** The Deputy contributed absolutely nothing to the debate. I suspect he would not say much of what he said in the House today outside the House.

**Deputy Michael Kennedy:** Would the Deputy have smeared individuals inside this House——

**Acting Chairman:** The Deputies should please refrain.

**Deputy Kieran O'Donnell:** Absolutely.

I am entitled to make my comments. I listened to the Deputy for 20 minutes during which time he did not make one positive suggestion. He just tried to drag everyone into the mud.

**Deputy Michael Kennedy:** We have introduced the Bill.

**Acting Chairman:** The Deputy should please refrain from interrupting. He had his 20 minutes.

**Deputy Kieran O'Donnell:** We, on this side of the House, are trying to restore the integrity of the banking system. Internationally, our banking system is regarded appallingly. I refer to all the banks and the Financial Regulator. What we propose is very straightforward. The Government is charged with looking after the taxpayers' money. The ten individuals associated with the Anglo Irish Bank loans were called the "ten green bottles" this morning. When the bank was being nationalised and when recapitalisation in the order of €1.5 billion was being considered, the Government knew that €300 million, or €225 million, depending on the figure being quoted, was not going to be recovered.

**Deputy Michael Kennedy:** How does the Deputy know?

**Deputy Kieran O'Donnell:** We are told——

**Deputy Michael Kennedy:** The Minister has given a guarantee that every cent will——

**Acting Chairman:** Deputy Kennedy should refrain from interrupting.

**Deputy Kieran O'Donnell:** We have been made aware that the Minister for Finance and Taoiseach said they were aware of the transactions as long ago as March. Furthermore, they said due diligence applied. At the time of the nationalisation of the bank, they knew about the €300 million. Will this be recovered? We are not told it will be.

**Deputy Michael Kennedy:** The Minister has made a commitment to seek recovery of all debts.

**Deputy Kieran O'Donnell:** Ultimately, €300 million could be used for many purposes. An allocation of €7 million has been cut in respect of special needs education. Schools in Deputy Kennedy's constituency and mine are affected. The money could have been used to fund medical cards and a range of measures.

What we are doing is trying to restore the integrity of the Irish banking system. The people are entitled to know the truth about the sharp practice that occurred on the part of Irish Life & Permanent and Anglo Irish Bank. They are entitled to know about the transaction between Irish Nationwide and Anglo Irish Bank.

**Deputy Michael Kennedy:** Who is denying that? We want the same answers.

**Deputy Kieran O'Donnell:** The Deputy did not contribute to that effect.

**Deputy Michael Kennedy:** I did.

**Acting Chairman:** I ask the Deputy to refrain from interrupting.

**Deputy Kieran O'Donnell:** The Deputy contributed pure tripe — Ballymagash — which does this House no justice.

The Irish banking system needs a shot of integrity. International markets keeping an eye on the matter need to be given confidence. Fine Gael proposed that the board members and CEO of the Financial Regulator should resign — this is nothing personal. There needs to be a proper investigation of the regulatory system and we need to show outside markets that we mean business. I will welcome the publication of the PwC report tomorrow and the Anglo Irish Bank report.

When banks were being recapitalised, the only reason for doing so was to have a sound banking system to address the needs of small businesses that were on their knees. In all our constituencies, small businesses cannot obtain credit. Homeowners are under pressure to make mortgage repayments and potential homeowners are having difficulty obtaining mortgages. The documentation on the scheme introduced last Thursday refers to capacity but does not refer to absolute figures. The scheme documentation refers to a 10% increase in capacity for small businesses and a 30% increase in capacity for first-time buyers but it does not give absolute figures. We have problems of a magnitude we have never seen before in Ireland. Our banking system is under pressure and we must maintain a sound banking system. In the process, we must be conscious we do not waste taxpayers' money. That is why we believed Anglo Irish Bank should be wound down rather than continue as a going concern.

**Deputy Michael Kennedy:** No other country has done it so far.

**Deputy Kieran O'Donnell:** That does not mean it is not the correct thing to do. That is the position we have put forward. Money is being put into Anglo Irish Bank and the two main banks without any absolute knowledge. I hope tomorrow's PwC report will shed light on the situation. We came up with a simple concept, namely, to create two good banks, AIB and Bank of Ireland, and transfer the good assets into the two banks and leave the toxic debt in the existing banks. At least then those involved in the international markets would see clean banks and a proper regulatory system. The first step to recovery in any area is to admit where are the problems. One cannot cover them up or deny them because the markets do not believe us. If the money is not flowing from the international markets then we cannot function.

**Deputy Michael Kennedy:** But that would mean old age pensioners would lose their savings.

**Acting Chairman:** Please, Deputy Kennedy. This is not a question and answer session.

**Deputy Kieran O'Donnell:** Absolutely not.

**Deputy Michael Kennedy:** That would be the net effect.

**Deputy Kieran O'Donnell:** No. We do not want taxpayers' money to be used to fund a business that is clearly not viable.

**Deputy Martin Mansergh:** On a point of order, the Bill has nothing whatsoever to do with banking and the entire contribution has been on matters that do not relate to the subject of the Bill.

**Acting Chairman:** I am sorry, but that is not a point of order.

**Deputy Kieran O'Donnell:** With all due respect to the Minister, I have 20 minutes to speak. Deputy Kennedy spoke for 20 minutes. He did not deal with anything relating to the legislation and I am entitled to a right of reply, nothing more.

**Acting Chairman:** Deputy O'Donnell should address his remarks through the Chair.

**Deputy Kieran O'Donnell:** How much time do I have left?

**Acting Chairman:** Twelve and a half minutes.

**Deputy Kieran O'Donnell:** I wish to deal with the issue in context. The cuts, which are emergency measures, are designed to restore financial stability to the economy. I will return to the measures, but first we must examine the matter in an integrated way. We must get funds flowing to small businesses and mortgage holders. We need an integrated approach because nothing happens in isolation. The banks, the public finances and small businesses all operate together. Otherwise, we cannot function.

It is critical that we get funds flowing to small businesses and mortgage holders. Equally, it is critical that we get control of the public finances. However, we should go about that in a way that does not hit the vulnerable. The pension levy leaves a lot to be desired in how it is applied to the lower paid. My view is that people are entitled to see a return for the contributions they make.

Deputy Kennedy's only comment on the legislation was that the Minister will consider tweaking the legislation in terms of the impact on the lower paid in the public sector. The Minister needs to elaborate on that. He must state what exactly he intends to do. He needs to explain

[Deputy Kieran O'Donnell.]

the benefits of the levy. Currently, the lower paid in both the public sector and the private sector are suffering because of the cost of living and exorbitant mortgages. People are concerned about negative equity and being able to meet their repayments, and they have additional expenses.

I note that section 8 gives the Minister power to exempt a class of public servant from the need to make pension levy contributions. I hope that on Committee Stage the Minister will allow us to devise a scheme that is fairer. The Government is going ahead with the pension levy. We, as a party, feel it is unfair and unbalanced, given that people on higher incomes will pay a lesser contribution than people on lower incomes because of differential tax rates. In addition, a single person can pay less than a married person with three or four children because he or she is paying a higher rate of tax. Anomalies such as those need to be ironed out. Section 8 will need to be examined in depth on Committee Stage.

The Minister indicated the pension levy will result in savings of €1.4 billion. Will he confirm whether a freeze on increments due to public sector employees in 2009 is built into the sum of €1.4 billion? The increases would be of the order of €250 million. That matter must be clarified.

We also need to know whether the pension levy will be a short-term or long-term measure. He indicated the matter would be reviewed in the context of how the economy is doing. The pension levy is a financial emergency measure and the definition of emergency is usually something that is designed for the short term to deal with a crisis.

In addition, it is extremely important that we get clarity on a range of issues relating to the banking system. We need to know exactly what is happening in terms of Anglo Irish Bank, the Irish Nationwide Building Society and Irish Life and Permanent because the uncertainty is undermining the economy and the confidence people have in the Government and how the political process works. It is clear that the financial regulation system has failed. Currently, the regulation system is investigating itself. Major questions need to be asked in that regard. The ordinary person who is concerned about his or her job is asking why we are not getting answers and it is important that we do.

The savings in the overseas aid budget of €95 million is regrettable. The cut in that area is far more severe than cuts across other Departments. I hope the Government will live up to its commitment to provide 0.7% of GNP to overseas aid by 2012.

The curtailment of the early child care supplement is regrettable also. The payment is to be reduced by €100 and the payment will cease for children when they reach the age of five and a half years. That cut will affect those who are most vulnerable and have difficulties in making ends meet.

The Government has introduced two levies to date, namely, the 1% income levy that applies to everyone earning more than the minimum wage, and a pension levy that applies to everyone earning €15,000 or more. That is not a significant amount of money. Basically, the pension levy is unfair.

Fine Gael has proposed a different set of proposals to raise the €2 billion that is required. I accept they are tough and that we have made difficult decisions, but they are fair. We propose that no pension levy would apply but that there would be a freeze on increments and pay increases for 2009, which would save in the order of €500 million. We propose pay cuts for everyone earning more than €100,000 in the public sector and a saving of €200 million by ensuring pharmacists dispense generic rather than branded drugs. A windfall tax on energy companies would generate €300 million. In addition, various quangos cost €50 million annually and they should be abolished. Fine Gael has outlined straightforward measures but the Government has come up with ill-thought out, complicated schemes. The original proposals were

published on the basis of gross figures to give them the appearance of being progressive because the more money one earns, the more tax one pays. However, the Government did not realise the major anomalies this would create. People on low incomes will pay a higher levy after tax than those earning a higher income and, ultimately, the level of benefit of the levy to the lower paid is questionable and the Minister must clarify this issue. Those who pay the levy must receive a return and he needs to tweak this.

The Government's measures are rushed. The Minister said greater value for money will be achieved in capital projects. Why will he not carry out a review of the projects and fast-track those that are labour-based to retain jobs? Proper job creation proposals should also have been made. Fine Gael proposed an employer's PRSI exemption to generate new jobs. Why will the Minister not examine other measures to retain and create jobs in various sectors? Reform of the social welfare system has been mooted but, instead, the Government parties announced half-baked measures, which inspire no confidence. They are also not moving properly to restore integrity and trust in our banking system, even though they are the custodians of the taxpayers' money.

The Government nationalised Anglo Irish Bank, which issued non-recourse loans totalling €300 million last year. The taxpayer will pick up the tab for them. Will the money be repaid to the bank?

Fine Gael put forward alternative proposals that are fair, tough and balanced and they do not target the low paid in a severe fashion similar to the pension levy. The Government must, as a matter of urgency, deal with the financial regulation system and provide clarity regarding the ten individuals who secured the non-recourse loans. Above all, it needs to bring forward a job creation programme, show leadership and begin to act as a government.

**Deputy Michael Mulcahy:** I wish to share time with Deputy Kelleher.

As the Title signifies, this is emergency legislation and it is deliberately drafted in this way because it is accepted by all parties that were things normal, such a Bill would not be required. If we begin from that base, we can acquire a better grasp and understanding of what the State needs to do. As the Taoiseach has made clear, the Government will have spending responsibilities this year amounting to approximately €55 billion while tax revenue is projected to be €37 million, which is an unsustainable gap. I am sorry if the Labour Party, in particular, and Fine Gael, to a lesser extent, cannot appreciate that this is a serious position for the State.

It is the job of Opposition parties to oppose and we would do no differently, but if we were in opposition, bearing in mind what has happened, we would be a little more responsible. Over the past few weeks, every Opposition party has engaged in a concerted attempt to talk down the State and undermine confidence in the business community.

**Deputy Kieran O'Donnell:** We are doing quite the opposite.

**Deputy Michael Mulcahy:** The more the business community is undermined and talked down, the more confidence in it will be destroyed. All public services require a vibrant business community to sustain everything. Without healthy companies and people setting up their own businesses and working hard to increase wealth, there will not be revenue for anything. Given the position in which we find ourselves, there is a serious responsibility on all Opposition parties and not only the Government parties to take their obligations to the State seriously. They have fallen short on that responsibility thus far.

**Deputy Denis Naughten:** We will not even try to measure the Government in this regard.



**Deputy Michael Mulcahy:** Part of the way they have done this is to spread the myth that the downturn is an entirely Irish creation.

**Deputy Denis Naughten:** No, it has been caused by Government incompetence.

**Deputy Michael Mulcahy:** They are sleepwalking through the fact that virtually every Western industrialised country is suffering its most severe recession or near depression for the past 40 years. They think Ireland is a unique case and it has done something particularly bad. I invite Opposition Members to visit Japan, Britain or the USA. In January, more than 500,000 people lost their jobs in the USA and every leader, including President Obama, has declared the recession to be the most serious financial crisis facing Western economies since the Great Depression in the 1930s and yet, for naked political reasons, Fine Gael and the Labour Party are spinning the line that Ireland is in the worst position and so on.

The Minister for Finance has clarified, particularly in the context of our banks, which are crucial to the proper conduct of business in the State, that Opposition criticism in the House is undermining confidence in our banks and our reputation internationally in commercial markets and it could do long-term damage to the economy. It is high time the fightback started against these Members, who are completely irresponsible. It is about time they showed a little support to Ireland Inc. and stopped talking it down.

To give some credit where credit is due, as I recall it, the Labour Party voted against the bank guarantee scheme but Fine Gael supported it. There was absolutely no choice at the time but to support the banks and introduce that guarantee. There was virtually a run on the banks at that stage. Lest anyone give the wrong impression that it was just Ireland, they should consider the state of the banks in Britain, including the great Lloyds, Barclays and Royal Bank of Scotland. All of these banks have been brought to their knees by one of the greatest financial shocks the western world has seen perhaps in the past 100 years. We needed to take action and we took action.

We then had the case of Anglo Irish Bank where the Minister made it clear that if this bank failed there would be a systemic risk to the entire Irish economy. It was not just internalised in Ireland because there are counterpart banks all over the world. How would the Opposition like the headline: "Irish bank defaults on its international obligations"? Would any international businessman or businesswoman touch Ireland with a bargepole for the next 20 years? I fully commend the Minister for Finance on what he did on that occasion. It is about time that the Opposition parties started to support the Minister for Finance instead of niggling through every line out of which it possibly can get a cheap headline.

Of course nobody likes emergency measures. I sympathise with those public servants, the majority of whom do a great job. I sympathise with them being faced with the extra financial burden. However, the Government is committed to those public servants. It is committed to their continued employment if at all possible and to providing them with good pensions on their retirement. This is a mechanism necessary to provide them with those pensions. When people have come into my clinic and complained about this levy, I have looked them in the eye and said that I am sorry but that we will do what is necessary for the future of the country and for the future of their employment.

People should be aware that given the scale of that gap between €37 billion and €55 billion, we are in for even more difficult times in the future. The Taoiseach outlined a schedule, of which the European Union is fully aware. Next year there need to be cuts of €4 billion, with further cuts of €4 billion, €3.5 billion and €3 billion in the following years. That is a lot of pain, but that pain must be borne if we want to get Ireland back to a sustainable level and if we want to get people back in jobs, buying motorcars and houses, going to restaurants and enjoying

the type of normal life we have had for so long. However, let us stick to the truth. I accept it is possible to say we should have done more with the property market in recent years. It is very difficult when we do not control our own interest rates.

Another myth that is promulgated is that nothing positive was achieved with all the surplus moneys we had from the Celtic tiger. People conveniently forget the great reduction in our national debt. The Opposition conveniently forgets the money put aside in the pensions reserve fund. It conveniently forgets all the great progress with the new roads, bridges, Luas lines etc. In this difficult debate I call for a little bit of honesty around this Chamber. Let us accept our failings, but let us have the decency, honour and integrity to be honest in one of the most difficult debates of our time. I commend this very important, serious and necessary emergency Bill to the House for the sake of our country.

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** I again welcome the opportunity to speak on these issues. We are in very challenging times. The Bill is entitled the Financial Emergency Measures in the Public Interest Bill 2009. That title sums up the challenges facing the economy. Listening to some of the commentary from both within the House and outside, I feel sad that we do not debate the facts. We do not discuss the situation in which the country finds itself. People continually point internally and claim that everything we are now faced with has arisen because of mistakes we made ourselves. There is a reality that we are in a global recession. There is financial turmoil. The financial institutions of the world are under great stress. Major banking institutions in large economies have gone to the wall. Other countries, including Britain and other European countries, are even finding it difficult to sustain or find funding for recapitalisation programmes. We are facing very challenging times.

People are entitled to their own opinions but must deal with the facts of the situation. The consequences of the challenges facing Ireland are obvious and very painful. We have rising unemployment. In January alone 36,000 people joined the live register. Those people feel the pain of the difficulties in which the Irish economy finds itself and the world recession. Consequent on that is the falling revenue, which is creating great difficulty for the provision of services and sustainable public finances. That is why we are debating this Bill today. The Government and any political party making up Government takes no joy in asking people to make a contribution to their pension, making very unpopular decisions but for the right reasons. If it is explained properly I am convinced that people will respond simply because the country has no choice. We cannot continue to borrow in excess of €18 billion, as we will do in 2009 to fund our current and capital expenditure programmes. That is just not sustainable. A bit of honesty and integrity in the debates by commentators inside and outside the House would help us in trying to address the problems facing the country.

We have made enormous gains as a society and an economy. Until recently we had 2 million people working. We have initiated major capital investment programmes. We have made enormous gains in the areas of health, education and social welfare payments. I accept there are still challenges and difficulties in those areas. Nobody can deny that in the past 15 years of continuous growth we have not made enormous progress in those areas with the provision of social services and infrastructural developments. The improvements in infant mortality and life expectancy prove that we have improved the quality of life for most citizens.

We are now faced with this particular difficulty. I believe in the social partnership model. The social partners were brought in to discuss the particular problems facing the economy. While a framework document outlining savings was agreed unfortunately the unions were unable to agree where those savings would be made. However, everybody at that table believed that we were in a very dire financial situation and serious difficult decisions needed to be made.

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Against the backdrop of no social partnership agreement the Government rightly needed to make these decisions. It stepped up to the plate at a very difficult time and made very unpopular decisions for the right reasons.

We were criticised by the Opposition and I understand the political thrust of parliamentary debate. We were criticised by Fine Gael for engaging the social partners and leading them in a dance for too long. We were berated by the Labour Party for not engaging with the social partnership process for long enough. Fundamentally the Government engaged and reached agreement on a framework document. I know the trade union movement is proposing a social solidarity pact. We will certainly consider all those issues, but fundamentally we had a financial crisis facing us affecting public expenditure in 2009, 2010, 2011 and 2012. We needed to introduce proposals to make savings in those years.

In effect we are here today to ask the public sector to carry a burden. Many public sector workers are angry about that issue. Fundamentally, I must ask people in the public sector to consider the longer term. The State is providing stable employment for those in the public sector. There is guaranteed employment and a guaranteed pension for those in the public sector. Many people in the private sector do not have that opportunity and neither will many tens of thousands in the months ahead. This is not about driving a wedge between the public and private sectors; this is about Ireland as a society and as a cohesive unit asking those who can carry a little bit more to help us get through this very difficult time.

Deputy Burton referred to the inscription on President Roosevelt's tombstone: "The only thing we have to fear is fear itself." We applauded that famous quotation when it was quoted by the Minister for Finance in the Dáil. If this Government is not resolute and is afraid to make the right decisions, then I fear for the future of our country. All Members of this House must be honest and stop playing the political game although I understand the reason people do this. However, in the hour of need, we need unity and support.

The banking sector is another area of critical importance. The analogy often trotted out in this House is that we are imposing a pension levy on public sector workers in order to put €7 billion into the banks. Everyone in this House is crying out for more credit to be made available to business and more mortgages to be made available to first-time buyers. This recapitalisation programme is of critical importance to the broader economy. It is essential that small business can access credit and overdraft facilities in order to carry out normal, everyday business. It is equally important that first-time buyers can access mortgages to purchase homes. Is the Opposition suggesting that we should not capitalise the banks? Is the Opposition suggesting we should not have put the guarantee system in place on 29 September when every Member of the House knows full well that the world financial system was collapsing?

Banks all over the world were folding, governments were shoring them up through central bank injections of capital and the Government made a critical and momentous decision on 29 September to guarantee the banks. The deposits of the banks were guaranteed which means the deposits of all the people with money in the banks. This is often forgotten by some in this House. The Government guaranteed the loans. How else would banks be expected to access loans on the international markets in very difficult times? Some of the comments in this House do no justice to the severity of the difficulties in the financial world. I hold no truck with the banks other than that I understand the reality that they are of critical importance in providing credit to first-time mortgage holders and for oiling the wheels of industry. A little bit of honesty in this debate would go a long way.

The Government could have made a populist decision, shirked its responsibility and jeopardised the future of the country. I acknowledge that Fianna Fáil has suffered because of it but we are not in the business of keeping our eye on the next election when there is a major

challenge facing the economy. If we do not make the difficult decision, the next challenge will fall on the shoulders of the generations to come.

I find the slurs and innuendo made against the Taoiseach disgusting and distasteful. People in this House say they are not casting aspersions while at the same time fax machines and press offices are swirling out press statements to the contrary. This is disgraceful carry-on. The Fine Gael Party behaved very responsibly in the context of the bank guarantee scheme when it stood with the Government in supporting it. However, this sniping is being carried out a very critical time when the eyes of the world are watching Ireland to see how we are dealing with our affairs and it does no service to the party that has a very strong and proud tradition.

I support the measures in the Bill because I know this is the right action in these very challenging times in order to address the needs of our society and country.

**Deputy Denis Naughten:** The previous speaker referred to the comments made in the House, the impact on the economy of those comments and the need for honesty. However, it is the lack of competence and reassurance from the Government benches that has led to the lack of confidence in our economy. Last weekend, the former chief economist with the International Monetary Fund, the IMF, was quoted as saying that the huge problem currently facing the world markets and the lack of confidence in Ireland is the lack of a plan. Since last July we have been promised a plan from the Government and we still have not seen one. At least if there was a plan laid before the House, we could debate it and argue its pros and cons. Instead we have the abacus economics of this Government on fundamental issues which will not only have an impact on the economy today, but also will mortgage our children's future. If this Government gets it wrong, we are also mortgaging the following generation's future.

I wish to compare the situation in Ireland to that in Australia. At the end of last month, Deputy Rabbitte and I met with a member of the Australian Parliament. She spoke to us about the Australian Government coming forward with a second stimulus package to try to support the economy amounting to €26 billion. Deputy Rabbitte and I asked her where the money was sourced and she replied that it came from their reserve. The Australian Government had put money aside in the good times in order to deal with future challenges. However, our Government squandered every cent it got and the only commitment given at the end of the year was to spend every cent in the bank. This is the reason there are electronic voting machines lying in a shed in County Meath and computer systems that do not work and issue weekly staff payment cheques of €1 million.

The rainbow coalition Government created 1,000 jobs a week and now we are losing four jobs every five minutes. This has been caused by the Government's greed and the failure to broaden the tax base. The Government fuelled the property bubble and failed to invest in broadband, education and training. Previous speakers have referred to the banks and that this is an international crisis. I agree there is an international banking crisis but this is because many of the banks around the world invested in the US sub-prime market, either directly or indirectly, but our banks did not do this. Our banks suffered from a lack of basic regulation of their day-to-day finances and this is the reason the country has ended up in the mess. Leaving aside the sub-prime situation, we were always going to have a problem because of the lack of regulation. It is really galling that the Financial Regulator, who was supposed to be policing the sector, is given a golden handshake, a reward for his abject failure and the abject failure of this Government to regulate the financial services sector.

We are debating the imposition of a public service tax. A total of 70% of the Government's €2 billion will be raised by this tax. The Government should at least be honest with the public servants and tell them it is a tax. Telling them it is a pension levy is misleading and wrong. We all know that a 12% discount was applied to public service employees in the second round of

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benchmarking as a result of their pension entitlements so this has already been factored into the calculation. That there is no evidence of the Government leading by example galls public servants, given its waste, bureaucracy and extravagance in the past 12 years.

Fine Gael has tabled an alternative mechanism to address the funding issues. For example, the urgently required overhaul of FÁS would save €150 million. The comments in yesterday's newspapers regarding its former director general were appalling. Following a vote of the FÁS board, he has been allowed to keep his luxury car in addition to his lump sum payment of €111,000 and a contribution to his pension worth €330,000. Every individual on the board should resign. Those who voted against Mr. Molloy getting a luxury car in addition to the amount of €441,000 should have resigned because their colleagues were not prepared to support them. Those who voted in favour should resign in shame, having used public funds to hand something to Mr. Molloy in addition to his golden handshake.

It is appalling that, according to the reports, between €50,000 and €70,000 was spent on a PR company to defend the indefensible concerning public funds that were squandered by that organisation in the past ten years. It is a national disgrace, but the Government continues to turn a blind eye to the matter and to the golden handshakes being given in banks.

At the other end of the payscale, clerical officers and cleaners on €15,000 or €20,000 are suffering significant tax increases and additional charges. I am not just referring to this pension levy, but to increases in VHI charges and electricity costs owing to gross mismanagement of regulation. It is considerably frustrating for people to watch what is occurring and to see the Government turning a blind eye and being unprepared to lead by example on these basic issues.

Fine Gael has proposed a number of areas in which savings could be made. We could get rid of many of the quangos and save at least €50 million per year. Were we to introduce legislation on generic drugs similar to that introduced in the House a number of years ago by the now Tánaiste, the then Minister for Agriculture and Food, and apply it to the health service, our savings would amount to €200 million per year.

The Government is not prepared to consider areas in which we could rid ourselves of some of the squander of the past 12 years, but it is prepared to make clerical officers pay more in tax and levies than a consultant on €250,000 per year. This is a damning indictment of the proposals tabled in the House. We on this side find it unacceptable that the Government, while not being prepared to address the mismanagement of public funds, is penalising some of the lowest paid workers in the public service. Many anomalies have been articulated by my colleagues.

With regard to the issue of immigration, asylum accommodation costs increased by €15.5 million last year, but the number of people accommodated has decreased in recent years. The Refugee Appeals Tribunal, which Members on this side want to see abolished for being unjust and unfair, costs more than €200 million per annum. Every year, we will spend €6 million providing accommodation at Thornton Hall for those who will be deported to non-EU countries through our immigration system. The accommodation provided amounts to 17 times more than what is required, given the numbers going through the system.

There is plenty of room in which to save the €2 billion this year and the €4 billion next year referred to by the Government, but Ministers must take decisions and examine where public funds are being squandered. It is frustrating that on the Government side of the House, there is no respect for the fact that the money in question is being paid into the Government's coffers by workers for whom earning it is difficult. The Government is spending the money like it was snuff at a wake. How much time have I remaining?

**Acting Chairman:** Nine minutes.



**Deputy Pat Rabbitte:** Are these 20-minute or ten-minute slots?

**Deputy Denis Naughten:** They are 20-minute slots.

**Deputy Pat Rabbitte:** Is the Deputy continuing his 20-minute slot?

**Acting Chairman:** Deputy Naughten has 20 minutes. He will be followed by Deputy Coveney. Deputies Rabbitte and Morgan will then have ten minutes each.

**Deputy Denis Naughten:** I acknowledge the Ceann Comhairle's announcement last night regarding Oireachtas reform. I hope that in line with the commission's decisions, the Government will implement proposals on necessary savings. Some 11 of the Ministers of State have already volunteered to resign their positions. The Taoiseach should take them up on their offers, as it would save at least €5.5 million per year in additional costs. We must ensure that the Ministers reduce the large armies of staff in their constituency offices who are allegedly meant to serve constituents. Ministers would better serve their constituents by ensuring that funds were ploughed back into the Exchequer.

It is time to get rid of the electronic voting machines once and for all. The decision to spend €54 million to purchase them was crazy. Contracts lasting for as long as 25 years have been signed to house obsolete machines that will never be used.

It is clear that significant savings can be made across the public service. My colleague, Deputy Coveney, referred to the €300 million in carbon taxes taken from the public in electricity charges. Given the fact that those carbon credits were handed to the ESB for nothing and constitute additional profit for the company, there is considerable anger over the wage increases received by staff at the ESB. Surely, either the money should be clawed back by the Exchequer or electricity bills should be reduced by at least 10% for those individuals who are struggling to cope with mortgage repayments and the Government's additional taxes and levies.

My colleague and party leader, Deputy Kenny, highlighted the urgent necessity to focus on the real economy. Every five minutes, we lose four jobs. A significant number of people have lost their jobs in recent months. Since Deputy Cowen became the Taoiseach last April, my constituency and surrounding towns have lost the equivalent of 2.5 Dell companies. The retail sector is haemorrhaging jobs because of the Government's failure to reverse the increase in the VAT rate. People go north of the Border to do their daily and weekly shopping.

We have proposed the introduction of a PRSI exemption for employers who take on new employees during 2009 for 12-month periods. Every unemployed person costs the Exchequer €20,000 per annum in social welfare payments and lost taxes. The State is losing out.

It would make more sense to support the creation of jobs than to allow this to continue. Furthermore, 50,000 jobs could be created, were the renewable energy sector to be supported. While the Ministers for Communications, Energy and Natural Resources and the Environment, Heritage and Local Government talk the talk in this regard, the only development has been the announcement on insulation grants, which has decimated that industry and has ended up with hundreds of employees being laid off.

In the time remaining to me, I will focus on the issue of taking money from farmers' pockets. It is a disgrace that the Government entered contracts with farmers to inspect the work done under the farm waste management grant within nine weeks of completion and then to pay farmers within a further four weeks under the terms of the scheme but that this now has been ignored. We have reached this point because first, the Government designated the entire country as a nitrate-vulnerable zone, against which I argued at the time of designation. Thereafter,



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the Government introduced restrictive regulations including the new policy of farming by calendar. It then forced farmers into making significant investments and consequently, under the terms of the grant scheme, forced them into securing bridging loans. To draw down the grant, farmers are obliged to return receipts showing they have paid all the associated bills. Farmers genuinely believed they would be paid within 14 weeks. At present however, many farmers are repaying bridging loans to their banks, which exerting great pressure on them. I know of one farmer who owes €74,000 to his bank. He has four small children, his only income derives from his dry stock farming activities and he does not know how to service the bank loan, let alone address the debt that hangs over him since the Government's statement that it will not pay until some time in 2011. Had the Government listened to Fine Gael's proposal on an extension into 2009 because of the poor weather experienced over the last two summers, €600 million would not now be owed to farmers, as the cost would have been stretched over a longer period.

It must be noted that the Minister for Agriculture, Fisheries and Food encouraged farmers throughout the latter half of the year to submit their applications and to get the work done. Having ensured that they incurred as much debt as possible, he then told them there was no money to meet it. His excuse was that he did not know that so many farmers would apply at the end of the year. All the Minister had to do was listen to my colleague, Deputy Creed, who, on 25 August 2008, highlighted the inadequacy of the funds available and that it would cost approximately €600 million to pay the 28,000 farmers whose grants were due. It was clear as long ago as last August that a problem existed in respect of funding. As the Minister is not accustomed to listening to Opposition Members, he need only pick up the farming section of the edition of the *Irish Independent* of Tuesday, 26 August 2008 and he would read the same point.

This has led to a crisis among farmers with their bank managers in respect of cash flow. The really frustrating point is that last week, €7 billion was given to the banks. Would it not have been better to give €6.5 billion to the banks and to put the outstanding €500 million towards the farm waste management scheme? This money would have returned to and recapitalised the banks anyway, because all of it is owed to them. Moreover, it would have had a major impact on the local economy. It is clear that the current Minister for Agriculture, Fisheries and Food has wound down the Department in a slow process over the past 12 years. Since the introduction of the single farm payment, 517 farmers in my native county have left agriculture, although it was meant to secure their long-term future. The present Minister, who is unable to do the basic maths, encouraged farmers to get into significant debt before Christmas but afterwards came out with one arm longer than the other and stated that he has no money.

**Deputy Paul Gogarty:** I welcome the opportunity to speak on this not particularly happy subject. I have decided not to use notes, as I would rather speak from the heart to see what comes to mind. Sometimes, one would not say what comes to mind, were one being diplomatic. However, some tough things must be said.

As for the specific item of legislation, Deputy Mansergh suggested that Members should refer to the bona fides of the Bill itself. From that perspective, I am satisfied that my Green Party colleagues played a full and welcome part in that regard. It is not simply about the public sector pay element, to which I will return, but also pertains to other matters. Issues that were thrown into the pot because the situation is so dire included, for example, Christmas bonuses for pensioners and social welfare recipients. That would have been the most Scrooge-like measure to have been taken in the history of the State but things are so bad this was up for discussion. As for overseas development aid, some people assert that charity begins at home, although Members are aware that the conclusion of that saying is that it does not end there. Other groups have correctly observed that overseas development aid has been hit. I again am

satisfied that through the input of the Green Party as part of the discussions, overseas development aid received more than otherwise would have been the case. The Green Party is playing its part in this respect and in acknowledging the tough decisions that must be made.

I have come in for much flak in recent weeks, as has every Government Deputy. The extant vehemence and anger to which I will refer later is completely understandable. However, if one wished to be popular, one would cross over to the other side of the House immediately. That is where one receives claps on the back and plaudits for taking brave decisions, blah, blah, blah. Unfortunately, however, having repeatedly wrestled with my conscience, the question is, what is in the country's interest? It is in the country's interest to have some form of stability and a message to go out to the international vultures that Ireland is open for business, although the shopfront is looking somewhat tattered. Our shop is open for business and we are becoming more competitive by the day in comparison with our European colleagues because of the measures that are being taken. Were they not taken, our lending ratings would have worsened and our ability to borrow might have disappeared altogether. Certainly, we would have been obliged to make punitive repayments and had the IMF come in, which was a possibility at one point, public service jobs would be lost. A diktat would have been laid down to the effect that Ireland was no longer a sovereign State and that cuts must be made here, here and here. For that reason alone, the Government must be commended on making the tough, responsible decisions.

Members from all sides of the Opposition have made some valid points as to how these cuts should be implemented. While such a debate is to be welcomed, no one disagrees that the cuts had to be implemented and had to be implemented on the day they were announced. I have tabled a rake of questions to the Minister for Finance in particular to try to ascertain the levels of fairness in respect of the public service levy. I tell constituents who e-mail me that they should not be misled. This is not a pension levy but is in fact a salary cut. That is how I take it but it is framed as and termed a pension levy to protect eventual pension payments. However, it constitutes a pay cut in reality. Public sector workers have been vilified over the years and in my last contribution in this House on the subject, I criticised this because when times were good and the cranes were soaring across the sky, the diggers were digging and the drills were drilling, people in the public sector got on with their work although the pay was not commensurate with that being made in the private sector. I do not refer to everyone in the private sector.

We should remember that there were people the Celtic tiger never reached. However, a large swathe of the population did very well. I am not talking about the people I referred to as "scum" in a previous debate, rather I refer to ordinary people who made good money during the Celtic tiger years. Workers in the public sector, on the other hand, although they enjoyed job security, perceived the unfairness of many private sector workers making far more money than they were. Part of the reason public sector workers are so angry is that they are effectively being asked to take a pay cut, even though many of them did not reap the benefits of the Celtic tiger. They saw private sector workers doing comparatively better, while they did not have their time in the sun or the time to re-balance. I have sympathised with public sector constituents and acknowledged that it is unfair they have not had the time to re-balance. The reality, however, is that with the economy declining as it is, the comparative strength of the public sector is rising rapidly. If all ships are sinking to varying degrees, it is of little solace to be told that one's ship is not sinking as quickly as others. People are naturally reluctant to face up to the reality of the figures. As the Minister for Finance indicated in response to parliamentary questions I tabled, it is now the case that remuneration in the public sector in general, including pension entitlements after retirement, exceeds that available in the private sector. As jobs are lost, the benefit of a public sector job increases. As pensions falter at the whim of international stock

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markets and as a result of global recession, the desirability of a public service pension rises. Nevertheless, it is harsh medicine for public sector workers to be told that while they may not have had time to re-balance, it is now time to do their patriotic duty by taking the pension levy hit.

The reality is that there is no other way to proceed. Opposition Deputies have tabled various proposals but I do not intend to go into the minutiae of what is right and wrong. There has been commentary in the media on Fine Gael's proposals and whether the figures add up. Valid questions have been asked about the fairness of the Government's proposals. Nevertheless, nobody is denying that action must be taken on public sector pay. However, there are anomalies that must be addressed. For example, a person on a comparatively smaller income will apparently take a greater hit as a result of the pension levy than his or her colleague on a higher salary. Likewise, a person who receives a pay increase €2 greater than his or her colleague will end up €10 worse off. These details must be tweaked. The Minister for Finance has indicated his willingness to address these anomalies provided the overall saving figure is protected. I am not privy to such conversations but it may well be that the tweaking will have to wait until the budget. The Green Party will emphasise the importance of addressing these anomalies and we expect the necessary action will be taken. This would address the general issue of fairness.

The other major issue is one that has no relevance in terms of Exchequer savings but which is powerful in terms of narrative and perception. We have all heard about Banker A whose remuneration may be reduced from €2.8 million to less than €2 million and Banker B who will have to cope with a decrease from €1 million to €750,000. This is Monopoly money. These are the sums we all have in mind when we play the national lottery. There is a general consensus that the people concerned have suffered no punishment. I do not refer to legal punishment. We all hope the legal process will follow its course and I do not wish to cast aspersions on anybody with reference to criminality. However, I am in agreement with my party leader, the Minister for the Environment, Heritage and Local Government, Deputy Gormley, that it is to be hoped certain individuals will be handcuffed. There are certainly those who are deserving of prison sentences. However, we cannot name individuals for fear of prejudicing any investigations. It seems immoral that some are earning so much while others, on much smaller incomes, are obliged to take a pay cut. There is something wrong about this. The onus is on the Cabinet to act. My colleagues, particularly the Taoiseach and the Minister for Finance, must accept their share of responsibility to address these issues. I understand there is agreement that the remuneration of high flying bankers and chairpersons of boards will be reduced significantly. I welcome this.

We can argue all day about whether it was necessary to nationalise Anglo Irish Bank. The debate has been ongoing since September. The Government's position is that if Anglo Irish Bank had not been bailed out, the banks would have fallen like dominoes as international speculators transferred funds rapidly out of the State. Regardless of one's view of the corporate culture at Anglo Irish Bank, there was a need to recapitalise the banks. Prior to that, there was a need for a bank guarantee scheme and, most recently, a need to nationalise Anglo Irish Bank. At the same time, there is a fair and balanced argument against all three of these measures. However, it is not evidence of incompetence, panic or any form of corruption for a sovereign Government to make these decisions. They were taken in the interests of the State. They may prove to be right or wrong, but they were made as quickly as possible in the circumstances. The Taoiseach and the Minister for Finance should be commended in this regard. However, the House must do more.

Deputy Mulcahy has stated the problems we face arise as a consequence of global factors. We are all aware there is a global recession. I am currently reading an interesting and informa-

tive book entitled *The History of Money* which has been adapted for a television series. There have been bubbles, speculation and crashes during the centuries. As we are always told, these events are cyclical. Just before the 1929 crash, there was a belief a plateau had been reached which would last forever. Likewise, those involved in the cosy cartels within the construction industry in the State assumed house prices would continue to rise indefinitely. The narrative was that we were all in for a soft landing, to be followed by a speedy recovery and the continuation of everything just as it was. For the past ten, 15 or even 20 years we have been engaged in what Ronald Reagan described as “voodoo economics”. I referred to this in one of my first speeches in the House in 2002. This is where no account is taken of the social and environmental cost of particular policies or the real wealth in the economy. That is what has happened in the State. Voodoo economics caused “bubble, bubble” and have now led to “toil and trouble”. Shakespeare proved himself to be a great soothsayer. There will be much toil and trouble for everybody.

People will knuckle down and take some pain if they see that there is fairness in the Government’s approach. For example, there must be fairness in the remuneration to banking executives. There must also be fairness in political reform. In this regard, I was somewhat amused by Deputy Kennedy’s contribution in which he had a good go at Fine Gael about its benefactors during the years. While his criticism might be deserved, it was a little disingenuous for a Fianna Fáil Deputy to be slinging mud in this manner. The attitude seemed to be that it was okay for Fianna Fáil to have engaged in such activities because Fine Gael was at it too. This ties into Deputy’s Naughten’s remark that the Government is not prepared to lead by example. However, the Opposition seems equally unprepared to lead when it comes to restoring faith in politics.

My comments on the culture of corruption and backhanders in the Fianna Fáil Party are on record. There is a sense of moral corruption associated even with the legitimate political donations in which Fianna Fáil Deputies have been dipped for many years. At this stage it is almost a state of mind or an illness like alcoholism. There is a culture of denial. Deputy O’Donnell has observed that accepting one has a problem is the first step in addressing it. Support groups helping those battling addiction often remind them of the old plea, “God grant me the serenity to accept the things I cannot change, courage to change the things I can, and wisdom to know the difference”. If there is collective wisdom in the House, we will know the difference between a decision taken in the public good and one influenced unduly by the interests of bankers, developers, big business or trade unions. If we are wise, with the benefit of hindsight, we will make sure this does not happen again. Every time an Opposition Deputy accuses a Fianna Fáil Deputy of corruption, knowing that Opposition party dips into the pot — however legitimately — that is moral bankruptcy. If we want to lead by example, Opposition Deputies should say there will be no more corporate donations, that they will be abolished. Deputy Michael Noonan did this before the 2002 general election.

**Deputy Denis Naughten:** The people thanked him for it.

**Deputy Paul Gogarty:** That is the problem and that is why the Green Party is suffering. It does not have the money and one can see what happens to the party. If it was across the board, one would have a level playing field.

Real leadership is required from the Government side. I do not wish to throw muck at the Labour Party or at Fine Gael, but I will do so to make this point. As a member of a Government party, at times I have felt that perhaps the national narrative of this Government needs to be cleansed and that it needs new thinking. Then I look across and see the same behaviour on the other side. If it is just as bad on that side, I would rather be on this side with some influence.

**Deputy John O'Mahony:** Deputy Gogarty should make the most of it, he will not be there for a very long.

**Deputy Paul Gogarty:** In the interests of national stability, I will not be jumping. The last thing we want is another Iceland and we do not want to talk down the economy or this country. We must speak honestly and openly about the culture of corruption and how it was created. Why did this culture exist within banking circles? It was because the body politic was happy to take this, and the bankers assumed this was a nod and a wink. The same applied to developers and speculators, who were happy to give legitimate donations. I have figures for various Fine Gael Deputies in the Fine Gael investigation which found that there was no link between a donation and voting for a particular rezoning. Of course there was no link because most councillors are upstanding. Let us not say that everyone is corrupt because they are not. However, the fact that one accepts a donation leaves one open to the accusation that one might be corrupt or unduly influenced. For a population seeking leadership and sacrifice, is it too much to ask the political parties not to dip into the filthy pot but to make decisions in the interests of the country rather than the moral influence of bankers, developers, speculators and trade unions from whom we take the money? I have had my rant at the Opposition——

**Deputy John O'Mahony:** Deputy Gogarty should now start where the real problem is.

**Deputy Paul Gogarty:** The Government must introduce legislation. The Minister for the Environment, Heritage and Local Government, Deputy Gormley, is introducing legislation on local election reform, providing, for the first time, for a 60 day spending limit in local elections. This is a welcome measure, as is the move to tackle Members' expenses and the payment of the pension levy by Members. There will be other sacrifices and, while the public will not be satisfied with this, at least it can see that this shower is taking some of the pain. It is not just a case of whipping oneself on the back for the sake of it. When one is taking leadership positions, one must ensure that people are not scoffing behind one's back, commenting that the party has been dipping into the pot.

The Taoiseach is the only individual who can take leadership and ban corporate donations. They may have served Fianna Fáil and other parties well in the past, and it may be fair to say that people have a right to donate in the democratic process, but we must learn from this mistake and end it immediately. There must be no more dirt in the political system, no more. The Taoiseach is not in the House, and I do not expect him to respond to this idiotic Deputy's comments.

**Acting Chairman (Deputy Charlie O'Connor):** He probably heard the Deputy.

**Deputy Paul Gogarty:** Members of the public are prepared to take the pain reluctantly only if they see those who are assumed to be the high flyers taking the pain as well. The bankers are definitely high flyers. Most politicians earn a good salary and have generous expenses but are not exactly flowing in it. At the same time we earn more than the average industrial wage and we must take our share. We must ensure that, in trying to promote our political persuasions, we are not being funded by other more sinister interests. That is what damaged the heart of this State in the past, the cause of the 20% separate from the global problem. It must end now.

**Deputy Pat Rabbitte:** I propose to share time with Deputy Morgan.

I do not know if the public servants are feeling better after that speech but I am sure Deputy Gogarty feels better, having got it off his chest. He is an honest Deputy, who believes what he



says, but that was a fierce bout of self-flagellation and an unusual attack on his coalition partners, which he believes is richly merited.

Deputy Gogarty said that this measure is not fair and he is right. We have all received hundreds of e-mails from public servants detailing their personal circumstances, their personal outlays, the internal inconsistencies in the Bill, and detailing their sense of grievance at being singled out. They always come back to one theme, which is that it is not fair. Where is the fairness in this measure? They are prepared to make a contribution provided everyone makes a contribution according to their means.

Last Saturday, at my clinic, I met a young woman who explained to me in considerable detail that after paying her essential bills she has €11 left per week. The levy will cost €35 per week, so she is down €24. She asked me for suggestions on what she can do in these circumstances. Public servants are intelligent people and they acknowledge that we have been plunged into an incredible hole. They are willing to make a contribution but they want all sectors of society to make a contribution.

Deputy Richard Bruton dealt with the paucity of economic planning, the absence of a plan for recovery and the scanty information published by the Department of Finance. He referred to the fact that the only document resembling the bones of a plan was the document agreed with the social partners before talks collapsed. One cannot give credit to the Government for this document, which is essentially the work of the trade union movement. It has not been debated in this House, nor has it been read into the Official Report of the House, and I do not have time to do so now. The draft framework for a pact for stabilisation, social solidarity and economic renewal bears reading. It is tragic that the Government abandoned it. I am not saying the Government is responsible for the breakdown, which occurred because the Government put figures on this plan on the last day and the trade unions could not live with them because of their manifest unfairness and the way in which very low paid people were being asked to make a contribution beyond their means. The Government has abandoned the document. The Taoiseach comes into the House and tells us he is anxious to keep social partnership going but, at the same time, he has abandoned the document. The approach of the document is interesting and is markedly in contrast with what we have got since.

It states:

In developing a pact, the Government and social partners are fully committed to an approach in which all sectors of society contribute in accordance with their ability to do so, and conversely the most vulnerable, low paid, unemployed and social welfare recipients are insulated against the worst effects of recession.

On public expenditure the document indicated the adjustment would be achieved based on “ensuring a fair and equitable spread of the burden of adjustment”. It goes on to list the number of headings that might be dealt with on public expenditure but again, they are not fleshed out and have not been referred to since. On taxation, the document states that, “Changes are to be fair and equitable, with a higher proportion falling on higher incomes while minimising distortionary effects between different forms of tax”.

We are not minimising distortionary effects. For example, we know that taking the example of a person in the public service earning €38,000 a year, under the provisions of the Bill that person will pay €1,966 on the salary. If the person was on €48,000 per year, he or she would pay €1,992. A person on €38,966 — essentially €39,000 — will pay €2,030 but if that person earns €10,000 more per year, they will pay less as a levy. That is the kind of anomaly in the Bill that congress was providing against.



[Deputy Pat Rabbitte.]

The entire document was based on the notion of social solidarity and it has gone out the window with this Bill. Public servants feel very aggrieved about it, particularly the conflict that has been whipped up between the public and private sectors. We all know that in real life the distinction is between people on high income and those on low income. That is the real divide in our society.

For public servants, the salt is being rubbed into the wound as they see this happening before their eyes. The take is huge and Deputy Gogarty is correct in stating it is an income levy. It is a severe pay cut for people on modest incomes. At the same time these people see what is happening at the top of the banks and the Government's timidity in dealing with the issue.

I have a quote from a current Minister of State, Deputy Conor Lenihan, who is my constituency colleague. Deputy Lenihan was giving the benefit of his thoughts on financial regulation at the time and bringing his entire brainpower to bear on it.

**Deputy Alan Shatter:** We should not exaggerate.

**Acting Chairman:** The Deputy, without interruption.

**Deputy Pat Rabbitte:** Speaking about a different Bill, he stated:

It would have been better had this happened more quickly but now it is in place we will have a world-class system of regulation. We should not lose the run of ourselves because there is a danger we could over-regulate financial services. However, we must not over-regulate the banking sector to the extent that it becomes a disincentive. We all have had our difficulties with the banks from time to time but we should not over-regulate them to the extent that it becomes unattractive for people to invest here, not because the country is not doing well but because there is an overarching panoply of regulation which acts as a disincentive.

**Acting Chairman:** The Deputy has one minute remaining.

**Deputy Pat Rabbitte:** I wanted more time to expand on my admiration for my constituency colleague and his foresight in identifying what Mr. Seán FitzPatrick described in one of his famous interviews as "corporate McCarthyism".

**Deputy Arthur Morgan:** The Deputy may take an extra minute.

**Deputy Pat Rabbitte:** I thank the Deputy. We now see where light-touch regulation has got us and is it any wonder public servants have their dander up?

This morning Deputy Bruton dealt with the question of the privilege conferred by limited liability. In a company it is a very serious matter if the privilege conferred by limited liability is abused, leading to employees suffering. It is entirely more serious in the banking sector because if that sector abuses the privileges conferred by company law and the construct that is limited liability, it has an impact on the economy as a whole and all our lives. That is what has happened and rather than seeing us dealing with it, the public servants see us tolerating the same people in place and the timorousness of the Government and the Minister. In the meantime, the public servants are asked to pay through the nose.

There is no prospect of a recovery plan and although the basis of one was laid with the social partners, it now seems to have been abandoned. We are going forward slowly while putting our hands into the pockets of public servants and taking out significant moneys irrespective of

their means or family circumstances, such as unemployed spouses, and so on. As Deputy Gogarty has stated, it is not fair.

**Deputy Arthur Morgan:** I thank Deputy Rabbitte and the Labour Party for sharing time with me. I begin by stating my complete opposition, and that of my party, to this legislation. The title of this Bill, Financial Emergency Measures in the Public Interest Bill 2009, is a fraudulent statement in itself. There is nothing in this Bill which is in the public interest and nothing in the Minister's statement which gives me any hope that this Government will address our public finance problems.

Fraud is a term I do not use lightly but there is a culture of fraud endemic in our banking system which has been part of every Fianna Fáil-led Government over the past three decades and has dogged each Fianna Fáil Taoiseach since Charles Haughey. When the identity of the golden circle finally becomes clear we will see once again that this Government is complicit in deceit and corruption.

The Minister has claimed that this so-called pension levy — I agree with Deputy Gogarty in that it is a wage cut and should be called nothing else — is a fair measure and that the deduction is progressive. This is a question of equity. Where is the fairness in a worker earning €11,975 per annum being made to take a wage cut without having entitlement to a pension? Such people would pay a pension levy with no entitlement to a pension, which is bizarre. Where is the fairness in a public service worker earning €35,000 paying a 6% levy when his or her boss on €350,000 pays only 5% in real terms? This is not equity. Where is the fairness in workers being taxed by means of a levy on non-pensionable pay?

It is disappointing that the Minister's statement clearly shows he has no intention of making concessions or accepting amendments. He will proceed without listening to anybody. Everybody in this country accepts that tough measures must be taken but we do not accept that low and middle income earners — the majority of Irish workers — should be made bear the brunt of our public finances while the wealthy and those vested interests who have poisoned our economy are left undisturbed.

We have seen that when tax relief is applied, the wealthy are refunded. This perverse measure means that the higher the salary the higher the relief. My party proposed last October that tax relief should be standardised as a fairer form of raising income. The Minister has continued to ignore this and seems to be determined to find revenue by taxing the working poor. The Minister, as well as IBEC and some media commentators, has misrepresented how public pensions are funded. The reality is that many public workers pay for their pension fund through their own incomes. For example, the HSE paid 6.8% of its total salary to this end, with 6.5% deriving from the staff salary bill. Therefore, if the pensions are for the most part paid by the workers themselves, it is a lie to call this a pension levy.

What are the Minister's ultimate intentions with regard to section 9 of the Bill? Under section 9, he provides for regulations to impose an 8% cut for health professionals. Does this include consultants, with whom his colleague, the Minister for Health and Children, Deputy Mary Harney, agreed a €250,000 a year contract for a four day week? If this is not the case, why not? That €250,000 per annum is merely starting pay, many consultants' salaries go up to €500,000 and beyond.

Since the Minister is going after health professionals' fees, why does he not address the scandalous private, for-profit hospital charges to the taxpayer for the use of their medical facilities? Why are clinics such as the Mater Private allowed to charge €1,000 a night for their bed and breakfast facilities, and how can private hospitals continue to charge more than €800 per patient for the same treatment under the National Treatment Purchase Fund, not to mention the vast, unquantifiable sums of money foregone in tax exemptions to private hospitals?

[Deputy Arthur Morgan.]

For the last six months Irish people have been looking for an economic recovery plan. People want to see a Government strategy to create jobs. With over 150,000 workers laid off in the past 12 months, jobs should be the priority. Retaining jobs and creating new ones will ultimately address the problems with our public finances. The Government has shown no initiative, no imagination and no indication that it has a clue what it is doing. While the Government robs €1 billion euro from public sector workers, it has not spent a cent to create jobs. While it is cutting back on 128 special needs classes, it has done nothing to open up credit for SMEs. While it was excluding parents from the early child care supplement, it has failed to halt the avalanche of factory closures that is destroying the lives of families across the State.

Besides taking a chainsaw to the pay of low and middle income earners, this Government has not done a single thing other than pour €7 billion of taxpayers' money into the black hole of the corrupt banking sector. As the Minister hands over these billions, he refuses to release information on the ten mystery men. This is public money and it was extraordinary that we, as the owners of Anglo Irish Bank, are not entitled to find out who these people are, when they will repay the loans, if they will even be asked to repay the loans or if the Minister will go after them.

My party has given numerous examples of where real waste exists, such as in the area of outsourcing. We must stop outsourcing, which is wasting millions of euro of taxpayers' money. We must rein in the CEOs of State bodies, some of whom are paid more than €500,000 per annum, and we must impose a new contract on Irish hospital consultants.

This Government is failing to deliver for Irish people, it is failing to restore confidence to people. Irish workers, public and private, must stay united in these difficult times. They must oppose the opportunistic measures the Government is trying to impose.

I wish ICTU well in the march planned for Saturday for justice, equity, solidarity and fair play, so that is not just one sector of society that is being asked to deal with all the problems in the public finances and the economy.

**Deputy Niall Blaney:** I welcome the opportunity to speak on this Bill on the pension levy. It goes without saying this is a difficult time for all of the public sector. No one wants to see money being taken from his or her own pocket.

To give some of my own background, it is not long since I was a civil engineering technician in Donegal County Council and a former member of IMPACT. I am well aware of how this is impinging on people across the State, I know from people close to me and party workers. I am also well aware of the many workers who lost their jobs and who would do anything to get a job in the morning but the jobs are not there. I know others who have taken a pay cut of 25% , with one person taking a 35% cut, who are still happy to have their jobs. It is good to put things in perspective but that is not happening at present because the Opposition is blindfolded. We hear of parties arranging marches for the weekend. Some parties in this State will be remembered for nothing except arranging marches and I hope voters bear that in mind come polling day.

I remember when I started working for Donegal County Council just over 13 years ago. I was earning just over €17,000. If I was still employed there today, with different agreements with unions and promotion, I would be earning €41,000. That puts this in perspective. While times are difficult, we must recognise where we came from. When I reflect back on earning €17,000, I would never have imagined I would be on €41,000 if I was still working there 13 years later.

Perhaps it is unfair of me to try to compare the wage I am on now and what I could be on but we must look at the facts and recognise there has been a 25% increase in the number of public sector workers since then. I have taken that figure from the top of my head but I believe 25% more people are working in the public sector and it is important to keep that in mind.

This levy protects public sector jobs and pensions. Any cut in wages would affect everyone's pension entitlements. The one positive message that has to be sent out to balance this is that while a person is taking a cut in his wages to pay for his pension, his pension and his job are being protected.

We have been pushing hard in recent weeks to hear proposals from the Opposition parties. They have all the answers but no solutions. Some proposals have been to cut jobs, such as the Fine Gael proposal to cut 5,000 public sector jobs. The party said it quietly but it said it. That does not solve our problem, it goes less than a third of the way, but it is important that people realise the alternatives facing the Government. This is the best choice. Despite all the criticism, no one on the other side of the House has come up with a better option.

I would be the first to say it will be difficult for families but if we want to protect public service jobs in future, we must step up to the mark. While it would be easy to try to borrow our way out of this, we would pay for it in the long run. The Fianna Fáil-Green Party Government — the Green Party is very supportive and good in this Government — must be commended for the approach it has taken.

It is important we state the facts in regard to the amount of money people will contribute. Figures in the public domain are not factual and most are based on gross income. People have not factored in tax allowances. It is important unions give proper information to public sector workers because it is one of their roles. While I am not saying unions are irresponsible, they must be responsible and ensure their workers get proper information. The information workers have is based on gross income. They have no figures on what they will pay when tax allowances are factored in. The figures in the public domain are extraordinary and proper information must be filtered down to public service workers in order that they can get a true picture. It is a very frightening time for them and we are just adding to the upset.

I have received many e-mails from public sector workers in Donegal and throughout the country who have been told they will pay €40 to €50 per week. One husband and wife believe they will pay €400 to €500 per month. One would have to earn almost €200,000 per year to pay up to €500 per month. The facts and figures in the public domain are not correct. I do not believe it is fair for me to give figures today but public servants should equip themselves with proper information. There is tax relief in respect of the levy. Information is available and I believe all Deputies would be forthcoming with this detail, if contacted. I certainly would be and I would welcome anybody coming to me to find out the true situation.

In fairness to the social partners, I must give them credit for coming in and for spending so long with the Taoiseach, the Minister for Finance and the Tánaiste. We must give them credit for the time and effort they put in and for the fact they recognise that €2 billion must be saved. They also indicated they are willing to work with the Government in the future to ensure this country is in a good position to fight this global recession and is in a good position when the good times return.

I welcome the effort made by the social partners which was criticised by some in the Opposition. They asked why Fianna Fáil and the Green Party were negotiating with the social partners and said that we were the politicians and that we should make the decisions. Now that we have done that, they are saying we should go back and talk to the social partners again.

We must realise decisive action needs to be taken not only for the good of our books but for the good of the global market. We are being watched not only in Ireland but further afield.

[Deputy Niall Blaney.]

Stability is very important in Government. It is important we all recognise how reckless we can be sometimes by saying the wrong things. We have had examples of that. As I mentioned last night, a few comments about banks being bust or otherwise can be so reckless in terms of our markets. We must be smarter in the way we conduct our business.

I have watched the head hunt in recent days in regard to the circle of ten. I have said that I hope the circle of ten is not uncovered until such time as the authorities have investigated everything and are in a position to take things further. If criminal proceedings are required, so be it. However, I fear that if those people are named in this House, so much will be said in the Chamber and outside it that it will damage the prospect of making those individuals face prosecution, if necessary.

The public is rightly angry about the banking situation. The past number of weeks has not been a very nice time for Ireland but the Government is dealing very well with this issue and it is taking a very honourable approach to it. It is a damage limitation exercise in terms of how it is going about it but the next number of weeks will prove that its decisions in regard to the banking sector are correct, as is the way it is conducting its investigations. Ireland will come out of this in a very good light in a couple of weeks when matters come to a head, and I have no doubt matters will come to a head. While we would all like to see things happen quickly, there must be due process which, thankfully, is the case at present. I hope that will continue.

It is a very tough time for small businesses which have not been done any favours lately in regard to the availability of cash and small loans to keep afloat. The Minister for Finance is working very hard on this and I expect results from him sooner rather than later. I would like him to ensure those small businesses get the necessary funding because they are not getting a fair deal from some institutions and it is time they did.

A number of small businesses have fought hard to survive over the past six months. If they do not get help soon, they will have no option but to close. These small businesses are not only providing jobs for the public, but they are providing small contract jobs for the public service, including local authorities. They are getting contracts which are guaranteed, because they are Government funded, but the banks will not make loans available to them even though the money is guaranteed. I hope the Minister for Finance moves on that quickly.

I refer again to the pension levy. We all know many people who are facing tough times. I appeal to the public sector to look around to see who is proposing anything else which would add up to what is required, that is, €2 billion. If we had any other option, this would be the last one we would take. No suggestion or otherwise has been made by any other party or organisation in this country which would raise the €2 billion. It is easy to criticise. Perhaps some of those who are good at criticising should spend time putting their heads together to come forward with decent proposals on how €2 billion could be saved.

I do not know where the Labour Party gets its ideas, but much and all as we would like to do it, its proposal to go after tax exiles, which would, apparently, raise €150 million, is nonsense. The only way to chase after them would be through their passport numbers. We all know that vast numbers of Irish people live abroad, but most of them are not tax exiles. The idea of tracking down tax exiles through their passport numbers to get money from them is farcical. It is not possible.

It is time we got real and constructive. The people are not fools. While they may be sore at the current proposals, in the long run they will recognise the Government has taken tough, hard decisions, not for any short-term party political gain, but for the long-term benefit of the country. When people recognise this, they will realise they were right to elect this Government and will do so again.



**Deputy John O'Mahony:** I wish to share my time with Deputy Shatter.

**Acting Chairman:** Is that agreed? Agreed.

**Deputy John O'Mahony:** I have been listening all morning to this debate and find the comments of those on the Government side, particularly backbenchers, incredible. They say the Opposition is not acting responsibly, that the unions are providing false figures and Deputy Blaney has just said that public service members have inflated the figures with regard to how much they will lose as a result of the pension levy. If we were to believe what they are saying, only the Government is acting responsibly. My question is, why did it not act responsibly over the past 11 years, instead of wasting and squandering the money created by the people?

We are being told the Taoiseach, Minister and Government are now doing what is necessary for the country. Why did they not do what was necessary when the wealth was being created? We in the Opposition are told we have forgotten about the great work that was done, such as road projects. However, neither we nor the people have forgotten the teachers and parents of children in schools around the country, whose schools are falling down and have not been replaced over the past 11 years of squander mania. We have not forgotten about the parents who have had to go to court to vindicate their rights for their children with special needs while the Government spent hundreds of millions defending the indefensible.

Deputies on the Government side came into the House today to defend the indefensible in this Bill. I have only been a Member of the House for a short time, but I have worked with many successful people in the past. One thing successful people do is accept responsibility for their actions. Over the past three or four hours, we have listened to Ministers, Government Deputies and Green Party Deputies, but they have not accepted responsibility for bringing the country to its knees.

I am glad to contribute to this debate on the efforts by the Government to deal with the consequences of how it has mishandled, mismanaged and squandered the wealth of the country over the past 11 years. It now proposes to screw the people who helped create the wealth and ask them to pay a totally unfair amount in order to bail out those who created the problem. Ministers, bankers, speculators and developers made decisions that squandered, wasted and spent as if there would be no tomorrow and the good times would roll on forever.

Less than nine months ago, the Taoiseach and Ministers told us everything was fine and that although there was a slight downturn, there was no problem because we had a sound economy and would be able to withstand the downturn without too much pain. We remember that our former Taoiseach, Deputy Bertie Ahern, told people warning about a downturn not to talk down the economy but to commit suicide instead. How ironic and irresponsible that was from the position we are in today.

The hard-working lowly paid workers of the country knew differently when the Government was proclaiming everything was fine. They knew differently because they were unable to get jobs or were losing the ones they had. They knew differently because sales figures in their businesses were down. They knew differently because competition and costs were spiralling. They saw the train coming down the tracks, but the Government did not see it until it crashed through the front door.

The issue today is how to deal with the mess the Government has created. All those in their right mind realise that difficult decisions must be taken. However, they must be taken in a fair and equitable manner that will ensure those who can afford it will be asked to pay the most. The pension levy is anything but fair and equitable. How fair is it to ask someone on €25,000



[Deputy John O'Mahony.]

a year to pay €1,000 of a pension levy while someone on the same amount on social welfare pays no income or pension levy?

The Taoiseach has talked about tweaking the levy, but it needs more than tweaking for lowly paid workers. Otherwise, he is telling thousands of workers earning under €40,000 per annum they should give up their jobs. If the measures are not changed, they will end up costing the State much more in social welfare benefits. I have the facts before me with regard to a husband, wife and three children who, between all their social welfare allowances, get €41,000 — and they are entitled to that. However, people earning €41,000 will now have to pay the pension levy and pay for children going to college, medical charges, etc., as they are not entitled to medical cards and do not have the supports provided to welfare recipients. Therefore, this levy asks lower paid workers to give up their jobs. If this Bill is passed, the lower off would be better off on social welfare. Otherwise they need to earn €150,000 per year.

With regard to section 12 dealing with the farm waste management scheme and the recent decision to defer payment to farmers approved under the scheme, each time the scheme has been raised in the House over the past year, the Minister has told us about how much money the scheme has meant for farmers. It is only a good scheme if farmers are paid the grants to which they are entitled. Some 17,400 farmers await payments. They applied and were granted approval for the same scheme as those who were paid in full in 2008.

It is a distinct possibility that farmers awaiting payment have a legal entitlement to full payment. How can there be two methods of payment when the contract entered into by both sides was the same? Yesterday, I was speaking to a farmer who is owed €92,000. He has been given legal advice that he has an irrefutable case. It was stated in the contract for the scheme that farmers who were approved would be paid within 14 weeks. Surely, there has been a breach of contract. The least that should be offered to farmers now is that the extra costs incurred by way of interest should be met by the Department.

It is pathetic to see the Minister hold up his hands in despair because of the glut of applications last December, when it was his mishandling of the scheme and the imposition of his deadline that caused the avalanche of claims then. If he had extended the scheme, he would have saved money and would not now be looking for the €400 million immediately. Not alone that, thousands of builders would still have work and the dole queues would be shorter.

The farm waste management scheme was introduced in early 2007 to buy the farming vote in the general election. No costings were required and there was no care as to how many would apply for it. We had miscalculation after miscalculation and now this side of the House is being told to act responsibly. Remember these farmers took on these works not to make a profit or to put the money into their pockets. They were investing their own money as well as benefiting the environment. The money they borrowed from the bank was based on the premise that the grant would be lodged when it was received in full. The goalposts have been changed by the Government but the banks do not want to know and they are looking for the money from the farmers.

It is easy to understand why the people affected are very angry, cynical, desperate and disillusioned as a result of seeing the banks bailed out for billions. Surely the extra €400 million could be found to pay these grants which would then find its way into the banks anyway. This would be another way of recapitalising them and would help the farmers along the way. I call on the Minister for Agriculture, Fisheries and Food to announce immediately that the interest these farmers must pay will be met by the State.

Everybody accepts that financial problems must be confronted. Fine Gael has laid out its proposals clearly. It is not too late for the Minister to take on many of these proposals and I ask him to do so.

**Deputy Alan Shatter:** We all know in this House that the country is confronted by the gravest financial crisis in the history of the State. This crisis is made a great deal worse by the Government's complete incapacity to bring forward a detailed coherent economic plan and strategy to get this country through the choppy waters with which we are now confronted. We have seen the Government introduce a variety of piecemeal fire brigade measures to deal with the fiscal crisis but there is no overall vision of any description. There is no direction or hope held out for the people who reside on this island other than the promises of greater tax, cuts in services, collapsing property values and the loss of a great many more jobs.

We are confronted by a problem, the enormity of which I am not sure is yet fully understood. The Government's condition of denial in which it refuses to accept any level of responsibility or accountability for the disaster with which we are now confronted adds an extra layer of problem that affects every man, woman and child living in the country. Deputy Brian Lenihan, the Minister for Finance, said something of importance today and I wish to quote him. He stated:

The Government must borrow €18 billion this year at far steeper interest rates to finance capital spending and also to meet the current budget deficit. In other words, we will have to borrow €4,500 for every man, woman and child in this State.

The Minister goes on to refer to this as dead money which should be going to pay for the public services we need. Why are we borrowing this amount of money and in particular why are we borrowing it at far steeper interest rates? We are borrowing it at far steeper interest rates because our international credit rating has collapsed. We are paying interest at unprecedented levels for funds the State needs simply to keep it functioning.

There are two primary reasons for this. The first is the appalling misconduct within our banking sector, the bad decisions made with regard to lending and the utter collapse of credibility in the manner in which our banks are managed. The second reason is that there is no international confidence in the Government. Outside this island, the Government is deemed to be grossly incompetent, bereft of economic direction and addicted to producing all sorts of documents making all sorts of promises which are uncosted and which have no credibility of any description.

What people outside this House do not understand is that not until we reform our banking sector and remove from the boardrooms of every financial institution in this State those who presided over the disaster within the financial and banking sector with which we are confronted but also not until the Government is driven out of office will there be any chance that our credit rating will improve on international markets.

The Government's very position in Government is continuing to damage the country's international economic credibility.

**Deputy Seán Haughey:** That is completely incorrect.

**Deputy Alan Shatter:** That is a reality.

**Deputy Seán Haughey:** It is a stable Government. Fine Gael and Labour have never provided a stable Government for this country.

**Deputy Alan Shatter:** It is important——

**Deputy Seán Haughey:** Remember our credibility internationally from 1982 to 1987.

**Deputy Alan Shatter:** ——to the electorate outside this House to understand that.

**Deputy Seán Haughey:** We have a stable Government now. The last thing we want is political instability and political instability is all we get from that side of the House.

**Acting Chairman:** Deputy Shatter without interruption.

**Deputy Alan Shatter:** The very continuing existence of a Government which lacks accountability and has not even the capacity to say “sorry” for the disastrous economic policies it implemented is exacerbating the problems with which we are confronted.

This particular measure dealing with the levy is unfair. It seeks to impose what is called a “pension levy” but is in reality a pay decrease for those at the very lowest levels of income who do not even earn the average industrial wage. Yes, we need social solidarity and coherence. However, what this Government has attempted to do is create a wedge between the public and private sector and by producing piecemeal policies is driving people onto the streets and producing ongoing and continuing social instability to the detriment of everyone in the country.

Many people who will be affected by this levy find it completely incomprehensible that those who caused and contributed to this problem and disaster in the banking and regulatory sector continue to get a series of golden handshakes and huge payments for continuing in their positions that go way beyond the expectations of any individual in an ordinary job in this country.

There are people who should be affected by this legislation who are exempt from it. As a lawyer I am fully conscious of the reality that our Judiciary is independent. As a Member of this House I am quite willing and accepting of any salary deductions that we must take. Many people outside this House on €30,000 or €40,000 a year who will be affected by this levy will look askance at the fact that the Judiciary, who are paid substantial sums of money, are exempt from it. Why are they exempt? If it was actually a pension levy there would be no difficulty in applying it to the Judiciary but the Government knows it is simply a wage reduction by another name and there could be constitutional difficulties. I am asking the Minister for Justice, Equality and Law Reform to engage in discussions with the Judiciary to bring them within the terms of this levy as every Member of this House will be. I see no reason they should be exempt.

Until such time as we truly clean up the banking sector and whatever investigations are necessary are conducted, no matter how much money is poured in it will continue to lack international credibility. By now the fraud squad should be investigating some of the events we know involved Anglo Irish Bank, Irish Nationwide and Irish Life & Permanent. The Government has a role in ensuring this fraud squad investigation takes place. If there is any doubt as to the capacity of the fraud squad to deal with such complex financial issues, if need be we should look for assistance from a respected outside investigative agency whether it be the FBI or any other agency that could be of assistance to us.

I listened to the Deputy Gogarty of the Green Party speaking earlier. I look askance at the double act the Green Party is playing. It is sort of in the Government but apart from it.

**Deputy Paul Gogarty:** What? Saying that you are just as corrupt. That is not a double act. That is the sad fact. Deputy Shatter might have his integrity but a lot of—

**Deputy Alan Shatter:** People seem to forget that the Green Party has been in government since May 2007. The Green Party was part of an irresponsible budget produced by the then Minister for Finance, Deputy Cowen, in this House.

**Deputy Bernard J. Durkan:** On a point of order, Deputy Gogarty made a suggestion of corruption a moment ago and should withdraw it. It is not in the interest of this House and no Member, on any side, should make such a suggestion. I ask that he withdraw it.

**Deputy Paul Gogarty:** I will not withdraw it but will clarify it. I mentioned the word “corruption”——

**Deputy Bernard J. Durkan:** I am sorry but there should be no clarification at all.

**Deputy Paul Gogarty:** Deputy Durkan had his chance and I am entitled to mine.

**Deputy Bernard J. Durkan:** I am sorry but——

**Deputy Paul Gogarty:** Let me clarify.

**Deputy Bernard J. Durkan:** ——the Deputy suggested that Deputy Shatter——

**Deputy Paul Gogarty:** No, I did not. Did the Deputy listen to what I said?

**Deputy Bernard J. Durkan:** He said, “You are just as corrupt.”

**Deputy Paul Gogarty:** No, I did not. It is on the record that I said I do not doubt this Deputy’s integrity because this Fine Gael report shows that Deputy Shatter did not take corporate donations, was not morally corrupt regarding a process and is a man of the highest integrity. I never questioned that.

**Deputy Bernard J. Durkan:** Correct.

**Deputy Paul Gogarty:** However, I did question the Deputy’s party continually dipping into the dirty pot, which makes it no better. It has helped make this country the way it is now. The Deputy should accept his share of the national responsibility and not be casting aspersions——

**Deputy Bernard J. Durkan:** On a point of order——

**Acting Chairman:** In fairness to Deputy Shatter, we should be conscious that we are eating into his time. My advice is that, if a personal charge is made, it should be withdrawn. Deputy Gogarty has clarified that he had no intention to make such a charge.

**Deputy Bernard J. Durkan:** Is he withdrawing it?

**Deputy Paul Gogarty:** I made no personal charge.

**Acting Chairman:** He has withdrawn it.

**Deputy Bernard J. Durkan:** He suggested, “You are as corrupt.”

**Acting Chairman:** I understand he has withdrawn it.

**Deputy Paul Gogarty:** I referred to the party.

**Deputy Bernard J. Durkan:** I heard it clearly.

**Acting Chairman:** My advice is that a Deputy can make a political charge but not a personal charge. I am satisfied this was the case.

**Deputy Bernard J. Durkan:** What is a political charge?

**Acting Chairman:** We are eating into Deputy Shatter’s time.

**Deputy Bernard J. Durkan:** I am a quiet person and I will take a lot of abuse but I will certainly not take that kind of nonsense or stand idly by when that goes on. Regardless of

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whose time we are eating into, I will not stand idly by when somebody alludes to or implies corruption on the part of another Member of the House, unless he backs it up. I refer also to what happens outside the House.

**Acting Chairman:** I understood Deputy Gogarty did withdraw the remark.

**Deputy Bernard J. Durkan:** That is not what I heard.

**Deputy Alan Shatter:** I would like to continue for a couple of minutes and then conclude. I do not believe Deputy Gogarty, who enjoys shouting and who, apparently, in the middle of a public meeting in his constituency felt the need to roll around on the floor and wave his legs in the air, deserves to be taken too seriously.

**Deputy Dinny McGinley:** We do not want to see that.

**Acting Chairman:** The Deputy should confine his remarks to the Bill.

**Deputy Alan Shatter:** The only regret is that there was no video of that event. We would have all got some enjoyment out of it.

**Deputy Paul Gogarty:** The video would have vindicated me.

**Deputy Alan Shatter:** I will conclude by dealing with an important issue. In restoring integrity to our banking system, those responsible for acts that have brought it into disrepute and responsible for engaging in fraudulent activities that may well require to be dealt with pursuant to the criminal law should be fully and properly investigated.

In the context of decisions made by the Government that have been brought before this House and which relate to issues such as the bank guarantee scheme, recapitalisation, and the nationalisation of Anglo Irish Bank, I am bemused by Green Party Deputies and a Green Party Senator who call constantly for investigations and talk about bankers. This is because two Green Party Members sit in Cabinet. What did they know about some of these events? Were they informed in Cabinet that €300 million was used to enable ten anonymous individuals to purchase what was known as the “Quinn overhang” in Anglo Irish Bank, that this money was provided by that bank and that this falsely and fraudulently held up the share price of the bank on the stock exchange? When did the Green Party Ministers discover this? Did they know it in July and were they informed by the Minister for Finance? Did they know it before 29 September when the bank guarantee scheme was announced? Did they know it before there was an announcement of recapitalisation, which ultimately evolved into the nationalisation of Anglo Irish Bank?

These are important issues and they go to the heart of our banking system. They go to the heart of the international financial community’s view of our banking system and Government, the credibility and honesty of our banking system and the competence of those in Government who are now charged with tidying up the mess they are partially responsible for creating.

This is a very narrow debate and, unfortunately, I have only ten minutes within which to speak. There is a broad range of initiatives that should be taken now to create employment and protect jobs. We should be discussing these in this House. However, the Government seems incapable of producing a broad social and economic policy that gives people hope that we can climb out of the pit in which we now find ourselves. There is a need to go beyond levies and to apply fairness to the measures being implemented. There is a need to stop attacking the most vulnerable, such as the over-70s, the intellectually disabled and a broad range of others, whom the Government seems to have targeted to date and whom it seems to regard as the



easy and soft target. It is in respect of these people that the Government has implemented measures that have saved or are designed to save small sums of money but which have no overall impact on or relevance to getting the economy working again. We need to have a working economy and to re-employ people. We need urgent initiatives so the unemployed, whose number is growing, can be retrained and educated such that they can be re-employed and not left on the dole queues over the coming years.

**Deputy Seymour Crawford:** I wish to share my time with Deputy Creighton.

I welcome the opportunity to speak on this Bill. It is unreal that, after 15 years of the so-called Celtic tiger, we are in a position in which we cannot meet our commitments and pay our bills. We are now asking the innocent people to carry the can while those who brought us into these circumstances walk free.

I condemn the inequitable nature of the pensions levy. It is hard for those affected to understand why they should pay while bankers and regulators walk away with hundreds of thousands of euro, and sometimes millions, in handouts. One cannot help but mention the cuts to child allowances at a time when a proportion of the fund for this purpose is being sent out of the country due to technicalities. This is completely unfair and it is no wonder people are very angry.

Section 12 relates to the farm waste management scheme. While the Government has stated there is a total of approximately €500 million to pay the 17,500 who were forced to have their farm waste management building projects completed and documented by 31 December, in real terms only an additional €300 million is needed to pay the remaining 60%.

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

**Deputy Seymour Crawford:** In other words, 40% is to be paid up-front while 60% will be postponed. The Government proposes to default by paying the second 40% in 2010 and the remaining 20% in 2011. The Minister should compare this rescue plan for 17,000 farmers with the instant resolution of the Anglo Irish share issue whereby ten individuals could release €300 million in borrowings from Anglo Irish, which I understand we as taxpayers will write off without anything in return. It is very difficult to explain to 17,000 farm families that €7 billion can be found to recapitalise two banks while €300 million cannot be found for farmers.

I urge the Minister to reconsider this issue and accept the fact that the farm families signed a legal contract under which they promised to carry out certain works to a specific standard based on the commitment that they would be paid. One should remember that a similar number of farmers to the number affected, who had their work finished at an earlier stage, have been paid in full. Questions must be asked as to whether some of the unpaid applicants were seriously held up in the system because of a lack of personnel due to retirements and transfers. How can the Minister justify the fact that, in one area, applications were dealt with in the normal way and therefore subject to payment, while, in others, applicants were victims of the failure of the Minister for Agriculture, Fisheries and Food to provide sufficient staff?

The Minister, but especially farmers, are victims of the Minister's failure to extend the closing time for the scheme. If he had allowed those who had commenced work under the terms of the scheme to continue into the spring of this year farmers would have saved enormous sums of money, as they had to pay over the odds for their jobs, and there would not be the same pressure on the Department to pay grants.

**An Leas-Cheann Comhairle:** Approximately sixteen and a half minutes remain to the Deputy in his slot.

Debate adjourned.

## **Ceisteanna — Questions.**

### **Priority Questions.**

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#### **Hospital Accommodation.**

1. **Deputy James Reilly** asked the Minister for Health and Children the reason there is a 30% increase in delayed discharges from acute hospitals between 2007 and 2008 which lost the hospital system 216,885 bed days; the further reason the health service is not using beds available in the community; and if she will make a statement on the matter. [6947/09]

**Minister for Health and Children (Deputy Mary Harney):** I am determined to ensure that all possible measures are taken to facilitate the discharge of patients in a timely manner. At present, there are approximately 750 patients whose discharge is delayed. That represents more than 6% of the total inpatient capacity. There are many reasons for discharges being delayed, including the need for long-stay capacity, community-based supports and, in some instances, a reluctance by families to allow their relative to be discharged until a publicly funded bed becomes available.

The Health Service Executive is addressing the issue of delayed discharges through a combination of increased investment in alternatives to acute hospital stay and improvements in the discharge planning process at hospital level. An additional 273 long-stay beds were made available in 2008, and a further 414 new beds are scheduled in 2009. The HSE has also recently funded 245 additional contract beds to alleviate delayed discharge pressures. Investment in community-based, long-term care supports will be maintained in 2009. This year the HSE will provide 4,700 home care packages, benefiting more than 11,500 people. A total of 6,000 patients were cared for by the community intervention teams that were recently established.

The HSE's funding for long-term residential care services for older people in 2009 is €909 million and it must operate within this resource. This funding currently supports the provision of public and contract beds and the payment of nursing home subventions. It will also be required to support the introduction of the new nursing homes support scheme, a fair deal, later this year. Under the fair deal, long-term care will be more affordable for all who need it.

Hospitals are working to ensure that care is provided in a timely, appropriate and efficient manner. All patients are to be given an expected date of discharge within 24 hours of admission and patients will be discharged at weekends where appropriate. The new consultant contract is key to that. More generally, the HSE's national service plan for 2009 commits to a number of key steps which are designed to improve the efficiency of the hospital system including a reduction in the level of inappropriate admissions, reducing average length of stay, increasing elective surgical admissions on the day of surgery and shifting activity from inpatient to day procedures. The delivery of those measures and targets, combined with the initiatives which I have described, should ensure more efficient use of available capacity.

**Deputy James Reilly:** An average of 293 patients were on trolleys to date in February 2009. That is an Irish Nurses Organisation figure. The average number in February 2008 was 244. In February 2007 it was 297, and it was 332 in February 2006. In March 2006 the Minister declared

the situation in accident and emergency services to be a national emergency. Last year the Minister closed 500 beds and this year she intends to close another 600 beds. The Minister has rationalised eleven accident and emergency departments, cut front line and agency staff and critical overtime. In addition, more than 100 long-stay and respite beds are being closed at locations that include the Orchard Nursing Home, Bray, Bethany House, Carlow, St. Patrick's Hospital, Waterford and Heatherside Hospital in Buttevant, County Cork. I was in Waterford last week.

**An Leas-Cheann Comhairle:** The Deputy should please ask a question.

**Deputy James Reilly:** I want to talk about that for a moment. St. Brigid's ward is perfectly good. People are delighted with it. Families are supportive of it. Patients want to stay in it. Staff are delighted to be working there, yet the Minister wants to close it down. In addition, the HSE is closing a ward in Waterford, which will put more pressure on accident and emergency services there.

**An Leas-Cheann Comhairle:** Will the Deputy ask a question, please?

**Deputy James Reilly:** When I asked a question of the HSE it provided responses from 36 hospitals giving a total of 216,885 bed days lost. Will the Minister inform the House of the number of bed days lost from all 51 public hospitals?

**Deputy Mary Harney:** The Deputy seems to have it every which way. St. Patrick's Hospital, which I have visited, and also Bethany House in Carlow, are very inadequate facilities in modern circumstances. One centre is a former work house and both centres are being closed down for health and safety reasons.

**Deputy James Reilly:** Nonsense.

**Deputy Jan O'Sullivan:** Bethany House is a relatively new building.

**Deputy James Reilly:** That is not true. I was there.

**Deputy Mary Harney:** Deputy Reilly——

**Deputy James Reilly:** A total of €500,000 has been spent on it by friends of the hospital. Staff and patients and their families take a great interest in the hospital.

**An Leas-Cheann Comhairle:** Deputy Reilly should allow the Minister to answer the question.

**Deputy Mary Harney:** I know Deputy Reilly is an expert on many subjects but I do not believe he is a health and safety expert. I know the expertise that was sought. I had a meeting with the HSE this very week on those matters. I have now signed into law standards of care for residential settings, which will be enforced from the summer of this year by HIQA and we must prepare for that environment. In the circumstances that exist in St. Patrick's in Waterford, it is not safe for patients to be on the first floor or for wards to have as many as 28 beds. There is no reduction in capacity in either of those facilities and alternative facilities are being provided. Patients in St. Patrick's will be moved downstairs as beds become available and families will be consulted. I accept there are issues relating to staff but I am concerned in this instance with patients.

Deputy Reilly's accident and emergency figures are wrong. The figures for accident and emergency services have continually improved in the past four years. Deputy Reilly can use averages at 8 a.m. before staff come in. He knows well the difference between the situation

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then and when the appropriate medical expertise is available. Deputy Reilly cannot have it every which way. We cannot have a situation where every piece of health reform introduced is opposed week in and week out. I refer to the cancer strategy and the reconfiguration of hospital services around patient safety. He cannot continue to do that.

The bed utilisation study will show that if bed utilisation was appropriate in terms of when people went home and who went into hospital in the first place many more bed days would be saved than the late discharges. I accept late discharges are an issue. I believe they are a particular issue as people wait in public hospitals for public beds and that is why the introduction of the fair deal legislation which passed Second Stage yesterday will make an enormous difference in providing affordable long-term care for older people and their families.

**Deputy James Reilly:** I put it to the Minister that the ward in St. Patrick's has had €500,000 spent on it, that the health and safety report, which I have seen with my own eyes, has been addressed, bar one remaining issue, namely, fire screens in the attic that will cost €50,000, which the friends and families of St. Patrick's are prepared to pay.

As to the Minister's contention that the figures are wrong, I put it to her that I have more faith in the emergency medicine group's figures and the INO's figures, which I compared year on year, than I will ever have in the HSE or her.

**Deputy Mary Harney:** I know the Deputy does not have much faith in me. He accused me of criminal negligence in the House last week. He should reflect on some of the things he says. Deputy Reilly cannot have it every which way. He has opposed every single reform for political reasons, and he made complaints about the many initiatives that were taken to improve the performance of the hospital system, especially as far as accident and emergency and the utilisation of hospital capacity is concerned.

2. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if she intends to proceed with the plan for co-located hospitals on the grounds of public hospitals; if she has satisfied herself that the proposals are viable in view of the economic climate; the position in regard to each proposed project, including whether or not contracts have been signed, the planned commencement date of each and the projected completion date; when she expects that the first beds will become available; and if she will make a statement on the matter. [6787/09]

4. **Deputy James Reilly** asked the Minister for Health and Children the progress of her hospital co-location plan; her views on the viability of the plan in view of the fact that the funding environment has changed in the past six months; when she expects the first bed to come on stream; and if she will make a statement on the matter. [6949/09]

**Deputy Mary Harney:** I propose to take Questions Nos. 2 and 4 together.

The co-location initiative is a complex process but it is an efficient means of delivering extra bed capacity. Significant progress has been made in advancing the individual projects involved. The board of the HSE has approved preferred bidder status for the development of co-located hospitals at Beaumont Hospital, Cork University Hospital, the Mid-Western Regional Hospital, Limerick, St. James's Hospital, Waterford Regional Hospital and Sligo General Hospital. Project agreements for the projects in Beaumont, Cork, Limerick and St James's have been signed.

Planning permission was granted by An Bord Pleanála for the Beaumont project late last year. Planning permission for the Cork and Limerick projects has been granted by the local authorities concerned and appealed in each case to An Bord Pleanála. The preparatory work required to make the planning application for the St James's project is under way.

The necessary preparatory work for the project agreements in respect of Waterford Regional Hospital and Sligo General Hospital is proceeding. A tender in respect of Connolly Hospital has been received and is under consideration. Work is being undertaken to finalise the invitation to tender for Tallaght Hospital.

It is a matter for each successful bidder to arrange its finance under the terms of the relevant project agreement. It is the case that the funding environment has changed significantly in recent months, and that has affected both the public and private sectors. The co-location initiative, like other major projects, has to deal with the new situation. The successful bidders are working on the details of contractual terms with banks and other arrangers of finance. The HSE is continuing to work with the successful bidders to provide whatever assistance it can to help them advance the projects.

**Deputy Jan O'Sullivan:** The Minister announced this proposal in 2004 and she said it would be a quick way to provide beds in acute hospitals. Does she accept she has failed miserably in this regard? Five years later, no block has been laid, no bed has been provided and no patient has been catered for and none will be for probably two years. The Minister did not reply to the question about when the first beds will become available. This is not fast provision of beds. Will she comment on that?

Does she accept the finding of the expert report relating to Beacon Hospital that health insurance will increase by approximately 25% as a result of this scheme? Has she amended the conditions for the funding of co-located hospitals? Various media have reported on pressure on the Department to make it easier for investors to obtain funding from banks and to provide fewer safeguards for the public purse in this regard. Does she plan to make changes? Will the hospital projects proceed?

**Deputy Mary Harney:** When the Deputy reads reports, she should read them thoroughly because the first page of the famous Goodbody report states, "The co-location initiative is highly beneficial for the public health system and the Exchequer. It delivers great value for money". Goodbody is working on behalf of the promoter of one of the sites and not the State. We take the advice of the National Development Finance Agency, NDFA, which is the Government's economic adviser. The proposal met the public sector benchmark and the agency said it would provide terrific value for money.

Private health insurance costs have increased since I became Minister because I have steadily increased the cost of private beds in the public health system. I have doubled the cost of such beds, which are subsidised by the State to the tune of €300 million annually.

**Deputy Jan O'Sullivan:** I do not dispute that.

**Deputy Mary Harney:** If the Deputy accepts the policy of charging the market price for these beds, it will have a knock on effect on the cost of insurance. Every year insurers have complained but that is a complaint worth hearing because this cost is not acceptable. The policy behind this is right. If we were establishing a greenfield health system in Ireland from scratch and recruiting consultants, we would never arrive at a position where beds were ring-fenced. In addition, a consultant is paid a private fee for insured patients in public hospitals and that has led to a scenario where public patients are put on waiting lists and private patients have ready access to publicly funded and staffed hospital facilities.

The first objective of co-location is to convert 1,000 such beds, which cost €350,000 each a year, for public use at a cost of less than one third of that amount. That would deliver terrific value for money because the staff are paid anyway. The second objective is to secure private investment in delivery capacity, which I have sought elsewhere in the health system, because



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we face major pressures. The announcement was made in July 2005 and not five years ago. We have a disparate capital infrastructure because the health services are the most decentralised of all State services given that they must be provided locally and, therefore, there are significant demands on infrastructure, much of which is old. New equipment is always coming on the market to deliver improved care and there are always pressures.

There will no change to the terms of the co-location scheme. The only advice the Government has taken is from our own adviser, the NTDA, which continues to provide us with expert advice.

**Deputy James Reilly:** The Minister did not answer my previous question but, hopefully, she will answer this. The reason I have opposed many of her reforms is she tends to undertake them back to front, as is the case with this scheme. Having removed 500 beds from the system last year and with plans to remove 600 this year, the Minister is still talking about these much vaunted hospitals. She is not shy about opening facilities and turning sods. Has she received an invitation to turn the sod on any of these hospitals yet? When will the first bed be available for a patient? At the end of the day, this is about trust and credibility. The Minister will not deliver on her promises in this regard in the same way she did not deliver on cervical vaccination. When will the beds be available? When does she hope to turn the sod on one of these projects?

**Deputy Mary Harney:** I have never turned a sod on a private sector development nor do I intend to do so, and I rarely turn sods on public sector developments. I have been involved in openings but the majority were public sector openings. The Deputy is involved in private health care and I was lobbied by him previously for tax breaks on private health care. I do not understand why he believes private health care in nursing homes and general practice is fine but when it comes to hospitals, it is a mystery.

**Deputy James Reilly:** Answer the question.

**Deputy Mary Harney:** We have to go through appropriate procurement and tendering procedures, value for money audits and the planning process because it is a private sector initiative. A former Member, for ideological reasons, appealed most of the planning permissions for these projects to An Bord Pleanála and that delayed them by up to 12 months. Planning for the Beaumont Hospital project was granted only at the end of last year.

**Deputy James Reilly:** I do not want the history to this. When will the beds be available?

**Deputy Mary Harney:** I presume the Deputy would like to know the facts.

**Deputy James Reilly:** I know the facts. When will the beds be available?

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

**Deputy Alan Shatter:** There is a connection between 500 beds being removed from the system and her scheme.

**Deputy Mary Harney:** Planning permission has not been granted for a number of these projects and clearly I am not in a position to say when the beds will be available. I hope we will see the beginning of this investment as soon as possible.

**Deputy James Reilly:** That is not an answer.

**Deputy Jan O'Sullivan:** In the current economic climate, can the taxpayer afford to forego approximately €800 million in tax over seven years for these projects? Does the Minister believe there will be private funding for them?

**Deputy Mary Harney:** Every day the House discusses the financial difficulties confronting this country and many others relating to public and private projects. I do not want to be dishonest and, therefore, securing money for an investment currently is a challenge in Ireland, as it is elsewhere.

I refer to the study the Deputy mentioned. The tax generated on an annual basis will be more than €200 million and 4,500 jobs created during construction.

**Deputy Jan O'Sullivan:** What about tax foregone?

**Deputy Mary Harney:** It will cost the Exchequer approximately €100 million a year to secure 1,000 beds. If the Deputy can outline a better way to secure 1,000 beds in our public hospital system using modern infrastructure with the facility available to all patients, provide public patients with services at a hugely discounted price and one accident and emergency department, I am open to her suggestion.

**Deputy Jan O'Sullivan:** What about getting the 700 patients out of acute beds who are ready to be discharged?

**Deputy James Reilly:** The Minister should eliminate delayed discharges by opening facilities in the community to allow those patients to be discharged because the beds of 1,000 beds would be available in the morning.

She did not answer the question. She stated planning permission has been granted and contracts signed for a number of these projects. When will the first beds be available? If she cannot say, she should tell the House she is not in a position to do so because all the talk about delivering value for money and so on is precisely that. It will not happen.

**Deputy Mary Harney:** The Deputy is seeking 4,000 additional hospital beds and I have yet to see how they will be funded. Fine Gael also wants cuts amounting to €2 billion. I would love somebody in the party to show me how all that will happen.

**Deputy James Reilly:** Answer the question.

**Deputy Mary Harney:** A contract has been signed for one and there are project agreements for many others, which is a different matter. Regarding the hospital where a contract has been signed, clearly I am not in a position to say when the final pieces will be completed. There are legal and financing issues involved. I am not in a position to tell the Deputy when that will happen.

### **Hospital Services.**

3. **Deputy James Reilly** asked the Minister for Health and Children, given the findings of the national report on traumatic brain Injury (details supplied), her views on whether the current system is putting patients' lives at risk; and if she will make a statement on the matter. [6948/09]

**Deputy Mary Harney:** I have received the report in question in recent days. The study, which was led by Professor Jack Phillips, consultant neurosurgeon, involved a national audit of more than 2,000 patients with significant traumatic brain injury. Data were collected and analysed over a two-year period from April 2002 from the neurosurgical centres at Beaumont Hospital

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and Cork University Hospital. I welcome the findings of the study which will help to guide the approach to strengthening neurosurgical services as well as informing the approach to the development of injury prevention and health promotion strategies. The findings of the report show that the level of care provided to some patients was at times less than optimal. I note that the data used in the study were collected between 2002 and 2004.

The development of services in the area of neurosciences, which comprises neurology, neurophysiology and neurosurgery, has been given a particular policy priority in recent years. Since the data were collected and analysed additional revenue funding of €7 million has been allocated to the Health Service Executive in 2006 and 2007 for the development of neurosciences and a further €850,000 is being allocated this year.

On the capital side Beaumont Hospital has received a grant of €4.9 million for neurosurgery equipment. There has been significant investment in the CT scanning service at Cork. The hospital operates a 24-hour CT scanning service, a PET CT is due to be commissioned in the summer and an existing CT scanner is being upgraded at a cost of €1.4 million. In addition, €1.2 million has been spent on equipping and refurbishing the intravascular aneurysm-coiling suite which has now started providing a procedure for treating aneurysms that was previously available only in Beaumont Hospital.

**Deputy James Reilly:** We have only ten neurosurgeons, which is the lowest in Europe. I was in Belfast two days ago and was told that Northern Ireland had 14 with a population one third of ours. That may or may not be accurate.

I have a personal knowledge of this in that a friend and colleague of mine with a brain tumour waited four weeks to get into Beaumont Hospital. I had a patient from Wexford who last year was told to arrive at Beaumont on a specific day because she had a recurrence of her symptoms following brain tumour removal three years earlier and it quite obviously had returned. She got her husband to take three weeks off work to mind their seven children and the night before she was due to go to the hospital she was advised that no bed was available. That is the reality for people. The consultant to whom I spoke at that time said he is faced with having to leave a patient with a brain tumour at home because somebody else who is unconscious must be treated as an absolute emergency.

We are streets behind and the investment has not been made. I was going to confine my comments to neurosurgery, but the Minister mentioned neurology. I have a comparative list of neurologists per head of population that includes Australia, Belgium, Finland, France, Britain and Ireland. We used to have one per 300,000. We now have one per 210,000. The next worst is the UK with one per 164,000. France has one per 39,000. We have not been employing the consultants. Of the 245 consultant posts approved since 2008, of which only 115 are new posts and 154 have been advertised, how many are for consultant neurosurgeons? When will the HSE strategic review of neurology and clinical neurophysiology completed in 2007 be published?

**Deputy Mary Harney:** I understand two consultants have been recruited at the moment. I have seen the publicity surrounding the issue of neurology. I have equally seen the correspondence from Professor Drumm. If we want to talk about the number of neurologists we have, we must also consider the number of junior doctors we have. We have an unprecedented number of non-consultant hospital doctors in neurology compared with anywhere else in the world. We also need to consider the performance in the different hospitals. Professor Drumm recently showed me that in some hospitals, consultants in neurology were seeing 80 or 90 new patients a month and in others it was down to 20 to 22. I will send the Deputy a copy of the correspondence which will inform him.

We have more than 7,000 hospital doctors. By any standard that is a large number. The challenge for us is to switch it from non-consultant doctors to consultants. We are awaiting a new contract with very different employment terms, which I am happy to say is virtually finalised and over the coming days we will be able to make final decisions in that regard. It will fundamentally change the way consultants work and make it much easier for us to make it affordable to get new consultants because we will be able to reduce the dependency on non-consultant hospital doctors, of which we currently have 4,900. I believe a subsequent question deals with the matter.

Regarding surgery, my brief informs me that we have 13. I do not know how many there are in Northern Ireland. Since Professor Phillips completed his study, the facility in Cork only commenced in 2003, which has resulted in a major improvement in the service in Cork. I do not take away from the fact that there are still pressure points. I accept that.

**Deputy James Reilly:** If we were being honest we would both accept that there is a major deficit. It might be too kind to call it a pressure point. When will the new neurosurgeons take up their posts? Will it be this year and if so on what date? As we both know, after approving a post, recruiting can take anything up to 18 months.

**Deputy Mary Harney:** I am not in a position to tell the Deputy when they will take up their posts. I will see whether I can get that information. The data I have suggest there are ten in Beaumont and three in Cork University Hospital. I will see whether I can confirm that.

*Question No. 4 answered with Question No. 3.*

#### **Medical Cards.**

5. **Deputy Alan Shatter** asked the Minister for Health and Children if her attention has been drawn to the fact that bereaved pensioners over 70 years who automatically qualified for the medical card prior to the enactment of the Health Act 2008 and whose spouses died prior to 1 January 2009 will not benefit from the exemption which allows a medical card to be retained for a three-year period following the death of a spouse where their income exceeds €700 per week and is below €1,400 per week and that the three-year concession only applies to those bereaved as and from 1 January 2009 which adversely affects those bereaved in the years 2006, 2007 and 2008; if she will take action to amend this situation; and if she will make a statement on the matter. [6473/09]

**Deputy Mary Harney:** The Health Act 2008 allows for a surviving spouse of an over 70 medical card holder to retain his or her card for a period of three years provided that the death occurred on or after 1 January 2009, the surviving spouse or partner was aged 70 or over at the time of the death, and the surviving spouse remains within the €1,400 weekly income limit for a couple. After three years, the surviving spouse will be assessed under the €700 single weekly income limit.

I moved an amendment during the passage of the legislation through the Houses of the Oireachtas to ensure a person aged 70 or over would not lose his or her medical card as an immediate consequence of the death of a spouse. My Department examined the options available to ensure the trauma was minimised for an elderly person whose spouse dies. I am satisfied the provision in the legislation offers the best solution from a non-discrimination point of view.

A surviving spouse aged 70 or over who no longer qualifies for a medical card after 1 January may apply to the HSE for a card under the existing net income thresholds which take account of medical, nursing and other relevant expenses. The HSE may also issue a medical card on a discretionary basis if the person would otherwise be caused undue hardship in providing general

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medical and surgical services for themselves and any dependants. Such people are encouraged to apply to the HSE for a discretionary card. I am satisfied that within the confines of the legislation it is not possible to change what has recently been legislated for.

**Deputy Alan Shatter:** Is the Minister aware that if a person over 70 with a medical card died in November 2008 as a consequence of this legislation, his or her spouse will be deprived of it from 2 March? Does she accept that it is a gross discrimination and grossly unfair that such circumstances arise, especially given that if the spouse had lived until 2 January 2009 his or her widow or widower would have retained the medical card for three years? Where is the fairness, equity or humanity in treating those who were bereaved immediately prior to 1 January 2009 differently from those bereaved this year? Is the Minister aware that as matters are now being administered by the HSE, elderly people phoning the HSE whose income exceeds €700 per week but is below €1,400 per week and whose spouses died in 2006, 2007 or 2008 are being told that they will be deprived of the medical card that they believed they would otherwise retain?

**Deputy Mary Harney:** When we debated the legislation in the House I said that it would have been desirable to leave the medical card in such circumstances with all such spouses. However, a number of legal and equality issues arose and it was not possible legally to do that.

*4 o'clock* Unfortunately there are always cut-off points in any legislation. Currently a person in his or her 40s, 50s or 60s whose spouse has passed away is in the same circumstances when the card comes up for renewal within the calendar year. I am aware of the anomaly but I am not in a position, unfortunately and for legal and equality reasons, based on the advice I have received from the Attorney General, to do anything more than is in the legislation.

**Deputy Alan Shatter:** Has the Minister received legal and equality advice from the Attorney General as to the position as it might occur if a person whose spouse died in 2007 or 2008, to whom the three year concession does not apply, took proceedings in the High Court, due to the inequitable application of this legislation? I suggest to the Minister that whatever advice she is getting misses the point that this is a serious unconstitutional discrimination against persons who were bereaved during 2006, 2007 and 2008. Would the Minister acknowledge that when dealing with this issue during the truncated debate that took place on this legislation, she sought to indicate that bereaved spouses, widows and widowers, who suffered a bereavement in the three years preceding 1 January 2009, would be dealt with with some greater care than is currently happening in that she told the House that the practice of the HSE will continue on an administrative basis and it will take all reasonable measures to ensure people in this position are not put at a disadvantage? Could the Minister explain what measures the HSE is currently taking? Is she aware of the fact that only last Friday, the Irish Hospice Foundation called for a change in the legislation in this area, emphasising the detrimental impact it will have on those who were bereaved in the past three years?

**Deputy Mary Harney:** As the Deputy is aware, the medical card scheme generally, with the exception of the over 70s, is allocated on an administrative basis. The only legislation is to do with the over 70s which was introduced in 2002. In normal circumstances, when a person passes away, notwithstanding the fact that the income may remain the same and therefore the assessment will be different in a new set of circumstances, the cards are generally left for a period of up to one year, sometimes more. With regard to some of the cases mentioned by the Deputy I would hope it can be done on that basis.

**Deputy Alan Shatter:** Is there any direction to the HSE to do that?



**Deputy Mary Harney:** The Deputy asked me a question. This legislation was drafted by my officials with the help of the Office of the Attorney General and the Attorney General in person. Therefore, we sought to be as reasonable as possible. My desire would have been to have left the card but I was strongly advised that for equality and legal reasons, we were not in a position to do so.

**Deputy Alan Shatter:** It is grossly unfair to deprive someone of the card who was bereaved three or four months ago but leave it with someone who has only been bereaved a couple of weeks ago. It is grossly unfair.

### Other Questions.

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#### Hospital Staff.

6. **Deputy Deirdre Clune** asked the Minister for Health and Children the progress that has been made in implementing the European working time directive for non-consultant hospital doctors which limits the working week to 48 hours; the manpower implications this will have; and if she will make a statement on the matter. [6626/09]

**Deputy Mary Harney:** Under the European working time directive, the current maximum average working week for non-consultant hospital doctors is 56 hours. This limit will be reduced to 48 hours with effect from 1 August 2009. The directive also specifies minimum daily and weekly rest periods. I am aware that the working hours of non-consultant hospital doctors in our public health service are, in general, not compliant with the requirements of the European working time directive. The matter has been the subject of extensive analysis in recent years.

Negotiations on a new employment contract to facilitate the introduction of reduced working hours for NCHDs have been the subject of protracted negotiations under the auspices of the Labour Relations Commission, but without resolution.

A national implementation group which was established in 2005 to provide guidance and oversee local implementation projects, produced its final report in December 2008. The report indicated the potential for specific actions which could be taken for compliance with the European working time directive.

My Department has requested the HSE to develop a robust plan for achieving compliance with the working time directive by August of this year. The HSE is identifying specific measures to further compliance in each acute hospital over the coming months such as flexibility of work practices; rationalisation of overtime hours; reconfiguration of hospital services; an increase in the number of consultants with a corresponding decrease in the number of NCHDs through savings achieved from the overtime bill. These measure will all be of assistance in this regard.

On 30 January 2009, the HSE advised the IMO of its intention to proceed with implementing changes to the working arrangements of non-consultant hospital doctors, with effect from 18 February 2009. On foot of this proposal, the IMO balloted its members for industrial action. The Labour Relations Commission facilitated a meeting between the HSE and the IMO earlier this week where it was agreed that both parties would engage in intensive discussions on all issues of dispute between them. These discussions will continue to take place until the end of this month, following which any unresolved issues will be referred to the Labour Court.

**Deputy James Reilly:** I thank the Minister for her reply. Notwithstanding the industrial relations issues with non-consultant hospital doctors, I am concerned at the plan to take up the slack. Many doctors are working extraordinary hours — up to 80 a week. If such doctors are

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now going to be working 48 hours, where are the additional staff to take up that slack? I certainly do not approve of either the overtime bill or of asking doctors to work such hours because I do not believe it is safe. Truck drivers would not be allowed drive for that number of hours in a week. Doctors making life and death decisions when they are half asleep on their feet from exhaustion is not the way to run a safe health service and it is designed to cause trouble. I fully agree with this drive to reduce hours but where are the additional staff? A reduction in staff means a reduction in service unless additional non-consultant hospital doctors are employed and this is not what the Minister wishes to do as she wants a consultant-delivered service and I agree with her. However, where are the consultants?

**An Leas-Cheann Comhairle:** An tAire to reply.

**Deputy James Reilly:** May I ask a final supplementary question for clarification?

**An Leas-Cheann Comhairle:** Please do.

**Deputy James Reilly:** How many new consultants will be appointed this year? When I say, “new”, I do not mean people who are new to the job, rather I mean additional posts. How many additional posts will be filled this year?

**Deputy Mary Harney:** I appreciate the Deputy’s point about patient safety because tired doctors are certainly not safe doctors. The first HSE initiative was to take effect from 18 February and this led to the ballot, which was about three things — a training grant of €3,810 per doctor per annum; a meal break of €25 million per annum; and a living out allowance of €11 million. This is a total of €45 million. These are archaic allowances that are in the system. Much of the change will come through work practices. The new consultant contract which I believe can now be activated, will mean consultants working an extended working day and providing cover in hospitals at weekends. This will mean that daily discharges are possible. A clinical director will be responsible for making all this happen. This will fundamentally alter how our hospitals work. Much of the overtime bill in our hospitals results from not having consultants available in the hospitals up to 8 p.m. or 9 p.m. in the evening or over the weekends. I do not know the precise number of consultants to be recruited this year but we must recruit them in order to reduce the amount of money paid for non-consultant hospital doctors. In the mid-west we are recruiting two accident and emergency consultants, one dermatologist, some for rheumatology. I know the numbers by region but I am not certain what the total number is. There will be many recruited for the cancer area and we are currently recruiting a number of physicians in radiation, oncology and surgery. I understand some of those doctors will be starting very soon.

**Deputy Jan O’Sullivan:** I also accept that in the interests of both the safety of patients and doctors that the hours must be reduced in accordance with the working time directive. However, until such time as those consultants are appointed, the same junior hospital doctors are still going to have to work the same hours as before or else patients will be left unattended. I had a long conversation with a young doctor who is training to be a GP. He told me the doctors cannot leave the patients; there will not be extra non-consultant hospital doctors but the consultants have not yet been appointed. There is a real problem in the meantime which the Minister needs to address. It is unfair on those doctors to be expected to do the hours but their pay is going to be cut by more than half in many cases although I am not defending the long hours. With regard to the cuts in study and training time I remind the Minister that non-consultant hospital doctors must train and study and surely they should be recompensed for that.

**Deputy Mary Harney:** I am not referring to training and study time, but to allowances for meals and so on, amounting to €25 million for meals, €11 million to live out and €17 million for training. There must be training, but these allowances are not paid to others in the modern era and are not appropriate.

Last year, the bill for overtime amounted to more than €200 million. Among the issues that arise is that, while junior doctors support the idea of implementing the working time directive, they want to be paid the same salary, including overtime, despite working a shorter week. In the current circumstances, no one would regard that as reasonable. The reconfiguration of hospital services and the consultants' extended hours will alleviate significantly pressures on non-consultant hospital doctors.

Some hospitals have shown considerable innovation. For example, hospitals' overtime bills vary considerably across the country. Some have large bills in respect of junior doctors while others, despite treating the same number of patients, have substantially smaller overtime bills. Were hospitals to follow best practice, the bill would be reduced. We have no alternative but to take this measure this year, given the considerable pressures on the HSE's budget stemming from the rising level of unemployment.

### **Clinical Indemnity Scheme.**

7. **Deputy Michael D'Arcy** asked the Minister for Health and Children the action she will take to address the legal expenses claimed by lawyers when their clients are awarded damages under the clinical indemnity scheme; and if she will make a statement on the matter. [6638/09]

**Deputy Mary Harney:** The management of claims covered by the clinical indemnity scheme has been delegated to the State Claims Agency, SCA, under the National Treasury Management (Amendment) Act 2000. Therefore, I have no direct involvement in their management. The 2000 Act imposes an obligation on the agency to ensure that the expenses incurred in the management of claims are contained at the lowest achievable level.

The establishment of the clinical indemnity scheme in 2002 has already produced significant savings in legal and other transaction costs by eliminating the multiple defendants who would each have had separate legal representation under the previous arrangements. The elimination of separate representation for hospitals, consultants and junior doctors has made it easier to settle cases. As well as eliminating multiple costs, it delivers compensation to patients with legitimate claims much more quickly. It also makes it easier to defend cases that have no merit.

The SCA minimises its own legal costs through the use of a panel of specialist solicitors selected following a competitive tender. Through these solicitors, it agrees the fees to be paid to counsel. However, in dealing with the costs of successful plaintiffs, it is obliged to work within the rules and conventions of the courts system where these matters are determined. Where the costs cannot be agreed between the parties, they are submitted for taxation. The agency is examining how legal costs might be further reduced.

**Deputy James Reilly:** The legal costs of the average catastrophic injury case, such as one involving cerebral palsy, amount to approximately €1 million. This is a particularly relevant issue. From my general practice, I know that vaccination is the most dangerous thing that general practitioners do because of untoward effects, which are rare but possible. Why is it the case that, the higher the award to the patient, the greater the professional fee? It does not make sense. We are paying approximately 56 cent in legal costs for every euro that a plaintiff gets. Under the NHS in the UK, only 43p is paid out on every pound. It is a hell of a difference.

Will the Minister consider a no fault compensation fund for the victims of the childhood vaccination schemes? If a doctor gives a vaccine in good faith, manufacturers produce it in

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good faith, parents have it administered to their child in good faith and an untoward event occurs, as occurs rarely, the parents will be left mortgaging their house to get justice and care for their child. Everyone is sued, everyone has legal costs, the legal profession has a heyday and the families and professionals who have done no wrong are traumatised. If there is neglect, that process is fair enough, but there is none in most cases. Has the Minister considered a no fault compensation scheme and what are her plans to reduce horrendous legal costs?

**An Leas-Cheann Comhairle:** That was a specific expansion on the question, but I ask the Minister to reply.

**Deputy Mary Harney:** I share the Deputy's opinion on legal costs in Ireland and the plethora of lawyers, from junior and senior counsel, solicitors and so on, involved in various actions. A previous Minister for Justice, Equality and Law Reform established a group on legal costs, the recommendations of which are being considered for implementation by the current Minister.

The Deputy's point on percentage costs is valid. It also applies to pharmacists, who receive a 50% mark-up on the cost of drugs. I have a strong opinion in that regard. When I am doing business in my private capacity, such as it is, I usually negotiate a fee. More people should do likewise. We pay substantially more in terms of legal costs and doctors than is paid in the UK. Professionals in this country do much better than their counterparts in Northern Ireland or the UK. As the Deputy is aware, the legislation on emergency provisions in respect of the levy, which is before the House, provides for the renegotiation or resetting of fees for health, legal and other professionals.

To be fair, the introduction of enterprise liability has been of major benefit from the point of view of hospital claims. Instead of different professionals having their own lawyers and insurers, each trying to ensure that their clients are not blamed, and the cases going on forever, cases are settled more cheaply than used to be the case.

Regarding a no fault scheme, a group under Professor Peter McKenna, an obstetrician from the Rotunda Hospital, was established prior to my appointment as Minister for Health and Children. The group's focus is on children who have suffered brain injuries at birth. If my memory serves, there are few such cases each year. The Deputy is correct in that the parents must litigate, a process that is traumatic and expensive. I am awaiting the group's report. It was trying to reach agreement between parents and the various interest groups before making a recommendation, which, judging by initial indications, was for a no fault system. I would have much sympathy for it. If we could target money to the children and their families instead of through a legal process and litigation that results in trauma, it would be attractive. Beyond this, the matter has not been considered. If we could have a no fault system that did not open the flood gates, I would be in favour of it.

**Deputy James Reilly:** For that reason I was careful to refer to childhood vaccinations specifically, not to people receiving travel vaccinations. Will the Minister focus on her plans or other initiatives to address the plaintiff's legal fees?

**Deputy Mary Harney:** These are generally determined by——

**An Leas-Cheann Comhairle:** I will allow Deputy Naughten to ask a brief supplementary question.

**Deputy Denis Naughten:** Before the Minister responds, will she update the House on the report on her desk concerning vaccine-damaged children? When does she hope to publish it?

**Deputy Jan O'Sullivan:** My question is more or less the same. Does the Minister have a timescale for publication of that report? Every Deputy would consider it eminent sense that the money should go to the children and their families instead of to the legal profession.

**Deputy Mary Harney:** Regarding Deputy Reilly's question, a plaintiff's costs are generally determined under court procedures. Unfortunately, we pay more in such costs than is paid in other jurisdictions. We also pay our doctors much more for screening programmes. In the new economic circumstances, all these matters must be reviewed.

I will revert to Deputy Naughten as I am not in a position to answer his question. I would welcome a dialogue on some of these issues with the Opposition as they should not be contentious and are not ideological. We could hold a good discussion on vaccinations via the Joint Committee on Health and Children.

**Deputy Denis Naughten:** I have already met the working groups and they would have no problem in that regard.

**Deputy Mary Harney:** I would happily have it.

### Health Services.

8. **Deputy James Reilly** asked the Minister for Health and Children if she will publish the Health Service Executive Health Information and Quality Authority and social services inspectorate reports on hostels for unaccompanied migrant children; and if she will make a statement on the matter. [6686/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** All residential services for separated children seeking asylum are provided by non-statutory service providers on behalf of the Health Service Executive. The registration and inspection service of the HSE is responsible for the inspection of these residential services. The Health Information and Quality Authority, HIQA, does not inspect residential services operated by non-statutory service providers. However, when the relevant sections of the Health Act 2007 are commenced, the remit of HIQA will include inspections of both statutory and non-statutory children's residential centres.

The HSE has, year on year, increased the level of resources to separated children seeking asylum. This has allowed services to develop from the rudimentary service in 2000 to the level of support and care that exists today. The task is not yet complete and work will continue this year to develop the service to an appropriate standard.

There is recognition within the HSE that this service needs to be considered on a national basis. Plans are in progress to move the focus away from Dublin as a service point and, in the future, separated children will be placed in appropriate placements across the country. As a parallel process the hostels currently in use in Dublin will be wound down.

In or around 2000, when large numbers of asylum seekers began to arrive in this country there was an emergency response across all relevant agencies, including the Department of Justice, Equality and Law Reform, the former health boards and local authorities. Large hostels were used to accommodate asylum seekers and separated children seeking asylum were mixed in with single adults and families in such units. The former health boards' response regarding separated children was to put together a dedicated team to deal with the issue. Initially, a principal social worker was assigned with a number of staff. This team has grown over the years and now includes nearly 30 full-time staff including social workers and project workers, as well as clerical, medical, nursing and psychology inputs.



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The first key task in respect of securing the safety of separated children was to place them in dedicated accommodation. This was done over a period, although many of the hostels then in use contained too many children and some contained up to 80 children. The next task was to reduce the number of children in each hostel to more appropriate numbers and this was achieved over time to the point where most hostels now have less than 30 children in each. In addition, a registered children's residential unit with six places was opened in the Tallaght area.

The current service provision to separated children includes foster care, residential care, supported lodgings and hostel care. The number of fostering placements has increased year on year. The most vulnerable of separated children are placed with foster parents. All separated children under the age of 12 are either cared for in a foster care setting or alternatively in a registered children's home.

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

There currently are two registered children's homes in operation for separated children with two others in the process of being commissioned. These will accommodate children up to the age of 16. There also are seven hostels which provide accommodation for such children who are aged 16 years and over. As the HSE does not consider these hostels to be registerable, it is moving to phase out the hostel care arrangements starting next month. On this basis, these hostels are not being inspected by the registration and inspection service of the HSE. However, the HSE receives regular reports from the project workers attached to the team for separated children seeking asylum in respect of each hostel.

While the HSE is moving towards placing children across the country, in the medium term it will be necessary to continue to refer some children into the remaining hostels, although this will diminish with time. To date, three residential centres for separated children have been inspected. Two of the inspection reports have been completed and will be made available to the Deputy.

The HSE, in currently progressing plans to move to a more comprehensive model of care for these children, aims to ensure that all accommodation for separated children meets the relevant national standards. The HSE is working with the registration and inspection service to achieve this aim. It is anticipated that by the end of 2009 the number of registered children's residential centres that comply with the standards will have increased to four. It is the objective of the HSE that all separated children will, in the future as soon as is feasibly possible, be placed in foster care, in a registered residential care placement or the equivalent.

**Deputy Denis Naughten:** While I thank the Minister of State for his reply, one might think while listening to it that something is being done. If that is the case, how could a further 16 children have gone missing during the 11 months of 2008 for which information is available? Is it not the case that reports have been completed on such hostel accommodation by the HSE or its agents? The NGOs have reported that nearly all the hostels failed that inspection. Will these inspection reports be published and put into the public domain?

**Deputy Barry Andrews:** First, it is not correct to state that nothing has been done. The Deputy is correct to state that a number of unaccompanied children seeking asylum went missing. However, that figure has fallen dramatically in the last four or five years, from 66 in 2005, to 22 by the end of 2008. I believe the Deputy referred to 18 such children. The figure fell by two thirds during that period. While I acknowledge that the number of children who sought asylum also fell by half, the number of that went missing came down more dramatically.

No inspections *per se* are carried out in respect of hostels. However, the HSE is constantly in receipt of reports from project workers and insists on the highest standards of accommodation being provided in such hostels. Moreover, the HSE has made clear that from next month, it will move towards the phasing out of such hostel-style accommodation and will insist that younger children are cared for either in foster care or in residential children's homes. Certainly, no younger children are cared for in hostels. While older children are cared for in this way, we have two registered children's homes at present and hopefully will have four by the end of the year. We wish to treat all unaccompanied children seeking asylum in the same way as all children in the State are treated.

**Deputy James Reilly:** Does the Minister of State not accept the imperative to have an inspectorate of such hostels to protect the most vulnerable children in our society? This is particularly true given that 22 children went missing last year. Although the Minister of State noted that this was a reduction, there also has been a significant reduction in the number of children coming here.

**Deputy Barry Andrews:** We are aware of the standards but the inspections to be undertaken by HIQA will come into play on the commencement of the Health Act 2007. The original question pertained to those inspections and as I indicated in my response, the registration and inspection service of the HSE is responsible and does take reports from project workers on a constant basis as to the standards in such hostel-style accommodations.

**Deputy Jan O'Sullivan:** This is a particularly disturbing aspect of child care for everyone concerned. While it is welcome that the numbers have fallen, the idea that young children can go missing at all is highly worrying. The Minister of State spoke of inspection but in the case of young children, the issue does not pertain to physical inspections as much as to the care system and whether such children are watched and cared for on a 24-hour basis as one would expect. Moreover, the Minister of State stated that younger children are being moved to homes, foster homes and so on. What is the cut-off age in this regard?

**Deputy Barry Andrews:** On the last point, being under 12 is the strict cut-off point at which hostel accommodation is completely inappropriate. However, the vast majority of children in hostel-style accommodation are in the 16 to 17-year old age group. As for the care system, 24-hour care is provided for such children. Two project workers are located in each hostel and provide the highest standard of care for the children. In general, the development of policy in this area has been considerable in the past ten years. This issue has received high prioritisation. Much intergovernmental work has taken place, as has much work with statutory and non-statutory agencies, including the Garda, the Garda National Immigration Bureau and the Garda missing persons bureau regarding the sharing of information through all such groups.

This issue has attracted a high level of concentration on the Government's part. Although there has been a dramatic fall in numbers and although we know from our colleagues in Europe that many of the children who go missing simply are reuniting with families that already are here or else are going to other European countries, the reduction does not give us cause for complacency.

**Deputy Denis Naughten:** The HSE has stated that many of these children have been rescued from desperate situations. Is this true?

**Deputy Barry Andrews:** Not many, no.

**Deputy Denis Naughten:** Is it true that some of these children have been rescued from brothels, in which they have been engaged in the sex industry? How can the Minister of State

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assert in this House that such children are being provided with the highest standards of care when no controls are in place? The Minister of State himself has admitted that no inspection of such facilities has taken place since 2000. When will an inspection take place? When will Members have sight of the reports that have been collated by the HSE? Does the Minister of State believe it is acceptable that 16 children went missing last year from such hostels during the 11 months for which figures are available? I believe that one child is one too many and the disappearance of a single child constitutes a damning indictment of the existing system.

**Deputy Barry Andrews:** Clearly, one child going missing is a challenge. However, I must say that——

**Deputy Denis Naughten:** It is a scandal, not a challenge.

**Deputy Barry Andrews:** Deputy Naughten should wait a second. One must be balanced about this issue. I already have made the point that many of the children who go missing are reunited with their——

**Deputy Denis Naughten:** Some of them are.

**Deputy Barry Andrews:** However——

**An Leas-Cheann Comhairle:** Please allow the Minister of State to respond.

**Deputy Barry Andrews:** ——Members should be balanced about this issue. One also must be honest and acknowledge that children have been rescued from abusive situations, be they sexual or pertaining to employment. That is the reason for the Criminal Law (Human Trafficking) Act, which prioritises child trafficking. It is the reason for the existence of an anti-human trafficking unit within the Department of Justice, Equality and Law Reform. It is the reason the Garda has devoted so many resources to Operation Snow, which is an effort to both support children and to secure prosecutions in this regard. However, I also should point out that since the Criminal Law (Human Trafficking) Act came into force last year, no prosecutions have been taken in this area. This does not mean there are no instances of such activity.

**Deputy Denis Naughten:** It is because some of those who gave evidence have disappeared.

**Deputy Barry Andrews:** This is a developing area of law and a balanced approach must be taken.

### **Health Service Staff.**

9. **Deputy Joe McHugh** asked the Minister for Health and Children the position regarding the proposed voluntary retirement scheme for Health Service Executive staff; and if she will make a statement on the matter. [6668/09]

46. **Deputy Kathleen Lynch** asked the Minister for Health and Children the estimated number of redundancies and early retirements being sought within the Health Service Executive; the levels at which these reductions in staff are being sought; and if she will make a statement on the matter. [6545/09]

**Deputy Mary Harney:** I propose to take Questions Nos. 9 and 46 together.

The Government has not yet decided on the scale or scope of a voluntary redundancy or early retirement scheme for the Health Service Executive. I have confirmed to the House on a number of occasions that I believe that a managed voluntary redundancy scheme could have

an important role to play in helping to improve the delivery of health services to patients by streamlining management and administration within the HSE. The Minister for Finance, in his Budget Statement of 14 October last, reaffirmed the Government's commitment to such a scheme.

The immediate priority for the Government was to put in place the necessary legislation and other measures to implement the €2 billion public expenditure savings announced on 3 February. When this has been dealt with, the Government then will consider other matters, including the introduction of a voluntary early retirement scheme for the HSE and other areas of the Government.

**Deputy James Reilly:** To put this issue in context, I met nursing representatives yesterday, who told me that in the last 18 months approximately 2,700 nurses have left the system. This may not represent the loss of 2,700 whole-time equivalent posts but it is nonetheless 2,700 people. How many managers and administrators have gone in that time? The Minister's answer was not greatly informative. How many health service staff have expressed an interest in taking redundancy and when will they be let go?

**Deputy Mary Harney:** The Minister for Finance has responsibility for public service staffing. Therefore, this is not a matter for me. The Government would have to approve a redundancy scheme and the terms thereof. The intention is that the Minister for Finance will bring a joint memorandum to the Government in regard to the health service.

In the past three years, we have increased the number of nurses by 25% and reduced the number of general support staff by almost 9%. I do not know what the level of interest would be in a voluntary redundancy scheme. Much would depend on the terms, the age of prospective applicants and so on. Obviously, from a strategic point of view, we are anxious to retain the best people. A voluntary redundancy scheme must be appropriately managed so that we do not end up, as has happened before, letting go vital staff who subsequently have to be replaced. The intention is that there will be no replacement of those staff who avail of voluntary redundancy. Instead there will be redeployment of remaining staff. Redeployment is a critical aspect of any voluntary redundancy scheme.

**Deputy Jan O'Sullivan:** The Minister replied to a similar question tabled by me on 25 November 2008, when she provided far more information than she gave in her initial short reply today. How much work has been done in this area? There is little point in letting go any staff who express a wish to retire regardless of their role or the area in which they work. Is there any strategy attached to the proposed redundancy scheme in terms of, for example, taking out administrative grades? One of the criticisms of the Health Service Executive is that its establishment involved the imposition of additional staffing structures on the existing structure of 11 health boards and other organisations. The common perception is that the various layers of management are causing delays in the system. Is there a strategy in terms of taking out layers of management rather than retiring people out of the system in a willy-nilly fashion?

**Deputy Mary Harney:** A considerable amount of work has been done by my Department and the Department of Finance in regard to the proposed redundancy scheme. The intention is that the Minister for Finance and I will take a memo to the Government. This would probably already have been done in the past month if not for the necessary focus on the financial stability of the State and the measures required to be taken to that end. I hope we will be in a position to make progress on the redundancy scheme shortly.

The Deputy is correct that it would make no sense to introduce a voluntary scheme under which significant numbers of staff were lost in one area, leading to staff shortages and a need for fresh recruitment. Redeployment must be a key component of any scheme.

[Deputy Mary Harney.]

Considerable work has been done in regard to structuring issues in the Health Service Executive by Professor Drumm and his team, hospital management and so on, with the support of external consultants. That is a different issue. One of the issues that arises is whether the management structure needs to be more devolved.

**Deputy Jan O'Sullivan:** It is not a separate issue. The point is that the executive has too many layers of management and that is why staff numbers must be reduced.

**Deputy Mary Harney:** There are no more layers than there were before the establishment of the executive. The intention is to devolve to a greater extent to the four networks and to ensure services are reconfigured in a way that makes sense, not only on the hospital side but also on the community side. A substantial amount of work has gone into that. As I see it, the initial focus of the redundancy scheme will relate to administration management, not only within the Health Service Executive but within many of the hospitals. There are 13 or 14 chief executive officers of hospitals in Dublin city alone. In addition, there are the various human resources departments, finance directors, deputy chief executive officers and so on. One would never organise any system in that way. The manner in which we have organised services has led to large numbers of people in administration and management. Operating on the basis of networks of hospitals should deliver greater efficiency in this regard.

**Deputy James Reilly:** Deputy Jan O'Sullivan has put her finger on the vital issue. There has been much talk about redundancies in the wake of the general outcry about what is perceived as the enormous level of administration within the Health Service Executive while, at the same time, front line services are under such pressure. No matter what the Minister tells us in this regard, we hear every day about people waiting on trolleys, cancelled operations, delayed discharges and so on. The Department's figures back this up.

What has been done since the Minister responded to Deputy O'Sullivan on 25 December and to Deputy McHugh on 16 December in terms of progressing this issue? When will the first redundancies take place?

**Deputy Mary Harney:** I answered that question. As I said, a substantial amount of work has taken place involving my officials and officials from the Department of Finance. As I explained earlier, the Minister for Finance, not the Minister for Health and Children, has responsibility for public service staffing. I am not free to devise and implement a redundancy plan. The Minister for Finance must be centrally involved in any such scheme because it will not apply only to the health service. Members will appreciate that the Minister has been busy in recent weeks with financial and budgetary developments. However, I envisage we will be able to make a determination in this matter shortly, hopefully in consultation and agreement with the social partners.

**Deputy James Reilly:** I am sure the Minister accepts that she must play an integral part in a proposed redundancy scheme, even if the Minister for Finance is involved. Surely, therefore, she should be in a position to indicate when the first redundancies will take place.

**Deputy Mary Harney:** The intention is that the first redundancies will take place this year.

10. **Deputy Seán Barrett** asked the Minister for Health and Children the number of managers in the Health Service Executive who have been paid bonuses since the start of October 2008; if the payment of Professor Drumm's bonus is still being considered in view of the economic climate; and if she will make a statement on the matter. [6613/09]



**Deputy Mary Harney:** No performance-related awards have been paid to the chief executive officer and eligible senior managers in the Health Service Executive in respect of 2008. The executives' payment-related award scheme operates in accordance with the principles set out by the review body on higher remuneration in the public sector. Given the current difficult financial circumstances, the Health Service Executive scheme is currently on hold pending a Government decision on the future of such schemes in the wider public service.

Awards were paid for 2007 in 2008, but no awards have been determined for 2008.

**Deputy James Reilly:** The Minister has told us that the awards paid out in 2008 relate to 2007. At what point in 2008 were these bonuses paid to staff in the upper echelons of the Health Service Executive? Are bonuses for 2008 on hold for a defined period or indefinitely? In other words, are bonuses still under consideration in the current climate for those earning vast sums of money in operating a health service with which few people are satisfied?

**Deputy Mary Harney:** The bonus scheme was introduced as part of the remuneration process for higher public servants. Therefore, it applies not only to the Health Service Executive but to the entire public sector. It was introduced many years ago, long before I became Minister for Health and Children. The Minister for Finance indicated in the House some time ago that this review scheme was being suspended. I understand he intends to bring forward proposals for the implementation of this process.

If I recall correctly, the 2007 bonuses were determined in the summer of last year in respect of 124 people on the recommendation of the chief executive officer. The board has made no determination in regard to a bonus for the chief executive officer for 2007 or 2008. It is part of his contract of employment that he may receive a bonus of up to 25% of salary.

**Deputy James Reilly:** Will the Minister confirm that the chief executive officer of the Health Service Executive did not receive any bonus in 2008 for 2007?

**Deputy Mary Harney:** That is correct. The board has made no determination in that matter.

### **National Health Strategy.**

11. **Deputy Frank Feighan** asked the Minister for Health and Children if funding has been identified and ring-fenced for the implementation of the new national men's health policy 2008-13; and if she will make a statement on the matter. [6651/09]

**Minister of State at the Department of Health and Children (Deputy Mary Wallace):** One of the main purposes of the national men's health policy is to bring a greater focus on the needs of men as a population group. The policy, which aligns itself with existing policies and strategies, focuses on the need to ensure services are reconfigured to reflect best available evidence of what will work to deliver the desired outcomes.

I am satisfied that much can be done within existing resources to re-orientate services to improve men's health, including in the case of primary care services and in making good quality "male-friendly" health information available and accessible to men. The policy document has been extensively researched and will be an invaluable resource for policy-makers across various Departments in providing research evidence for the development and roll-out of services appropriate to the needs of men as a population group.

**Deputy James Reilly:** Has funding been identified and ring-fenced? What is the funding figure?

**Deputy Mary Wallace:** No additional resources have been allocated to this because much of what is contained in the report can be done within existing resources with regard to reorientating services. Before launching the document I went through it to establish what can be done within existing resources. This is a matter of doing business differently and making it more accessible to men. We know the traditional circumstances in which men go to the doctor. We also know that married men are more inclined to go to the doctor because their wives send them.

**Deputy Mary Harney:** I hope the Leas-Cheann Comhairle goes to the doctor.

**Deputy James Reilly:** That put me in my spot.

**Deputy Mary Wallace:** In many cases it is a matter of making places more accessible and encouraging men to know more about their health and to do something about it. I refer to health in a broader sense than just medical health, including well-being. This involves many Departments and it involves people taking more physical activity, and what the Department of Arts, Sports and Tourism should do. We need to change our habits. Considering the recommendations, we can identify persons in the various HSE areas to take responsibility for this policy. People must be aware of the policy and the policy must be applied within the existing resources.

**Deputy Jan O'Sullivan:** We met the National Women's Council of Ireland today and were challenged on what we are doing in respect of women's health. It is good that we are redressing the balance this afternoon. Are there specific measures in this or is it a case of encouraging more men to go to the doctor and care for their hearts better? Are there specific screening programmes for men?

**Deputy Mary Wallace:** There are many specifics in respect of this and some may be of interest to Deputy O'Sullivan. I will move away from the medical health aspect because sometimes we think this is what health is all about. The plan is to review the adequacy of existing legislation to deter risk-taking behaviour in men, which involves the Department of Transport, the Department of Justice, Equality and Law Reform and the HSE. Minimal costs arise because this involves reviewing what we are doing and proofing various items of legislation. The programme also involves the SPHE programme, bullying in schools and masculinity. Costs involved are mainly included in the delivery of the existing programme through the Department of Education and Science. It is a matter of examining existing programmes and proofing them.

Years ago, Deputy O'Sullivan and I sat on the women's rights committee and dealt with gender proofing issues. This is a case of gender proofing in the opposite direction. For example, the Health and Safety Authority supports the implementation of this policy by continuing to play a key role in maintaining standards of safety in the workplace. There is minimal cost involved. It is a case of ensuring workplaces are safe.

**Deputy James Reilly:** I am disappointed with the response of the Minister of State. She referred to bullying being gender orientated. Girls bully and are bullied also.

**Deputy Mary Harney:** Only when provoked.

**Deputy James Reilly:** The Minister should not bully me. The question refers to men's health and the ring-fenced funding that is available to promote this issue and to implement policy. There appears to be no ring-fenced funding for this, nor is there any real initiative regarding men's health. What action is being taken on men's issues, such as testicular cancer and prostate

cancer? Where is the meat in this? The Minister and the Ministers of State will forgive me for using the following word when the former Taoiseach did so, but this answer is waffle.

**Deputy Mary Wallace:** The Deputy is aware of the excellent work of Professor Tom Keane on breast cancer and he is now moving on to the area of prostate cancer. I refer to the work being done in St James's Hospital. Many things are being done at present within existing services. This document is to policy proof that in respect of men.

I find myself on the opposite side of the table from where I have been for 20 years, with the Oireachtas women's rights committee. We examined how women in the workplace were not being treated equally, how many women in the Dáil were not being treated equally, the fact that so many teachers were female and the fact that so many principals were male, despite the fact that boys and girls were equal in school. Sometimes it is difficult to say that one thing will make a difference.

**Deputy Jan O'Sullivan:** Sometimes it is waffle.

**Deputy Mary Wallace:** The last recommendation will be of interest to Deputy Riley. It refers to managing stress in the workplace, something we can all take on board.

**Deputy Mary Harney:** We have given enough time to men's health.

*Written Answers follow Adjournment Debate.*

#### **Adjournment Debate Matters.**

**Acting Chairman (Deputy Seán Ardagh):** 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 Martin Ferris — the lack of jobs in the south west.; (2) Deputy Jan O'Sullivan — the future role of St. John's Hospital, Limerick; and (3) Deputy Joe Costello — the construction of a permanent building for Gaelscoil Bharra, Cabra, Dublin.

The matters raised by Deputies Ferris, O'Sullivan and Costello have been selected for discussion.

#### **Adjournment Debate.**

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#### **Job Losses.**

**Deputy Martin Ferris:** I welcome a number of developments in my county. I welcome the approval granted today by An Bord Pleanála to the massive development at the John Mitchel's-Austin Stack Park site in Tralee. This will bring a substantial injection of money into the local economy and will provide 500 jobs during the construction stage and up to 1,000 jobs in the longer term. I also welcome the approval of the Shannon LNG project on the Ballylongford-Tarbert landbank which, if given clearance, will create more than 600 jobs in the north Kerry region. This area was one of the hardest hit by people being laid off work on the island.

Unfortunately, the news on the jobs front in the past year has been very bleak. In the south west — counting Kerry, Limerick and Cork — the numbers on the live register increased from 34,145 in January 2008 to 47,804 last month. Kerry has experienced growth in unemployment of over 100%, from 6,500 to over 13,000. There has been a steady succession of major firms shedding jobs or closing down completely. One of those to do so was Amman which has announced that it is moving a large part of its production to Asia and has made 120 redundancies. Amman is a long-standing company that has been operating in Tralee.

[Deputy Martin Ferris.]

While labour costs are often cited, especially by right wing economists and business groups, as the cause of Irish based companies losing competitiveness, Amman cited energy costs as having been the major factor in its decision. Those costs rose significantly in recent years with a 17.5% rise in electricity last year having perhaps been the straw that broke the camel's back. While the reason cited for the steady increases was the global rise in oil and gas, there has been a significant reversal of that trend. While the price of oil peaked at \$145 per barrel in July 2008, it has since slipped back to under \$40 per barrel. This reversal has been slow in being passed on to the consumer through forecourt sales and is yet to be reflected in the domestic prices for oil and gas. Where energy costs are seen to be a significant factor in hampering businesses, the energy regulator should be encouraged to intervene and force the providers to cut their prices to domestic and commercial consumers. In the case of households, this would make a significant contribution to combating fuel poverty while it would have the potential to save thousands of jobs.

Another aspect of the current economic crisis and of Government policy in recent years is the lack of emphasis on job creation through indigenous enterprise, particularly through smaller enterprises that have established solid foundations and links to the local economy, especially in rural areas. When hearing submissions for our report to the agriculture committee on farming and fishing in the west, I was struck by the fact that Leader had been responsible for creating more jobs in Kerry than IDA Ireland-supported firms and that Leader-supported enterprises had a 70% success rate. That is surely worth considering, given the massive job losses that we have seen in the multinational sector. While these are difficult times, we should concentrate on domestic resources, over which we have greater control, ensuring that existing jobs are preserved and indigenous enterprises are encouraged to expand and sustain employment.

**Minister of State at the Department of Health and Children (Deputy Mary Wallace):** I thank the Deputy for raising this matter on the Adjournment. The live register figures for January 2009 show increases in all regions. The largest percentage increase was in the mid-east and the smallest percentage increase was in the south east.

However, the live register is not designed to measure unemployment which is measured by the quarterly national household survey. The most recent survey was published by the Central Statistics Office on 21 November 2008 and whereas the unemployment rate for the country as a whole was 7%, the figure for the south west was 6.3%. Notwithstanding this, I am very concerned that the figure for the south west, like other regions, has been increasing. The recent job loss announcement at Dell in Limerick clearly has implications for workers living in the south west and County Kerry in particular.

The industrial development agencies and the county and city enterprise boards are responsible for job creation in the region. They are making every effort to create and sustain jobs. For workers who lose their jobs, the role of the employment and training agency, FÁS, is particularly important. All FÁS interventions and supports are aimed at assisting people to enhance their skills and enable them to secure employment in these difficult times.

As regards foreign direct investment, the locations that IDA Ireland focuses on in the region are the gateway city of Cork and the hub location of Mallow as well as the linked hubs of Tralee and Killarney. The agency's strategy for the region is to work with local authorities and relevant infrastructure and service providers to influence the delivery of appropriate infrastructure in the region. The strategy also progresses the development of a knowledge economy so that the region can compete nationally and internationally for foreign direct investment. This allows the agency to work with its existing client base and help them further develop their

presence in the region while providing modern property solutions with supporting infrastructure.

Over the past ten years, direct employment in IDA Ireland-supported companies in Cork city and county has grown from 15,671 in 1999 to 21,068 in 2008. The sectors contributing to this growth are information and communication technologies, biopharmaceuticals and medical technologies, globally traded business and international financial services.

At the end of 2008 there were 15 IDA Ireland-supported companies in Kerry employing almost 1,800 people. In addition to attracting new foreign direct investment, IDA Ireland continues to work closely with its existing clients in Kerry to encourage them to expand their operations in the county. An example of this work was the announcement in September 2008 by Aetna in Castleisland that it was expanding its operation with the addition of 70 new jobs.

Enterprise Ireland also continues to foster job creation in the region. The agency is specifically targeting business start-ups through a number of supports and programmes. The agency also organises seminars and events to meet the needs of industry. For example, Enterprise Ireland is addressing the challenges facing the sub-supply base in the region with a dedicated sub-supplier event in April. This will facilitate supply companies exploring new opportunities, new business leads and new markets with assistance from the agency's overseas market network.

During 2008, the county and city enterprise boards in the region paid out more than €2 million in grant assistance to 167 projects. A total of 3,754 people participated in county enterprise board training and development programmes. The 2008 end-of-year figures for the south west show there are 5,600 jobs existing in county enterprise board-supported enterprises. These interventions have contributed to the development of sustainable local growth-orientated enterprises which continue to deliver high quality job creation. In 2009, the boards will continue to support enterprise development and job creation. The local base of each county enterprise board means the projects and related job opportunities they support are tailored specifically to the specific needs of the local economic environment.

These are very difficult and uncertain times for many workers both in the south west and elsewhere. However, I emphasise that the development agencies are making every effort to establish and sustain jobs and they will continue to do so.

### **Health Services.**

**Deputy Jan O'Sullivan:** I raise the issue of services in St. John's Hospital in Limerick and seek clarity on it in the context of the proposed so-called reconfiguration of acute hospital services in the mid-west. There are a number of concerns.

There is an accident and emergency department which is open from 8 a.m. until 8 p.m. and there have been suggestions this could be under threat. I do not believe it is but I would like confirmation that the department will continue to operate between 8 a.m. and 8 p.m. Will it operate five days or seven days per week? The facilities in Ennis and Nenagh are different because they are in operation 24 hours a day. The proposal is that they will lose hours but I believe this will not be the case with St. John's Hospital. Will the Minister of State clarify that?

According to the Teamwork-Horwath report, the suggestion is that the accident and emergency department in the hospital be a nurse-led facility. In the press statement by the Health Service Executive on the publication of the report, it was stated the department would be doctor-led, and I seek confirmation on this. This is in no way to show disrespect to nurses. What is the future of surgery in the hospital? There were questions raised over the possible removal of surgery facilities from the three smaller hospitals in the region but I understand that may not happen and St. John's Hospital may keep its surgery.



[Deputy Jan O'Sullivan.]

Almost all the ground floor of the hospital is closed for money saving reasons. It is a popular hospital in the centre of the city and there is great loyalty to it and fondness for it. Many people choose to go there if possible rather than going to the larger regional hospital. Will the Minister of State confirm that there will be full bed availability in the hospital and that cutbacks will not lead to bed closures? It is ironic that the Minister is talking about trying to provide more beds while beds are closed.

I visited the hospital some months ago and they showed me plans for an extension. There is space for this. The hospital is very efficient and there are plans for further services if they get permission for the extension. I seek clarification on this issue. St. John's Hospital is complementary to the Mid Western Regional Hospital in what it does. It has a very good minor injuries clinic which takes the pressure off the accident and emergency department in the regional hospital. This is recognised as being very efficient.

I hope the Minister of State's response will be positive. My understanding is that many of the issues I have raised will have a positive response. There is much uncertainty in the mid west and concern about the configuration of hospitals but today I seek a clear response on St. John's Hospital.

**Deputy Mary Wallace:** I thank Deputy Jan O'Sullivan for raising this important issue. The HSE is engaged in an important process of reorganising acute hospital services. The first and utmost concern is patient safety so that people can have confidence in the services and the best possible patient outcomes can be achieved.

The HSE has commissioned a number of reviews on how acute hospital services should be organised, including the Teamwork-Horwath report on the mid-west which the executive has published recently. The report highlights the need for changes to be made in the provision and organisation of acute hospital services in the region. It is widely acknowledged that the current delivery of these services is too fragmented, carries increased risks for patients and staff and is not sustainable in the future.

The HSE has indicated that certain changes to the present arrangements for the provision of some acute services, including accident and emergency services, must be made in the interests of patient safety and also to make best use of the clinical resources available in the mid-west. The HSE has been engaged in a consultation process with key stakeholders as it formulates detailed plans relating to emergency care, critical care and surgical services in the region.

The HSE plans will involve the reconfiguration of acute hospital services into a network and their better integration with primary care services in the region, with a regional centre at the regional hospital in Limerick that will deal with complex and specialist cases. Health service delivery is changing and smaller hospitals can now meet much of the demand for less complex services, especially those that are done increasingly on a day case basis.

St. John's Hospital has played a prominent role for some time in the provision of health services in the mid-west. For example, consultant appointments to the hospital over recent years have been on a shared commitment basis with the regional hospital in Dooradoyle. In addition, the hospital has participated in joint ventures such as the development of a minor injuries service in Limerick, as mentioned by Deputy O'Sullivan, and the co-ordination of pathology and radiology services.

St. John's Hospital is well placed strategically to play a prominent role in future services. Initial discussions have commenced with the management of the hospital on its future contribution, with initial discussions concentrated on providing increased consultant input at accident

and emergency consultant level and the possibility of expanding the scope of the minor injuries service in St. John's to cover the weekends. Additional requirements in relation to acute surgical beds are also being discussed.

The programme of change also includes expansion in the range of diagnostic facilities and expansion of outpatient and day surgery capacity in the smaller hospitals in the mid-west, which include St John's Hospital. The issue of capital developments at St. John's Hospital is being discussed in the context of the future role of the hospital in the regional structures.

The utilization of acute beds at St John's Hospital is being discussed by the HSE and the hospital in the context of the arrangements for the provision of services by the hospital in line with the overall HSE service plan and the resources available. An important factor to be borne in mind is that the HSE has identified the need to increase the proportion of treatment provided on a day basis and its 2009 national service plan contains a number of specific objectives in this regard

The Minister is satisfied that the measures being taken by the HSE are necessary and appropriate to ensure the provision of safe and effective health services to the people of the mid-west region.

### Schools Building Projects.

**Deputy Joe Costello:** I have raised this issue a number of times on the Adjournment and tabled various questions to the Minister for Education and Science. Gaelscoil Bharra, a scoil lán-Ghaelach, was founded in 1996 but has still not reached the planning process for a school building, even though the school has shown its viability from the beginning, with more pupils than it can cater for. All along the line, however, it has fallen foul of negligence, lack of communication and broken promises.

The school is located in an antiquated prefabricated building. After 13 years, the Minister of State can guess what conditions are like on a day like this. The building leaks when it is raining and it is too hot and stuffy when the sun shines. The toilets are such that most of the pupils can no longer go to them because they cannot stomach using them without getting sick. The building is in a deplorable state. As far back as February 2000, the then inspector from the Department of Education and Science wrote that the deplorable state of the temporary accommodation made it imperative that the planning process be initiated as soon as possible. That was nine years ago and since then the prefabricated building has deteriorated to a terrible extent. This is no way to treat the children of the nation, their parents or the staff, who must also put up with those conditions on a daily basis. Certainly, the INTO is not too happy with the situation.

It was not until the school was granted a freedom of information request that it discovered the school planning section had admitted the request for acquisition of a site had fallen "through the cracks" and had not been forwarded to the OPW for more than four years. All that critical time was lost when the school could have been built.

It was not until late last year that the Department of Education and Science finally, after much huffing and puffing, and pressure from myself and others, put together the process of acquiring the existing temporary site from the local GAA club, Naomh Fionnbarra. It seeks to acquire a long-term lease from Dublin City Council, which owns the site, but we do not know the terms or length of the lease or if agreement has been reached between the Department and the local authority. When the lease is signed, we must go through the planning process, which could take another year at least.

I am calling for the Minister for Education and Science to include the Gaelscoil project immediately in his multi-annual school building and modernisation programme and, in view of

[Deputy Joe Costello.]

the four year delay due to the Department's negligence during which the building could have been built, for the new permanent school for which Gaelscoil Bharra has waited 13 years to be fast-tracked and completed as quickly as possible.

**Deputy Mary Wallace:** I thank the Deputy for raising this matter as it provides me with the opportunity to outline to the House the Government's strategy for capital investment in education projects and also to outline the current position in relation to the future plans for Gaelscoil Bharra, Cabra.

Modernising facilities in the existing building stock, as well as the need to respond to emerging needs in areas of rapid population growth, is a significant challenge and is one of the priorities of the Minister for Education and Science. This Government has dramatically increased investment in the school building programme to €656 million this year. This is an unprecedented level of capital investment which reflects the commitment of the Government to continue its programme of sustained investment in primary and post primary schools. It will underpin a particular emphasis on the delivery of additional school places in rapidly developing areas while continuing to develop on this Government's commitment to delivering improvements in the quality of existing primary and post-primary accommodation throughout the country. It will also enable the purchase of sites to facilitate the smooth delivery of the school building programme, again with the focus being on site requirements in rapidly developing areas.

The Office of Public Works, which acts on behalf of the Department in relation to site acquisitions generally, had been requested to source a greenfield site for this Gaelscoil. On foot of advertising, no proposals were received for a greenfield site in the Cabra area. Further to this, the OPW was requested by the Department to look into building a permanent school on the existing temporary site. To pursue this further, meetings have taken place between the Department and Dublin City Council regarding the potential availability of this site and last year the Department wrote to the council with a proposal suggesting that a lease arrangement be put in place.

In January this year, officials from the Department again met with the city council and representatives of St. Finbar's GAA club where the school is currently located to further discuss this 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.

Officials from the Department met directly with representatives from the GAA club yesterday to explore with the club various design options. The club indicated that it would consider the issues raised and would respond formally to the Department in the coming days. This response will allow the Department to engage with the city council on its assessment of the site suitability. Upon receipt of the club's views, the Department will revert to the city council on the matter.

The further progression of the acquisition of this site will be considered in the context of the capital budget available to the Department for school buildings generally. I am not in a position to say at this stage when the acquisition will be concluded.

I again thank the Deputy for affording me the opportunity to outline to the House the current position on the future plans for Gaelscoil Bharra, Cabra.

The Dáil adjourned at 5.10 p.m. until 2.30 p.m. on Tuesday, 24 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 to 11, inclusive, answered orally.*

### **Hospitals Building Programme.**

12. **Deputy Kathleen Lynch** asked the Minister for Health and Children the way it is proposed to fund the new national paediatric hospital; if the sale of lands at Our Lady's Hospital for Sick Children, Crumlin is part of the proposed capital spend; if that land is in the State's ownership; and if she will make a statement on the matter. [6544/09]

**Minister for Health and Children (Deputy Mary Harney):** The Children's Health First Report commissioned by the Health Service Executive indicated that the population and projected demands in this country can support only one world class tertiary paediatric hospital. It recommended that the hospital should be in Dublin and should, ideally, be co-located with a leading adult academic hospital. Following detailed consideration, it has been agreed that the most appropriate location for the new National Paediatric Hospital is at the Mater Hospital.

The National Paediatric Hospital Development Board was established in May, 2007. Its primary function is to plan, design, build, furnish and equip the new National Paediatric Hospital. The bulk of the funding required for the development of the new hospital will be provided by the Exchequer but the Board is exploring other funding options including philanthropy and proceeds from property sales.

The lands attached to Our Lady's Hospital for Sick Children are not in the State's ownership.

### **Hospital Services.**

13. **Deputy Emmet Stagg** asked the Minister for Health and Children her views on the six year waiting times for rheumatology services in some parts of the country; if her attention has been drawn to a recommendation in a report compiled for the Health Service Executive that the number of rheumatologists should be more than doubled; and if she will make a statement on the matter. [6557/09]

42. **Deputy Pádraic McCormack** asked the Minister for Health and Children if she will ensure that the report from the Health Service Executive's Working Group on Rheumatology Services is made publically available; and if she will make a statement on the matter. [6662/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 13 and 42 together.

I recognise that there is a need to strengthen rheumatology services through the appointment of additional consultant rheumatologists and a range of other measures.

In 2006, the HSE established a working group, in association with Arthritis Ireland, to examine how rheumatology services could be improved. A report based on the Group's work is being finalised at present and will be published when this process is complete. The HSE's National Service Plan for 2009 includes additional funding of €8m to progress the appointment of priority consultant posts in a number of specialties, including rheumatology.

Since the publication in December 2005 of a report prepared by the former Comhairle na nOspidéal, a number of additional consultant rheumatologists have been appointed. Two new posts were created in the Midlands and North-West areas and the post of Paediatric Rheumatologist was filled in Our Lady's Hospital, Crumlin in 2006. Two Rheumatologists will be appointed in the Mid West, providing services in Ennis and Nenagh, as part of the reconfiguration of acute services.

There are significant waiting times for rheumatology services in some parts of the country. The HSE is working to improve hospital outpatient services generally. Among the issues to be addressed are how clinics are organised and managed, and how the appointment and review processes operate. The HSE will also aim to maximise the capacity of specialist nurses and physiotherapists, either by triaging of referrals or facilitating direct referral to treatment services, such as physiotherapy. In addition, it should be noted that in the period 2005 to 2008, over 2700 people were facilitated with rheumatology appointments by the National Treatment Purchase Fund.

#### **Hospitals Building Programme.**

14. **Deputy Pat Rabbitte** asked the Minister for Health and Children the capital funding which will be made available for the implementation of the reconfiguration plan for hospitals in the north east; the timeframe for the building of a new regional hospital; her plans to ensure that existing hospitals can cope with demands on them in the meanwhile; and if she will make a statement on the matter. [6553/09]

**Minister for Health and Children (Deputy Mary Harney):** The current configuration of services in the North East is unsustainable from a safety and financial perspective. In order to address this, acute and complex care is being moved from the current five hospital sites to two at Cavan and Drogheda. Enhancements to community services, including the necessary developments to support care in the community through development of primary care teams and primary and social care networks will be progressed in parallel with the reconfiguration of acute services. This includes the provision of a CT service in Monaghan to provide enhanced diagnostics to local GPs.

Substantial levels of capital investment to support the implementation of the programme over the period of the National Development Plan is envisaged. The latest estimated costings for each project are currently being worked out. The HSE is finalising a Capital Plan for the period 2009-2013 which is required to be submitted to me for my approval with the agreement of the Minister for Finance. It is envisaged that acute hospital capital developments proposed for the North East are likely to include improvements to accommodation at all hospitals in the region; additional bed capacity, including high dependency beds, at Cavan and Drogheda; MRI facilities at Cavan; improvements to accident and emergency facilities at Cavan and Drogheda and improved theatre facilities at Cavan and Dundalk.



Work is proceeding on consideration of the new regional hospital. It is envisaged that most of the expenditure will occur after 2013.

Planned community developments to support the reconfiguration of acute services includes the provision of new primary care centres across the region; additional and replacement community nursing unit beds; rehabilitation and step-down convalescent beds and the provision of additional care packages to ensure more appropriate hospital bed utilisation.

### **Mental Health Services.**

15. **Deputy Andrew Doyle** asked the Minister for Health and Children if she will clarify if proceeds from the sale of psychiatric hospitals and lands will be ring-fenced for reinvestment in mental health services; and if she will make a statement on the matter. [6645/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** 'A Vision for Change' the Report on the Expert Group on Mental Health recommended that a plan to bring about the closure of all psychiatric hospitals should be drawn up and implemented, and that the resources released by these closures should be re-invested in the new mental health service infrastructure requirement. The Departments of Finance and Health and Children have agreed in principle to the release of the proceeds of the disposal of properties prior to 2006 for reinvestment in mental health capital development. The arrangements for property disposal require Department of Finance approval in each case, the lodging of the proceeds as Exchequer Extra Receipts and the re-Voting of the funds for approved projects. Disposals to date amount to over €42m and a submission detailing the priority projects to be funded from these disposals and planned future disposals was received from the HSE on 12 February. This proposal is currently under consideration by my Department with a view to seeking the necessary agreement of the Department of Finance to the proposed approach.

### **Hospital Waiting Lists.**

16. **Deputy Brian O'Shea** asked the Minister for Health and Children the measures being taken to reduce the waiting times of, on average, six months and more in some parts of the country for colonoscopies in view of the importance of early diagnosis of bowel cancer; and if she will make a statement on the matter. [6549/09]

**Minister for Health and Children (Deputy Mary Harney):** In the twelve months to November 2008, there was a reduction of two thirds in the number of patients waiting for colonoscopies for longer than 12 months, and a 31% reduction in the overall number of patients waiting longer than 3 months. The pattern of lengthy waiting times is confined to a small number of hospitals.

All hospitals where patients are waiting over three months for a colonoscopy have been instructed to refer these patients to the National Treatment Purchase Fund (NTPF). The NTPF has agreed to quickly arrange colonoscopies for patients who are referred to them. Each hospital grouping has therefore been identifying patients waiting over three months for a colonoscopy. These patients are being offered the option of an NTPF referral — except in a small number of cases where patients already have an appointment date from their referring hospital or in cases where a follow up colonoscopy is scheduled for up to a year ahead.

In December 2008, I approved the HSE's Service Plan. The HSE will be required to report under Section 10(2) of the Health Act 2004 on compliance with a target of 4 weeks for urgent colonoscopies from date of referral. The HSE has made considerable progress in reducing the waiting times for colonoscopies in recent months and will continue to work in collaboration with the NTPF in further reducing the waiting times.

### **Vaccination Programme.**

17. **Deputy Joe Costello** asked the Minister for Health and Children if she is reconsidering the decision to postpone the introduction of the proposed HPV vaccine programme for 12 year old girls; her views on whether the original estimate of its cost can be reduced and that it is a relatively small amount of money in the overall budget; and if she will make a statement on the matter. [6537/09]

**Minister for Health and Children (Deputy Mary Harney):** All of the clinical advice available to me indicates that the national roll-out of a cervical screening programme should take precedence over the introduction of a HPV vaccination programme. The National Cervical Screening Programme, CervicalCheck, is being implemented at a full year cost of €35m.

In relation to the cost of the HPV vaccine, it is a matter for the Health Service Executive, through the normal procurement procedures, to select an appropriate supplier who can make the vaccine available at the most advantageous price. The actual purchase price in Ireland can only be established when the HSE has completed the procurement process. I have no role in the procurement process. I am fully committed to keeping the introduction of a HPV vaccination programme under active review.

### **Hospital Accommodation.**

18. **Deputy Brian O'Shea** asked the Minister for Health and Children the further action she will take in 2009 to address needs of the 600 plus people who are in acute beds while their acute treatment is completed while others wait for admittance to these beds; and if she will make a statement on the matter. [6548/09]

30. **Deputy Michael Creed** asked the Minister for Health and Children her views on the fact that a total of 216,885 bed days were lost in 2008 due to delayed discharges from acute hospitals and that this is a 30% increase on the number of bed days lost in 2007; the action she is taking to address same; and if she will make a statement on the matter. [6634/09]

61. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children her views on whether the number of persons on trolleys and chairs in accident and emergency departments in public hospitals here is a national emergency; and if she will make a statement on the matter. [6607/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 18, 30 and 61 together.

I am determined to ensure that all possible measures are taken to facilitate the discharge of patients in a timely manner. At present, there are approximately 750 patients whose discharge is delayed. This represents over 6% of the total in-patient capacity. There are many reasons for discharges being delayed including the need for long stay capacity, community based supports and, in some instances, a reluctance by families to allow their relative to be discharged until a publicly funded bed becomes available.

The HSE is addressing the issue of delayed discharges through a combination of increased investment in alternatives to acute hospital stay and improvements in the discharge planning process at hospital level.

Considerable pressures were experienced in January in Emergency Departments across the country. The difficulties were attributed to a number of factors, including influenza and norovirus outbreaks. As a consequence a number of hospitals have been operating at significantly

reduced capacity. However, the position has improved somewhat over recent weeks and the number of patients awaiting admission has reduced.

An additional 273 long-stay beds were made available in 2008, and a further 414 new beds are scheduled in 2009. The HSE has also recently funded 245 additional contract beds to alleviate delayed discharge pressures. Investment in community-based long-term care supports will be maintained in 2009. This year the HSE will provide 4,700 home care packages, benefiting over 11,500 people. 6,000 patients were cared for by the Community Intervention Teams in 2008.

Hospitals are working to ensure that care is provided in a timely, appropriate and efficient manner. All patients are to be given an expected date of discharge within 24 hours of admission and patients will be discharged at weekends where appropriate.

More generally, the HSE National Service Plan for 2009 commits to a number of key steps which are designed to improve the efficiency of the hospital system including a reduction in the level of inappropriate admissions, reducing average length of stay, increasing elective surgical admissions on the day of surgery and shifting activity from in-patient to day procedures. The delivery of these measures and targets, combined with the initiatives which I have described, should ensure more efficient use of available capacity.

I am determined that the improvements made over the last two years in managing activity in our Emergency Departments are sustained and in this context, the HSE has set a revised maximum waiting time target this year of no more than 6 hours from registration to admission or discharge for all patients attending Emergency Departments, and not just for those patients who require admission. The HSE is also introducing a measurement system during 2009 which will record the total waiting time for all patients attending Emergency Departments.

### **Hospitals Building Programme.**

19. **Deputy Eamon Gilmore** asked the Minister for Health and Children the indication she has from the developers of the proposed co-located hospitals that they will proceed in the present economic climate; the stage of planning in each of these hospitals; and if she will make a statement on the matter. [6539/09]

45. **Deputy David Stanton** asked the Minister for Health and Children the progress of her hospital co-location plan; and if she will make a statement on the matter. [6692/09]

136. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position in regard to co-location; the full extent of the facilities provided on such sites; if public facilities have been provided on private sites in conjunction with existing private facilities; and if she will make a statement on the matter. [6894/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 19, 45 and 136 together.

The co-location initiative is a complex process but it is an efficient means of delivering extra bed capacity. Significant progress has been made in advancing the individual projects involved. The Board of the HSE has approved preferred bidder status for the development of co-located hospitals at Beaumont, Cork University, the Mid-Western Regional Limerick, St. James's, Waterford Regional and Sligo General Hospitals. Project Agreements for the Beaumont, Cork, Limerick and St James's projects have been signed.

Planning permission was granted by An Bord Pleanála for the Beaumont project late last year. Planning permission for the Cork and Limerick projects has been granted by the local

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authorities concerned and appealed in each case to An Bord Pleanála. The preparatory work required to make the planning application for the St James's project is underway.

The necessary preparatory work for the Project Agreements in respect of Waterford Regional Hospital and Sligo General Hospital is proceeding. A tender in respect of Connolly Hospital has been received and is under consideration. Work is being undertaken to finalise the Invitation to Tender (ITT) for Tallaght Hospital.

It is a matter for each successful bidder to arrange its finance under the terms of the relevant Project Agreement. It is certainly the case that the funding environment has changed significantly in the last number of months, and this has affected both the public and private sectors. The co-location initiative, like other major projects, has to deal with the new situation. The successful bidders are working on the details of contractual terms with banks and other arrangers of finance. The HSE is continuing to work with the successful bidders to provide whatever assistance it can to help them advance the projects.

### **Hospital Waiting Lists.**

20. **Deputy Enda Kenny** asked the Minister for Health and Children her views on the fact that 23,000 patients are currently on hospital waiting lists in Galway and that a total of 1,341 bed days were lost in 2008 due to delayed discharges; the action she will take to accommodate patients from County Sligo and County Mayo; and if she will make a statement on the matter. [6661/09]

**Minister for Health and Children (Deputy Mary Harney):** I recognise the need to improve access for public patients for outpatient consultations. The HSE has identified outpatient services as an area requiring substantial improvement and its 2009 National Service Plan contains a number of specific objectives in this regard. Unnecessary return attendances and non-attendance by patients for such appointments reduce the capacity of outpatient departments to see new patients. Therefore a particular focus will be on increasing the number of new patients seen, through a reduction in the ratio of new to return attendances and also of the number of non-attendances for booked appointments. A range of other organisational issues will also be addressed in order to improve the efficiency of these services.

The arrangements for outpatient services in the Galway University Hospitals are encompassed by this project. Referrals to outpatient services are categorised based on information provided by the referring general practitioner and urgent cases are prioritised over routine ones. In 2008 the total number of outpatient attendances at the Galway University Hospitals was 175,060. Of these 56,267 were new attendances. Among the options being considered to improve waiting times are the extension of a pilot arrangement whereby clinics see new patients only and the extension of the number of satellite clinics within the region.

The HSE is addressing the issue of delayed discharges through a combination of increased investment in alternatives to acute hospital stay and improvements in the discharge planning process at hospital level. The figure cited by the Deputy in relation to delayed discharges in Galway University Hospitals equates to 3.67 beds, which compares favourably with other hospitals. The delays mostly related to patients under 65 requiring complex continuing care. Recent information furnished to my Department indicates that only 0.4% of the beds at Galway University Hospitals were occupied by delayed discharge patients.

In relation to the question raised about patients from counties Sligo and Mayo I take it that the Deputy is referring to the transfer of breast cancer services to University College Hospital Galway. The transfer of breast cancer patients from Mayo has proceeded satisfactorily. Breast cancer services will transfer from Sligo when the Interim Director of the National Cancer

Control Programme is satisfied that all necessary supports are in place to effect a safe transfer of the service.

### **Child Abuse.**

21. **Deputy Alan Shatter** asked the Minister for Health and Children the conclusions reached in the meeting that took place between the Minister of State for Children and members of the hierarchy in respect of the Health Service Executive audit and the church dioceses with regard to child abuse; if future meetings are planned; if it has been agreed that fully comprehensive replies will be furnished to the questions raised in part five of the questionnaire furnished by the HSE in respect of each dioceses; and when it is anticipated the audit will be fully completed. [6574/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I met with senior representatives of the Catholic Church hierarchy on 24 January 2009. I welcomed the outcome of the Bishops' special meeting on Safeguarding Children, which had been held in Maynooth the previous day, and in particular, the Bishops' renewed commitment to providing the information sought in Section 5 of the HSE audit.

It was agreed by all present at the meeting that a fresh mechanism would be found to enable Bishops to provide the information that had been requested in the HSE Audit, Section 5, by separating issues relating to soft information, which all accepted present legal difficulties.

A further meeting is planned over the coming days to discuss plans for the gathering of the information requested by HSE under Section 5 of the audit. The mechanics of this will be worked out by the OMCYA in consultation with the Health Service Executive and the Church authorities.

The Church authorities and I agreed that further meetings would be convened to progress important issues concerning the safeguarding of children.

### **Private Health Insurance Levy.**

22. **Deputy Olwyn Enright** asked the Minister for Health and Children the date she expects to receive a decision from the EU Commission on the new private health insurance levy; and if she will make a statement on the matter. [6649/09]

**Minister for Health and Children (Deputy Mary Harney):** The interim scheme to support the operation of the community rated market, including the intergenerational solidarity levy, was notified to the European Commission in the normal course in November 2008. Officials in my Department have since provided some further material requested by the Commission to facilitate its considerations. It is expected that the Commission will give its assessment in March. If the assessment is positive, it is intended that the related Bill, published in December, would be considered by the Houses soon afterwards.

### **Hospitals Building Programme.**

23. **Deputy Simon Coveney** asked the Minister for Health and Children if, taking into account that the new children's hospital is projected to cost approximately €1 billion, this project is being reviewed in view of the difficult financial state here; if she plans to review this project; if not, if she has the necessary funding committed to complete this project; the completion date for this project; the yearly funds necessary for the completion of this project; and if she will make a statement on the matter. [6633/09]



**Minister for Health and Children (Deputy Mary Harney):** The Children's Health First Report commissioned by the Health Service Executive indicated that the population and projected demands in this country can support only one world class tertiary paediatric hospital which should be in Dublin, and should ideally be co-located with a leading adult academic hospital. Arising from this, the development of the new National Paediatric Hospital on the site of the Mater Hospital has been agreed as a high priority project for inclusion in the health capital programme.

The Health Service Executive is currently finalising its Capital Plan for the period 2009-2013 which is required to be submitted to me for my approval with the agreement of the Minister for Finance. I understand that, while a more accurate estimate of the cost of the new National Paediatric Hospital will not be available until the design brief is completed later this year, the costs are expected to be significantly less than €1 billion. It is expected that the bulk of the funding required for the development of the new hospital will be provided by the Exchequer through the National Development Plan. In addition, the National Paediatric Hospital Development Board, which was established in 2007 and has responsibility for planning, designing, building, furnishing and equipping the hospital, is exploring additional funding options including philanthropy and proceeds from property sales.

Details on the project will be available when the capital plan is approved.

#### **Drugs Payment Scheme.**

24. **Deputy Olivia Mitchell** asked the Minister for Health and Children when she will publish the Dr. Michael Barry report; the amount of money expected to be saved if the recommendations of the report are implemented; and if she will make a statement on the matter. [6670/09]

59. **Deputy Róisín Shortall** asked the Minister for Health and Children if she has read the report by Dr. Michael Barry on ways of reducing spending under the drugs repayment scheme; her views on the fact that the percentage of generic drugs being dispensed has gone down in the past ten years; if she will address this element in the cost of drugs; and if she will make a statement on the matter. [6556/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 24 and 59 together.

The report of the group chaired by Dr. Barry, entitled "Economies in Drug Usage in the Irish Healthcare Setting" has been published on my Department's website, [www.dohc.ie](http://www.dohc.ie).

One of the recommendations made in the report is that General Practitioners should be encouraged and facilitated to prescribe generic products. I am in the process of establishing a group, chaired by Dr. Barry, to advance this and other recommendations that relate to changes in prescribing practices. The group will include representatives of my Department, the Health Service Executive and the Irish Medical Organisation.

One of the objectives of the current agreement with the Irish Pharmaceutical Healthcare Association (IPHA) is to enhance the ability of patients to have a greater say in the prescribing process with a view to choosing, in consultation with the prescriber, the medicine that best meets their needs and delivers best value for money. The agreement also provides for significant reductions in the price of patent-expired proprietary medicines. These reductions (20% in March 2007 and 15% in January 2009) have largely removed the current premium paid for these products over many branded and non-branded generic equivalents. Based on expert advice from the National Centre for Pharmacoeconomics, received prior to the negotiation of the IPHA agreement, it was concluded that a system of compulsory generic substitution in the

pharmacy, as used in some other jurisdictions, would have significantly less benefit in the Irish community schemes than in other countries but could, given the relative size of the Irish market, have an adverse effect on continuity and security of supply for Irish patients.

### **Hospital Accommodation.**

25. **Deputy Richard Bruton** asked the Minister for Health and Children the locations of the 500 hospital beds closed in 2008, including the wards, the number that were closed in each ward, and when they were closed; and if she will make a statement on the matter. [6617/09]

50. **Deputy Kieran O'Donnell** asked the Minister for Health and Children the locations of the 600 hospital beds that are expected to be taken out of the system in 2009; the wards and the number expected to be closed in each ward; when they will be closed; and if she will make a statement on the matter. [6623/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 25 and 50 together.

As this is a service matter, it has been referred to the HSE for direct reply.

### **Medical Cards.**

26. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the estimate for the so-called saving to be made in 2009 from the abolition of the automatic entitlement to the medical card for people over 70 years; and if she will make a statement on the matter. [6606/09]

**Minister for Health and Children (Deputy Mary Harney):** In its announcement of 20th October 2008, the Government stated that savings of €100 million would be achieved through the ending of automatic entitlement to a medical card for those with incomes in excess of the new threshold, through the setting of a new capitation rate in respect of patients aged 70 and over, and through economies in drug usage.

It is expected that the ending of automatic entitlement to a medical card will produce savings in the region of €20 million, arising from a reduction of approximately 20,000 in the number of people entitled to a medical card. Savings of a further €16 million are expected to be realised by the introduction of a revised capitation fee payable to general practitioners in respect of those aged 70 and over in the community. The revised fee was recommended by Mr. Eddie Sullivan following his review in October 2008.

The balance of €64 million in savings is to be achieved through economies in drug usage. My Department has published on its website the report of a group under the chairmanship of Dr. Michael Barry, which makes a series of recommendations to achieve efficiencies and cost-effective prescribing in the General Medical Services and community drugs schemes. I am in the process of establishing an implementation group to give effect to its recommendations. It will be chaired by Dr. Barry and will include representatives of my Department, the Health Service Executive and the Irish Medical Organisation.

### **Cancer Screening Programme.**

27. **Deputy Phil Hogan** asked the Minister for Health and Children her plans to prioritise the establishment of a national bowel cancer screening programme, as recommended by the National Cancer Screening Service; and if she will make a statement on the matter. [6657/09]

68. **Deputy Liz McManus** asked the Minister for Health and Children when the proposed national bowel cancer screening programme will commence; if the funding promised for 2009 to commence work on the planning of the programme is in place; and if she will make a statement on the matter. [6547/09]

106. **Deputy James Reilly** asked the Minister for Health and Children her plans to prioritise the establishment of a national bowel cancer screening programme, as recommended by the National Cancer Screening Service; and if she will make a statement on the matter. [6951/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 27, 68 and 106 together.

In December 2008, I received the Final Report of the Expert Group on Colorectal Screening. The Expert Group was established by the National Cancer Screening Service (NCSS) to study the medical and scientific evidence concerning screening for colorectal cancer and to make recommendations to the Board of the NCSS about the potential benefits of introducing a population-based screening programme for this condition in Ireland.

The NCSS has also requested the Health Information and Quality Authority to conduct a Health Technology Assessment on a colorectal screening programme. This is an important element of the overall assessment process. I expect this to be completed shortly, at which stage I will be in a position to decide on the introduction of a colorectal screening programme and the resources that would be necessary for this.

#### **Residential Care Standards.**

28. **Deputy Fergus O'Dowd** asked the Minister for Health and Children when the draft standards for nursing home care, approved by the Health Information and Quality Authority in March 2008, will be approved by her; when the standards will come into force; if the standards will be compulsory; and if she will make a statement on the matter. [6678/09]

75. **Deputy Ruairí Quinn** asked the Minister for Health and Children when it is expected that the Health Information and Quality Authority national standards for nursing homes and older elder care units will be published; the timeframe which will be given for homes to come up to the standards; if the same timeframe will apply for public and private facilities; and if she will make a statement on the matter. [6552/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** I propose to take Questions Nos. 28 and 75 together.

My colleague the Minister for Health and Children has, this week, approved the national standards for all residential care settings for older people under section 10(2) of the Health Act, 2007. The approval has been conveyed to the Health Information and Quality Authority and the Standards will be formally published and launched shortly. Deputies will be aware that under the 2007 Act statutory responsibility is given to the Chief Inspector of Social Services for inspecting and registering all residential centres for older people, including private nursing homes. It is intended to have the relevant parts of the Act commenced on 1 July, 2009 to allow the Chief Inspector inspect all centres against the regulations governing these centres together with the standards set by HIQA.

Standard 25 addresses the Physical Environment for all types of residential centres. Distinction is made in the criteria between existing facilities and new builds. These criteria provide a six year window for existing builds, whether public, private or voluntary to meet certain infrastructural deficits, for example with regard to room sizes, the number of residents per room and

usable floor space. While there is some discretion with the Chief Inspector to extend this timeframe this can only occur where the provider and the Chief Inspector agree a written, explicit, costed plan with timescales to address these deficits.

### **Cancer Screening Programme.**

29. **Deputy Willie Penrose** asked the Minister for Health and Children if a company (details supplied) is meeting the turnaround times agreed with the National Cancer Screening Service for cervical cancer screening; and if she will make a statement on the matter. [6550/09]

**Minister for Health and Children (Deputy Mary Harney):** CervicalCheck, the National Cervical Screening Programme, became available to the 1.1 million eligible women aged 25 to 60 on 1 September 2008. The turnaround times for analysis of smear test results analysed by Quest Diagnostics Inc. for CervicalCheck, from receipt of sample at the cytology laboratory with complete and accurate information, to posting of the clinical result to the smearer (GP, practice nurse, medical practitioner), average less than 10 working days. In select cases, if the accompanying information is incomplete and/or inaccurate, the turnaround time is slightly increased as it takes longer to verify the sample and ensure quality and accuracy of associated data.

The programme has put in place a system to closely monitor the progress of each smear test taken. The data collected indicates the date a smear test was taken, the date it is entered into the cytological process and the date a result is issued. Programme performance data indicates that on average target turnaround times are being met and in many cases exceeded.

*Question No. 30 answered with Question No. 18.*

### **Hospital Services.**

31. **Deputy Martin Ferris** asked the Minister for Health and Children if she will act on the calls of general practitioners in the mid-west Health Service Executive region not to proceed with the downgrading of Ennis and Nenagh hospitals; and if she will make a statement on the matter. [6602/09]

40. **Deputy Róisín Shortall** asked the Minister for Health and Children her views on the assertion in the Teamwork/Horwath report on the mid-west that the over-riding principle will be that no services will be withdrawn from the current general hospitals prior to the build up of the new alternative services; that is, that the regional hospital will be resourced, developed and working to recognise international best practice standards; and if she will make a statement on the matter. [6555/09]

76. **Deputy Jan O'Sullivan** asked the Minister for Health and Children when she expects the level three critical care unit to be in place at the Mid-West Regional Hospital, Limerick. [6558/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 31, 40 and 76 together.

The Government is committed to ensuring the delivery of the best quality health services possible, in an effective and efficient way. Ensuring patient safety is of paramount importance, so that people can have confidence in the services and the best possible patient outcomes can be achieved.

The HSE has commissioned a number of reviews in relation to how acute hospital services should be organised, including the Teamwork/Horwath report in relation to the Mid-West

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region, which the Executive has recently published. The Report highlights the need for changes to be made in the provision and organization of acute hospital services across the region, particularly in relation to accident and emergency services, critical care, acute surgery and medicine. The Report finds that the services are too fragmented, carry increased risks for patients and staff and are not sustainable in their present form.

The HSE has indicated that certain changes to the present arrangements for the provision of some acute services, including accident and emergency services, must be made, in the interests of patient safety and also to make best use of the clinical resources available within the Mid West region. The HSE has been engaged in a consultation process with key stakeholders as it formulates detailed plans in relation to emergency care, critical care and surgical services in the region.

The HSE plans will involve the reconfiguration of Acute Hospital services into a network and their better integration with primary care services across the region, with a regional centre at the Regional Hospital Limerick that will deal with complex and specialist cases. The changing nature of health service delivery is such that smaller hospitals can meet much of the demand for less complex services, especially those that are increasingly done on a day case basis. The HSE plans will reorganize the arrangements in Ennis and Nenagh so that these hospitals will provide an urgent care/minor injuries service for 12 to 14 hours a day as part of a regional Accident and Emergency structure. These hospitals will also continue to admit appropriate medical cases. The plans also provide for the expansion of day surgery and diagnostic service activity at Nenagh and Ennis and the development of primary and community services.

The HSE has identified the enhancement of emergency ambulance services as an essential element of the new service delivery arrangements for the Mid West. Protocols already in place to ensure that all trauma cases will be brought directly to the major tertiary centre rather than the local hospital. Appropriate protocols in relation to paediatric and obstetric emergencies are being finalised at present. Plans are underway to introduce a 24-hour Advanced Paramedic service in Clare and North Tipperary and to enhance the level of ambulance cover in these areas.

Priority capital developments under discussion between the Department and the HSE at present include a critical care block and a new emergency theatre in the Regional Hospital and improvements to the facilities for diagnostics and day services such as CT scanning in Ennis and Nenagh.

I am satisfied that the measures being taken by the HSE are necessary and appropriate in order to ensure the provision of safe and effective health services to the people of the Mid West region.

### **Child Protection Services.**

32. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of children who have died during the past ten years subsequent to a report made to a health board or to the Health Service Executive that such child was at risk or subsequent to the child or child's family coming to the notice of a health board or the HSE concerning matters relating to the child or children; the genders and ages of children concerned; the health board or HSE areas in which they resided; if she will detail in respect of each child the nature of the intervention by the health board concerned or by the HSE; if she will detail the court proceedings that took place in respect of any such child or which were taken by or on behalf of such a child to seek appropriate care or assistance; and if she will direct the HSE to compile a comprehen-



sive report within three months on all of these matters and that such report be published.  
[6596/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have asked the Health Service Executive to gather the information requested and to forward this information to the Deputy. The Health Service Executive has advised, that due to the length of the period covered by the question it will of necessity take some time to compile as material will have to be retrieved from the archives but every effort will be made to gather the data requested and to submit it within the three months specified.

#### **Health Service Staff.**

33. **Deputy Jim O’Keeffe** asked the Minister for Health and Children if staff will be redeployed within the Health Service Executive to ease the burden on community welfare officers struggling to cope with the surge in applications from people seeking assistance; and if she will make a statement on the matter. [6680/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

#### **Hospital Services.**

34. **Deputy Bernard Allen** asked the Minister for Health and Children if she will provide information on the implementation of the recommendation of the Report of the Commission on Patient Safety and Quality Assurance; and if she will make a statement on the matter.  
[6608/09]

**Minister for Health and Children (Deputy Mary Harney):** Patient safety has become both a national and international imperative in recent years, with increasing emphasis across the world on patient safety in policy reform, legislative changes and development of standards of care driven by quality improvement initiatives. I and this Government place great importance on the policies and practical reforms we are implementing to ensure patient safety and quality-assured health services.

The Commission on Patient Safety and Quality Assurance was established in January 2007 and reported to me in July 2008. The Government recently accepted the Commission’s report and approved the commencement of work on the drawing up of legislation to give effect to its central recommendation on the licensing of both public and private health care providers. The Government also supported the immediate establishment of a Steering Group to drive implementation of the report’s recommendations. I have, last week, appointed the Department’s Chief Medical Officer, Dr. Tony Holohan, to chair the Implementation Steering Group (ISG).

I have asked the Chief Medical Officer to consult with the health care sector and to revert to me as quickly as possible with proposals on the membership of the ISG. I will then establish the Group and instruct them to develop and submit implementation proposals for how and over what timescale these could be enabled by better use and reallocation of existing resources. I will be asking the ISG to report to me within 18 months of its establishment during which time they will submit quarterly progress reports.

#### **Hospital Staff.**

35. **Deputy Joan Burton** asked the Minister for Health and Children if she is satisfied there is a regime in place to monitor the implementation of the terms of the consultants’ contract; if

[Deputy Joan Burton.]

the terms of the contract are being implemented; and if she will make a statement on the matter. [6532/09]

**Minister for Health and Children (Deputy Mary Harney):** The successful implementation of the terms of the new consultants' contract will result in the increased availability of senior clinical decision makers to treat and discharge patients as part of the transition to a consultant-delivered service, from the present consultant-led service. Significant progress has been made in the implementation of Consultant Contract 2008 over the past months and this has been the result of a substantial contribution and co-operation from all involved.

In February 2008 the Health Service Executive (HSE) established a Consultant Contract Implementation Steering Group which included representation from the hospital, primary community and continuing care, human resources and internal audit directorates of the HSE. This Group has an oversight role in relation to the implementation of the Consultant Contract which will continue to mid-2009.

In December 2008, an audit of signed contracts was initiated to validate the offer and acceptance process at a local level. These processes will continue into 2009 and will be consolidated within the National Human Resources Directorate.

An implementation group to oversee the implementation of the contractual provisions, comprising representatives of the HSE and the medical organisations, has also been established.

A joint management/union public private mix committee has facilitated agreement on the detailed measurement of public: private mix. In September 2008, the HSE instituted reporting systems regarding public and private inpatient and day case activity on a Consultant by Consultant basis. Reports from these systems, which record individual consultant public and private activity, are being produced on a monthly basis regarding activity.

The HSE is currently progressing the appointment of Clinical Directors who will have a key role in the implementation of the new consultant's contract. The primary role of a Clinical Director will be to deploy and manage consultants and other resources, plan how services are delivered, contribute to the process of strategic planning, and influence and respond to organisational priorities. This will involve responsibility for agreeing an annual Directorate Service Plan, identifying service development priorities and aligning Directorate Service Plans with Hospital or Network Plans. The Clinical Director will have a pivotal role in monitoring compliance with the agreed ratio of public to private practice, and taking corrective action where the private practice limit is exceeded.

I recently had a positive meeting with the Irish Hospital Consultants Association to discuss progress in the implementation of new contractual arrangements for medical consultants. I indicated that I am not prepared to sanction salary increases for consultants who signed up to the new contract until I am satisfied that the reformed work practices are being implemented and there is a demonstrable benefit to the public health system. I am prepared to ask the HSE to commence payment of the new contract rates once I am satisfied that these new practices are in place. However, this is dependent on the outcome of a verification process that is currently being carried out by the HSE. I will make my decision on receipt of the Executive's Report which is expected later this week.

36. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the number of extra consultants that she expects will be appointed in 2009; and if she will make a statement on the matter. [6534/09]

**Minister for Health and Children (Deputy Mary Harney):** Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public.

Government policy is to increase substantially the number of consultants in the public health service in order to re-balance the ratio between consultant and non-consultant hospital doctors subject to the full implementation of reformed work practices.

The finalisation of the contract facilitated the recommencement of the HSE consultant recruitment process. To date, 154 posts have been advertised and 127 of these are for HSE hospitals and agencies.

I would emphasise, however, that it is not a question of simply providing more funding to employ more consultants. The creation and funding of further consultant posts will be driven by service priorities, as reflected in the HSE's Annual Service Plan, and the policy of achieving a better balance between the numbers of consultants and non-consultant hospital doctors. Government policy is to have a consultant-delivered, rather than a consultant-led service. The new contract is designed to support this and, as in many areas of our health services, service improvements will depend to a much greater extent on mobilising and re-configuring existing resources than on new additional funds.

#### **Health Services.**

37. **Deputy Thomas P. Broughan** asked the Minister for Health and Children her view on concerns recently expressed, including at the Joint Committee on Health and Children, that all of the services which will be provided by the new primary health care teams will not be available to all patients of the practices involved; if she will address this inequality; and if she will make a statement on the matter. [6535/09]

**Minister for Health and Children (Deputy Mary Harney):** The Primary Care Strategy aims to develop services in the community and to give people improved access to integrated multi-disciplinary teams, involving general practitioners, nurses, home helps, occupational therapists and physiotherapists. Each team will be supported by a wider range of professionals including pharmacists, dieticians, psychologists and chiropodists who will form part of a primary care network supporting a number of primary care teams.

The HSE intends that 530 Primary Care Teams and 134 Primary Care Networks will be developed by 2011.

Pending the roll-out of the full complement of Primary Care Teams, my Department has instructed the HSE that in the short to medium term priority must be given to the provision of primary care team services to those with greatest need with the emphasis on ensuring that holders of medical cards are the principal beneficiaries of the development of the teams. Holders of GP visit cards should be the next category in terms of priority for receipt of such services with teams ultimately providing services on a whole population basis as they develop the capacity to do so. These arrangements are of an interim nature pending new legislation which my Department is currently preparing to clarify and update existing legislation on eligibility for health and personal social services.

#### **Hospital Services.**

38. **Deputy John Perry** asked the Minister for Health and Children her views on the fact that a total of 16,316 operations were cancelled here in 2008 and that this is a 10% increase on

[Deputy John Perry.]

2007 when 14,903 operations were cancelled; the actions she will take to address same; and if she will make a statement on the matter. [6684/09]

**Minister for Health and Children (Deputy Mary Harney):** The figures referred to by the Deputy were supplied by the HSE on foot of a previous Parliamentary Question. The number of cancellations relates to the number of surgical, medical and day case procedures and does not represent a figure for cancelled operations alone. The figures include cancellations made by patients as well as those made by hospitals.

It must be stressed that, when a booking for a procedure has been cancelled, most hospitals will automatically reschedule the patient for the next available appointment and priority is given to any case deemed to be urgent.

Cancellations are a feature of every hospital system. The number of cancellations in Ireland is considered to be in line with those experienced in hospital systems internationally. Cancellations for surgical, medical or day case procedures may occur for a number of reasons. In a significant number of cases, cancellations will have resulted following a clinical decision that the patient was not deemed suitable for a procedure on that particular day.

The number of cancellations across the acute hospital system should also be viewed in the context of overall hospital activity. The figure of approximately 15,000 cancellations in 2007 represents 1.5 % of over 1 million admissions. Similarly, the figure of approximately 16,000 in 2008 represents just 1.3% of total admissions.

In relation to surgical procedures, the National Treatment Purchase Fund (NTPF) arranges treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case. The HSE works in collaboration with the NTPF in ensuring that, where appropriate, patients are facilitated in availing of treatment under the scheme. The average median wait time under the NTPF is under 3 months.

### **Infectious Diseases.**

39. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of cases of MRSA and Clostridium difficile infection reported or confirmed in each of the past five years to date; the action taken or proposed to address this issue; and if she will make a statement on the matter. [6576/09]

127. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent to which she has taken steps to reduce the incidence of MRSA infection in both public and private hospitals; and if she will make a statement on the matter. [6885/09]

128. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of incidents of MRSA infection recorded in respect of both public and private hospitals in the past 12 months; and if she will make a statement on the matter. [6886/09]

129. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she is satisfied that the steps taken to control MRSA and Clostridium difficile are adequate and effective in reducing the incidence of infection; and if she will make a statement on the matter. [6887/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 39 and 127 to 129, inclusive, together.

Tackling Health Care Associated Infections (HCAIs), including MRSA and Clostridium difficile (C. difficile), continues to be a priority for the Government and the Health Service

Executive (HSE). HCAs are not a new phenomenon and have always been a potential complication of medical treatment, especially in hospitals. This is the case worldwide.

At a European level, the European Antimicrobial Resistance Surveillance System (EARSS) was established in 1999 to inform national and International efforts in tackling antimicrobial resistance in Europe. As part of this system, the HSE collects data on invasive isolates of *Staphylococcus aureus* from microbiology laboratories in hospitals throughout Ireland. The participating laboratories represent both public and private hospitals and other health care institutions. As of January 2009, 42 microbiology laboratories in Ireland participate in EARSS representing 98% coverage of the Irish population.

The number of MRSA bloodstream infections recorded in the past five years are — 553 cases in 2004, 592 cases in 2005, 588 cases in 2006, 537 cases in 2007 and 342 cases in the first 9 months of 2008. Similar data is not available on *C. difficile* for these years. However, since May 2008, *C. difficile* has become a notifiable disease. The prevalence identified for this condition in the Third Prevalence Survey of Health Care Associated Infections in acute hospitals in 2006 was 0.5% of patients studied. The number of cases reported from May to December 2008 is 1607 and is consistent with the prevalence in the 2006 survey.

As the Deputy will be aware, the HSE launched a National Infection Control Action Plan in March 2007. The HSE aims to reduce HCAs by 20%, MRSA infection by 30% and antibiotic consumption by 20% over a 5 year period.

A new National Surveillance System has been established to collect data and provide information on HCAs in our health system. This data covers four key areas:

1. *Staphylococcus aureus* bacteraemia (bloodstream infection);
2. Antibiotic consumption;
3. Alcohol gel use; and
4. From 2008 onwards, MRSA incidence in Intensive Care Units.

The results so far show some improvement. The overall proportion of MRSA was lower in 2007 (38.5%) compared to 2006 (42.4%) and the most recent figures show that MRSA infections for the first nine months of 2008 have fallen by 3.8% compared with the same period in 2007 and 7.2% when compared with 2006.

The overall acute in-patient antibiotic consumption rate increased slightly in 2007 over the 2006 rate by 2.4%. Overall alcohol gel use is up by a significant 50%. The results provide a good benchmark into the future to enable us to measure effectively the progress of each hospital on their performance in infection prevention and control.

The Health Protection Surveillance Centre of the HSE published Guidelines for the Surveillance, Management and Control of *C. difficile*-associated diseases in May 2008. This publication gives national guidance and deals with the isolation of *C. difficile* ribotype 027 for the first time in Irish hospitals. The guidelines will be a valuable resource in assisting in the prevention, management and control of this infectious disease.

Other measures taken to reduce the incidence of HCAs generally include the appointment of additional infection control staff, education campaigns for health care staff and the general public around the prudent use of antibiotics, and the use of designated private beds for isolation purposes where required for patients who contract HCAs. In addition, new environmental building guidelines to inform infection control policy in all new builds and refurbishments have recently been agreed by the HSE and will be published shortly.



[Deputy Mary Harney.]

I am satisfied that significant steps are being taken to reduce the rates of HCAIs generally and to treat them promptly when they occur.

*Question No. 40 answered with Question No. 31.*

### **Child Protection Services.**

41. **Deputy Terence Flanagan** asked the Minister for Health and Children the action taken by her and by the Minister of State for children since the publication on 31 July 2008 of the National Review of Compliance with Children First National Guidelines for the Protection and Welfare of Children to ensure that the guidelines are fully implemented and uniformly applied throughout the State; and if she is satisfied that upon a report being made to the Health Service Executive of a child at risk, there will in all cases be a prompt and comprehensive assessment into the circumstances of the child and all necessary intervention required in accordance with the Children First National Guidelines for the Protection and Welfare of Children and the provisions contained in the Child Care Act, 1991 as amended. [6598/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The provision of appropriate robust and responsive child welfare and protection services is a key priority for both myself, as Minister for Children and Youth Affairs, and the Government.

I understand from the Health Service Executive that the consistent application of the Children First Guidelines is being addressed by the HSE through the ongoing standardisation of Child Welfare and Protection business processes (this project is expected to be completed in 2009) and the refocusing of social work services through the ongoing Social Work Reform programme.

A Senior Officials group, comprising the OMCYA, the HSE, An Garda Síochána, Department of Justice, Equality and Law Reform and the Department of Education and Science was established in 2008, with a focus to ensure that there is full awareness of child protection policies, guidelines and procedures, to consider how to ensure better knowledge of the Children First Guidelines, better training and education about the Guidelines, to consider processes and protocols for information exchange to ensure full adherence to the Guidelines, and to advise me accordingly.

All child abuse reports to social work departments are subject to a phased process of initial screening and assessment, aimed at providing appropriate interventions. In addition, there are also legislative mechanisms in place which also allow for responses from gardaí (for example to take a child to safety in emergency situations relating to welfare and protection).

In relation to that part of the Deputy's question relating to a report being made to the Health Service Executive of a child at risk, as this is a service matter it has been referred to the HSE for direct reply.

*Question No. 42 answered with Question No. 13.*

### **Hospital Staff.**

43. **Deputy Joan Burton** asked the Minister for Health and Children the extra funding that will be required in 2009 in order to implement the agreement reached on new consultants' contracts; and if she will make a statement on the matter. [6533/09]

64. **Deputy Willie Penrose** asked the Minister for Health and Children the amount of back pay that has been agreed under the new consultants' contract; the number of consultants who

will receive such payments; the average each will receive; and if she will make a statement on the matter. [6528/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 43 and 64 together.

The Health Service Executive (HSE) is responsible for the implementation of the new consultants' contract. The HSE's 2009 Estimate provides for €140m to fund the full year cost of the new Consultants Contracts in 2009. This includes €6.135m to meet the education component of this expenditure in respect of academic and dental consultants. That amount will transfer from the HSE Vote to the Education Vote in the context of the Revised Estimates Volume which is due for publication mid March by the Department of Finance. Costings in relation to the Consultant's Contract are currently being finalised and will depend on uptake.

The HSE has advised that over 80% of consultants have signed up to the new contract. I recently had a positive meeting with the Irish Hospital Consultants Association to discuss progress in the implementation of new contractual arrangements and the issue of retrospective payment for medical consultants. It was agreed that a process should be explored in detail between the parties to deal with the issues involved.

#### **Food Suppliers.**

44. **Deputy Pat Breen** asked the Minister for Health and Children if suppliers of pork, ham and poultry products to the Health Service Executive mid-west region source products here; and if she will make a statement on the matter. [4740/09]

**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.

*Question No. 45 answered with Question No. 19.*

*Question No. 46 answered with Question No. 9.*

#### **National Counselling Service.**

47. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she will ensure that former patients of a doctor (details supplied) who has been struck off the medical register can attend accredited counsellors of their choosing rather than those chosen by the Health Service Executive; and if she will make a statement on the matter. [6540/09]

**Minister for Health and Children (Deputy Mary Harney):** A professional counselling support service has been put in place by the Health Service Executive (HSE) for former patients of the person concerned following the findings of the recent Medical Council Inquiry. The service is provided free of charge by the National Counselling Service and will continue to be made available as required to the former patients concerned. The need for additional support will also be monitored.

The National Counselling Service was established in 2000 and employs 70 counsellors/therapists throughout Ireland. It is a professional, accredited and totally confidential counselling and psychotherapy service. Counselling is provided in a confidential, supportive and non-judgmental setting and is available in 60 locations nationwide. It is open to former patients of the person concerned to contact their relevant Director of Counselling to discuss issues relating to choice of counsellor, choice of appointment and location or access to any other branch of the National Counselling Service. Clearly, individuals may choose to make

[Deputy Mary Harney.]

alternative arrangements for counselling but this is a private matter between the individual and the provider concerned.

The HSE has assigned co-ordinating responsibility for these matters to the Area Manager for Consumer Affairs in the North East who will liaise as required with former patients and support groups.

### **Departmental Expenditure.**

48. **Deputy Pat Rabbitte** asked the Minister for Health and Children how, in respect of the announcement on 3 February 2009, it is intended to achieve the general administrative reductions in regard to her Department; the amount expected to be saved in her Department's budget as a result of this process; the steps which will be taken to ensure that services to the public will not be affected; and if she will make a statement on the matter. [6561/09]

**Minister for Health and Children (Deputy Mary Harney):** General administrative savings of €1.579m are to be achieved this year across my Department's Vote arising from the Government's decision referred to by the Deputy. Savings will be achieved as follows: €0.542m by reducing advertising, public relations and consultancies, €0.471m savings in procurement, €0.469m in non-pay efficiencies, mainly in ICT and €0.097m in payroll savings. The areas where these savings will be achieved are designed to ensure that services to the public will not be affected.

### **Hospital Services.**

49. **Deputy Denis Naughten** asked the Minister for Health and Children her plans for the development of services at Roscommon County Hospital; and if she will make a statement on the matter. [42169/08]

71. **Deputy Denis Naughten** asked the Minister for Health and Children her plans for the development of services at Portiuncula Hospital, County Galway; and if she will make a statement on the matter. [6472/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 49 and 71 together.

The Government is committed to ensuring the delivery of the best quality health services possible, in an effective and efficient way. Ensuring patient safety is of paramount importance, so that people can have confidence in the services and that the best possible patient outcomes can be achieved. It is essential that we prioritise patient safety and quality and that we organise and manage services accordingly. The priority is to provide safe services as close as possible to where people live.

In the past, Roscommon County Hospital and Portiuncula Hospital Ballinasloe have operated independently, with two consultant general surgeons in each hospital. The difficulties faced by Roscommon and Portiuncula in maintaining surgical services independently, and the need for closer co-operation between them, were highlighted by the former Comhairle na nOspidéal in March 2006. Advances in clinical care and ever-increasing levels of specialisation mean that the present model of care faces important practical difficulties, which must be addressed.

In the light of these factors, the best way of retaining and developing services at Roscommon and Portiuncula hospitals is for these hospitals to work closely together. The Health Service

Executive has advised that it is proceeding with the proposal for a Joint Department of Surgery and Anaesthesia at Roscommon County Hospital and Portiuncula Hospital, Ballinasloe.

My Department has requested the Health Service Executive to arrange to have the operational details provided directly to the Deputy.

*Question No. 50 answered with Question No. 25.*

#### **Medical Cards.**

51. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the contingencies in place to cater for the increased number of persons qualifying for the medical card as a result of the economic recession, including the rise in unemployment and dependance on social welfare; and if she will make a statement on the matter. [6601/09]

**Minister for Health and Children (Deputy Mary Harney):** The purpose of the General Medical Services (GMS) Scheme is to ensure that the medical card benefit is available to those who are unable to meet the cost of general practitioner medical and surgical services for themselves and their dependants. The Health Service Executive (HSE) has the operational responsibility for the GMS Scheme. The number of persons with a medical card has increased by over 200,000 since 2005 and now stands at over 1.35 million.

The HSE service plan for 2009 highlights the impact of the continued decline in the economy, the associated growth in numbers on the Live Register and uptake of demand led schemes as an ongoing challenge for 2009 and consequently, it has provided for an additional net increase of 81,000 medical cards and 46,000 GP visit cards in 2009.

#### **Homeless Persons.**

52. **Deputy Catherine Byrne** asked the Minister for Health and Children the way she plans to tackle the high incidence of substance abuse amongst the homeless population; if she will ensure that adequate services are put in place for these people; the way the new national drugs strategy will help the people in question; and if she will make a statement on the matter. [2821/09]

**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.

#### **Health Service Staff.**

53. **Deputy Seymour Crawford** asked the Minister for Health and Children the number of suitably qualified general practitioners expected to be available on a yearly basis for each of the next five years to replace retiring doctors and provide the necessary personnel for the new structures promised to replace hospital closures; if she is satisfied that sufficient personnel will be available within her training structures; if not, the locations from which they will be sourced; and if she will make a statement on the matter. [6447/09]

60. **Deputy Ciarán Lynch** asked the Minister for Health and Children her views on the contention by the Irish College of General Practitioners that the number of general practitioners who will retire in the next six years has been underestimated; the plans in place to train the necessary number of GPs; her plans to recruit GPs from abroad; and if she will make a statement on the matter. [6543/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 53 and 60 together.

[Deputy Mary Harney.]

Since 1st January 1995, those entering the General Medical Services (GMS) scheme are required to possess Certification of Specific Training in General Medical Practice issued under EU Directive 93/16 by the Medical Council. In order to meet the requirements for certification, the doctor undertaking GP training in Ireland must:

- Satisfactorily complete a recognised training programme in general practice; and
- Pass the Membership of the Irish College of General Practitioners (MICGP) examination and obtain membership of the College through the award of a Certificate of Satisfactory Completion of Training (CSCT) from the Medical Council.

There are twelve GP Specialist Training Programmes (GPTPs) currently in operation which are all of four years duration — two years spent in hospital posts (SHO), under supervision of hospital consultants, and two years in an approved general practice at registrar level, under the supervision of a general practice trainer. The breakdown of the new GP training places is as follows:

Year Commenced	Year finished	No of Places
2004	2007	84
2005	2009	98
2006	2010	111
2007	2011	120
2008	2012	120
2009	2013	120

The HSE has agreed to continue to fund 120 GP training places in 2009.

The determinants of the demand for GPs are diverse and include matters such as population growth, aging and health status of the population, the development of new technologies, the geographic distribution of doctors, the overall status of the economy, fees, policy initiatives, etc.

The HSE is working closely with the Irish Medical Organisation on GP Workforce Planning. A joint working group to examine this area has been established and it is scheduled to hold its first meeting this week. In addition, an extensive mapping exercise has been undertaken by the HSE and a number of measures in relation to maintaining and increasing GP numbers have been identified and are currently being progressed. These include the following:

- On-going engagement with the Irish College of General Practitioners and the Medical Council in relation to increasing the number of GP training places within available resources and exploring alternative models of GP training.
- Active management in each Local Health Office to encourage GP assistantship and partnership in relation to upcoming retirements where such doctors could potentially take over from the retiring GPs.
- Recruitment drives in the UK and EU countries to attract qualified GPs to apply for available posts in Ireland, particularly regions experiencing difficulties attracting GPs.
- Issuing of new GMS numbers in regions urgently requiring additional GPs. This is being undertaken in accordance with the established consultation process with the Irish Medical Organisation.



- Continued expansion of Primary Care Teams and Primary Care Centres so that GPs applying for posts are attracted to high quality, well supported posts in suitable premises. To date, 102 teams have been established with an additional 108 teams planned for development by year end. In relation to the securing of accommodation for teams, the HSE Board has approved 92 locations to date as part of the new initiative to provide a series of modern primary care infrastructure in the country. The Government provided for the completion of 200 such primary care centres in the last budget. The programme aims to have all sites identified by the middle of this year, with a target of 50 to open by the end of 2010 and the full complement to open by 2011.

In addition to the above, research has been undertaken by the Expert Group on Future Skills Needs on behalf of the Joint Department of Health and Children / HSE Working Group on Workforce Planning. This research, conducted by FÁS on behalf of the Expert Group, analysed the labour market for 12 healthcare occupations, including GPs. When finalised, it will help determine future GP workforce planning and training needs.

### **Mental Health Services.**

54. **Deputy Dan Neville** asked the Minister for Health and Children if funding of €50 million required for the implementation of a Vision for Change in 2008 and 2009 will be provided; and if she will make a statement on the matter. [6674/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** Substantial resources are invested in mental health services; overall spending on mental health services in 2007 amounted to €1 billion, and this level of funding continued into 2008 and 2009. Implementing ‘A Vision for Change’ is essentially about the reallocation and remodelling of these resources.

The estimated additional cost of the implementation of ‘A Vision for Change’ the Report of the Expert Group on Mental Health Policy is €150m over 7 — 10 years. Development funding totalling €51.2m was allocated to the HSE in 2006 and 2007, some of which was diverted because of core budgetary pressures; however, I am advised by the HSE that 94% of the €51.2m will be in place before the end of 2009. Additional funding has been provided in 2009 for the recruitment of 35 therapy posts for the child and adolescent mental health service. In addition, once-off funding of €1.75m has been provided for suicide prevention initiatives and for mental health projects supporting service users and carers.

### **Hospital Services.**

55. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she will act on the call of general practitioners in Cavan, Monaghan, Clare and north Tipperary for the Health Service Executive not to proceed with the removal of services from Monaghan General Hospital, Ennis General Hospital and Nenagh General Hospital and the centralisation of services in the already overstretched hospitals in Cavan, Drogheda and Limerick; and if she will make a statement on the matter. [6600/09]

**Minister for Health and Children (Deputy Mary Harney):** The Transformation Programme for the North East region has been informed by the Teamwork Report to the HSE which demonstrated that the service configuration in the region was unsustainable. A series of focused service changes are being implemented across the region. The immediate focus is the reconfiguration of existing services by moving acute and complex care from 5 to 2 hospital sites.

[Deputy Mary Harney.]

With regard to the Mid-West, the HSE plans for the region are informed by the recently published Teamwork/Horwath Report. The Report highlighted the need for changes to be made in the provision and organisation of acute hospital services across the region as it found services are too fragmented, carry increased risks for patients and staff and are not sustainable in their present form. The HSE has been engaged in a consultation process with key stakeholders as it formulates detailed plans in relation to emergency care, critical care and surgical services in the region.

Both processes involve widespread and fundamental change and are designed to build a health system that is in line with the model of care emerging internationally. Extensive consultation with key stakeholders, including GPs, is an important feature of the HSE management of change in these regions.

I would like to emphasise that the changes proposed by the HSE and fully supported by the Government are for reasons of patient safety. We are committed to providing the best possible service for patients in a manner that ensures quality and safety. It is entirely understandable that there will be concerns about change, but the Government is satisfied that this is the best way forward. The HSE will continue to work with all stakeholders to bring about the improvements in a carefully planned way, that puts patients first.

### **Health Services.**

56. **Deputy David Stanton** asked the Minister for Health and Children if she will provide details on Health Service Executive plans for long-term residential care beds; and if she will make a statement on the matter. [6691/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hochtör):** The Health Service Executive National Service Plan 2009 sets out the HSE's plan for the management and configuration of public long-term residential care services during 2009. As part of this plan, it will provide for a number of additional and replacement long-term residential care beds over the course of 2009. The latest information from the HSE indicates that 704 additional beds and 492 replacement beds will become operational during 2009. This includes beds being provided under the Capital Plan and beds being provided under the Fast-Track Initiative.

The plan also identifies a requirement to reduce the number of beds in long-term residential care units in some parts of the country, particularly where the standard of facilities is considered inadequate and where it is necessary to address infrastructural deficits in order to meet Health and Safety and Fire Requirements and the planned new standards. I can confirm to the Deputy that 287 beds are currently temporarily closed, primarily due to refurbishment and health and safety requirements. Of these, 126 are expected to re-open over the course of 2009; some will re-open as part of the replacement projects mentioned above. The HSE plans to close a further 145 beds during the remainder of 2009 in the following locations:

HSE DML — 38 beds

HSE South — 102 beds

HSE West — 5 beds

These closures are again necessitated by health and safety and fire requirements.

### **Long-Term Illness Scheme.**

57. **Deputy Ciarán Lynch** asked the Minister for Health and Children if the review of the

long-term illness scheme has been completed; if she will add Huntington's disease to the scheme in view of the fact that it fulfils the criteria and sufferers have significant costs associated with the disease; and if she will make a statement on the matter. [6542/09]

**Minister for Health and Children (Deputy Mary Harney):** Under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of medicines and medical and surgical appliances to people with specified conditions, for the treatment of that condition, through the Long Term Illness Scheme (LTI). The LTI does not cover GP fees or hospital co-payments. The conditions are: mental handicap, mental illness (for people under 16 only), phenylketonuria, cystic fibrosis, spina bifida, hydrocephalus, diabetes mellitus, diabetes insipidus, haemophilia, cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophies, Parkinsonism, conditions arising from thalidomide and acute leukaemia. There are currently no plans to extend the list of eligible conditions.

### **Rights of the Child.**

58. **Deputy Jan O'Sullivan** asked the Minister for Health and Children the input she has had into discussions on proposals aimed at inserting the rights of children into the Constitution. [6525/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Responsibility within the Department of Health and Children for the proposal to amend the Constitution in relation to children has been delegated by Minister Harney to the Minister for Children and Youth Affairs.

As the Deputy is aware, the Twenty-Eighth Amendment of the Constitution Bill, 2007, was published in February 2007 on the basis of proposals brought to Government by the then Minister for Children Mr Brian Lenihan TD. The Bill contained the Government's proposal to amend the Constitution in relation to children. The Programme for Government of June 2007 committed to deepening consensus on the issue and to this end, the Joint Committee on the Constitutional Amendment on Children [JCCAC] was established in November, 2007. My colleague, Deputy Dermot Ahern, TD, Minister for Justice, Equality and Law Reform, and I are ex officio members of the Committee. I have lead responsibility, on behalf of the Government, in regard to the co-ordination of the policy issues arising in relation to its work. Due to the complexity and sensitivity of the issues being dealt with by the Committee, its term has been extended on two occasions and it is now due to report back to the Oireachtas by 9th April 2009.

On 11th September 2008 the Committee presented to the Oireachtas an Interim Report on the exchange of soft information. I welcomed the interim report and, in consultation with my Government colleagues, have commenced the process of preparing the relevant legislation. The Childcare (Collection and Exchange of Information) Bill is included in the Government's Legislative Programme for the Spring Session 2009.

The Committee is currently finalising its deliberations in relation to Article 42 (A) 5.2 and 3 in relation to absolute and strict liability (statutory rape) and a second interim report is expected from the Committee on this matter in the coming weeks.

In relation to the remaining issues contained in Twenty-Eighth Amendment of the Constitution Bill 2007 the Government awaits the outcome of the deliberations of the Joint Committee on the Constitutional Amendment on Children before progressing further.

*Question No. 59 answered with Question No. 24.*

*Question No. 60 answered with Question No. 53.*

*Question No. 61 answered with Question No. 18.*

### **Child Care Services.**

62. **Deputy Joe Costello** asked the Minister for Health and Children the progress made in the availability of social workers at weekends for vulnerable children; and if she will make a statement on the matter. [6536/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Government and the Health Service Executive (HSE) remain committed to the development of a comprehensive needs-based service for children at risk. In this regard, I personally chair regular meetings between officials from my Office (OMCYA) and Senior Child Welfare and Protection managers in the HSE aimed at improving the provision of services to children at risk. A key component of these discussions has been the provision of out of hours care.

As a result of these contacts it has now been agreed that rather than proceeding with the development of a stand alone social work out of hours service, the HSE is instead taking the opportunity provided by the proposed integration of hospital and community services at a regional level, to develop alternative proposals based on a more integrated approach which builds on its existing out of hours services including GPs, acute hospital services and mental health services. This approach promises a more effective and integrated model of service provision which acknowledges the linkages between services such as mental health and social work while endeavouring to utilise the overall resources already in place to appropriately address incidents occurring outside usual working hours.

The aim is to ensure that persons seeking personal social services outside normal working hours can be triaged and provided with appropriate advice, information, support and, in emergency situations, access to specialist staff, such as staff working in the areas of mental health and suicide prevention. In so doing, the HSE hopes to provide a standardised response across the country. In this context, the HSE is putting a system in place whereby Gardai can access an appropriate place of safety for children found to be at risk out of hours under Section 12 of the Child Care Act 1991. This service will conform with Child Care Regulations and with the National Foster Care Standards. The provision of this service aims to ensure that children presenting as 'at risk' outside of normal working hours are provided with an appropriate emergency place of safety thereby eliminating or reducing social admissions of children in an acute hospital setting. Foster families are currently being recruited for this service with a view to commencing the service on or before 1 June 2009.

### **Medical Aids and Appliances.**

63. **Deputy Eamon Gilmore** asked the Minister for Health and Children if she will address the shortfall in funding for amputees whereby they have to pay a considerable amount of the cost of prosthetic arms and legs; her views on whether this is inappropriate and out of line with the practice in other countries; and if she will make a statement on the matter. [6541/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I have been advised by the Health Service Executive, that when a patient has a limb amputated, the acute hospital is responsible for providing the first prosthesis. After that, the client will periodically attend follow-up appointments with the attending Consultant or the General Practitioner who may seek sanctioning of requests for new prostheses or repairs to the original prosthesis.

If there is a sound clinical reason to sanction the item and the client has a valid Medical Card or Long-Term Illness Card, the prosthesis will be sanctioned.

Amputees who do not possess either a Medical Card or a Long-Term Illness Card are liable to meet the costs directly. They have a number of options (a) they can claim off their private insurers; (b) they can meet the costs themselves and submit a claim to the Revenue Commissioners via the Form Med 1 and (c) they can apply for a Medical Card and request that their special circumstances be considered especially on the grounds of “undue financial hardship” on the individual or their family.

*Question No. 64 answered with Question No. 43*

### **Hospital Services.**

65. **Deputy Seán Sherlock** asked the Minister for Health and Children when she will publish the report on the reconfiguration of acute hospitals in the south; and if she will make a statement on the matter. [6559/09]

**Minister for Health and Children (Deputy Mary Harney):** The HSE has indicated to me that this report will be published in the coming weeks. The HSE commissioned the report from Horwath Consulting Ireland, in association with Teamwork Management Services, to examine the arrangements for the provision of acute hospital services in the South with a view to identifying the best configuration of such services in the region.

The Government is committed to ensuring the delivery of the best quality health services possible, in an effective and efficient way. Ensuring patient safety is of paramount importance, so that people can have confidence in the services and that the best possible patient outcomes can be achieved.

There is significant international and national evidence that acute complex healthcare, particularly for emergency medicine, complex surgical services and critical care should be provided in hospitals which are suitably staffed and equipped and which undertake sufficient volumes of such activity, in order to maximise clinical outcomes and ensure safe services. At the same time, there is a significant range of less complex care which can continue to be provided safely in smaller hospitals.

Reorganisation of services must of course occur in consultation with the key stakeholders and on an incremental basis. I believe that it is important to work with health professionals and other interested parties to secure an increasing set of improvements over time. This approach will, I am confident, produce the best outcome for patients.

### **Departmental Staff.**

66. **Deputy Liz McManus** asked the Minister for Health and Children if she is seeking voluntary redundancies and early retirements from staff in her Department; and if she will make a statement on the matter. [6546/09]

**Minister for Health and Children (Deputy Mary Harney):** There are currently no voluntary early retirement or redundancy schemes available to staff in the Civil Service. However, there are other arrangements which make provision for retirement earlier than normal pension age in certain circumstances.

Arrangements for cost-neutral early retirement were introduced in 2005 under Department of Finance Circular 10/2005 and are available in the Civil and Public Service generally. In broad terms this facility, which was recommended by the Commission on Public Service Pensions,



[Deputy Mary Harney.]

allows staff who are within ten years of their normal pension age to apply for early retirement with immediate payment of their superannuation benefits. The benefits are actuarially reduced to ensure that the early payment is cost-neutral to the Exchequer. In addition retirement before normal pension age with immediate payment of superannuation benefits may be permitted on medical grounds.

### **Cancer Screening Programme.**

67. **Deputy Michael D. Higgins** asked the Minister for Health and Children when she expects BreastCheck to be fully rolled out here; and if she will make a statement on the matter. [6538/09]

**Minister for Health and Children (Deputy Mary Harney):** BreastCheck, the National Breast Screening Programme provides free mammograms to women aged 50 to 64, on a two-year cycle. The BreastCheck Eccles Unit (located adjacent to the Mater Misericordiae University Hospital) and four attached mobile digital screening units provides the screening service to women living in North and County Dublin, Cavan, Carlow, Kilkenny, Longford, Louth, Meath, Monaghan, Offaly and Westmeath. The BreastCheck Merrion Unit (located adjacent to St Vincent's University College Hospital) and four attached mobile digital screening units screens women living in South and County Dublin, Kildare, Laois, Wexford and Wicklow.

In 2007, BreastCheck commenced national roll-out and screening began from two new purpose built screening units in Cork and Galway to serve women living in the South and West of the country. By the end of 2008, screening had been extended to all counties with the exceptions of Kerry, Leitrim, Donegal, Sligo and Clare. National roll-out will be completed in 2009 with the extension of screening to these counties. Screening of women in County Sligo begins in March 2009 from a mobile digital screening unit located in Tubbercurry. BreastCheck publishes its screening schedules on a three monthly rolling basis.

*Question No. 68 answered with Question No. 27.*

### **Hospital Services.**

69. **Deputy Arthur Morgan** asked the Minister for Health and Children if it is intended to proceed with the development of a new regional hospital for the north east. [6605/09]

**Minister for Health and Children (Deputy Mary Harney):** It is still the intention of the HSE to proceed with the development of the North East Regional Hospital and it is envisaged that most of the expenditure in this regard will occur after 2013. In the interim the focus is on reconfiguring services by moving acute and complex care from 5 to 2 hospital sites and on ensuring that services in the region are organised in a way which optimises patient safety.

### **Health Services.**

70. **Deputy Arthur Morgan** asked the Minister for Health and Children if she will make a statement on the Health Service Executive service plan for 2009. [6604/09]

**Minister for Health and Children (Deputy Mary Harney):** I approved the HSE National Service Plan 2009 on 9 December 2008 under Section 31(8) of the Health Act 2004. In approving the Plan, I highlighted to the HSE certain critical performance issues in overseeing its implementation. I also emphasised the necessity for the HSE to operate within the limits of its Voted allocation in delivering at a minimum, the levels of service which are provided for in

the Plan. The Plan was laid before both Houses of the Oireachtas on 10 December in line with Section 31(13) of the Health Act 2004.

In order to deliver the level of services it is committing to, the HSE will be reconfiguring many front line services. This is in keeping with the overall strategic direction as set out in the HSE Corporate Plan 2008 — 2011 and includes conversion of in-patient work to day case work, a focus on reducing in-patient length of stay in acute hospitals, reduction of in-patient bed numbers and associated costs and the provision of more services in community settings, thus reducing the dependency on in-patient beds. The 2009 allocation includes €120m to meet service pressures arising from demographic changes and also includes €55m for the implementation of the Fair Deal Scheme, an additional €15m for the Cancer Control Programme and €10m for therapy supports for children of school going age.

Clearly, the current fiscal position demands the most careful control of public expenditure and I am strongly of the view that account needs to be taken of all emerging potential cost pressures. There is ongoing engagement between my Department and the HSE in relation to such issues. In this context, I have asked the HSE to review the latest information relevant to the management of Demand Led Schemes expenditure, including growth in the number of people qualifying for medical cards, and to formulate and submit a contingency plan to address any pressures in this area over and above those provided for in the Plan. Throughout the year, the HSE will also provide me with detailed information relating to service activity levels by way of monthly Performance Monitoring Reports against the Plan.

*Question No. 71 answered with Question No. 49.*

72. **Deputy Ruairí Quinn** asked the Minister for Health and Children when a diabetic retinopathy screening programme will be introduced in accordance with the report on this proposal; and if she will make a statement on the matter. [6551/09]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE) is planning to roll-out a Diabetic Retinopathy Screening programme, on a phased basis, by the HSE area. It is proposed to commence in HSE West, as a population-based screening programme had previously been established in the former North-West Health Board. Funding of €750,000 is being allocated to implement this first phase of the screening service.

The HSE also intends to pursue an Information and Communication Technology system to support the programme. The implementation phase of the ICT project will occur in parallel with service implementation in each area. The ICT business case for this programme has recently been approved by the Department of Finance. The procurement process for the ICT project is to commence in the coming months.

The development of the governance and committee structures is under way. Job descriptions and recruitment forms for the staff are with the relevant Local Health Office and it is expected that these posts will be advertised shortly.

73. **Deputy Seymour Crawford** asked the Minister for Health and Children if sufficient personnel are being appointed and trained to provide the essential front line services in the home help and home care structures; the cost of this service nationally; the amount for the percentage of that cost paid to the home help and home care personnel directly; and if she will make a statement on the matter. [6448/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hackett):** The Home Help Service is a well established and successful component of the overall strategy to enable older people to remain in their own homes and communities for as long as possible.

[Deputy Máire Hctor.]

Significant funding has been provided to the Health Service Executive in recent years for the expansion of this service. As the Executive has operational responsibility for the management and delivery of the service at national and local level, in line with its overall service priorities and resources, I have referred the matter to the Executive for direct reply to the Deputy.

74. **Deputy Seán Sherlock** asked the Minister for Health and Children her plans to provide a community midwifery service for women beyond the current limited area that currently has this service; and if she will make a statement on the matter. [6554/09]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to a service matter it has been referred to the Health Service Executive for direct reply.

*Question No. 75 answered with Question No. 28.*

*Question No. 76 answered with Question No. 31.*

### **Medical Cards.**

77. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of persons expected to lose their medical card, including those over 70 years of age in the course of 2009; and if she will make a statement on the matter. [6575/09]

**Minister for Health and Children (Deputy Mary Harney):** My Department estimates that following the withdrawal of automatic entitlement to a medical card from persons aged 70 or over on 31st December 2008, approximately 5% of persons in this age cohort (approximately 20,000 people) will no longer qualify for a medical card. The estimated 5% figure was based on the best available information from the Central Statistics Office (CSO) and the EU wide survey on Income and Living Conditions (EU-SILC), which is conducted by the CSO to obtain information on the income and living conditions of different types of households.

The Health Service Executive (HSE) has the operational responsibility for the General Medical Services (GMS) Scheme and it notifies my Department each month of the number of medical card holders. This is a net figure, which reflects the balance after the issue of new cards and other cards, as appropriate, have been deleted from the Executive's database. Information relating to the number of medical card holders on the general medical card scheme who are expected to lose their card during the course of 2009 is not available to my Department. Consequently, I have asked the HSE to respond directly to the Deputy on this matter.

### **Company Closures.**

78. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will support a matter (details supplied). [6696/09]

82. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the meetings or proposed meetings she has had with the management of a company (details supplied) in respect of the proposed loss of employment at the company; the results of such meetings; if she has had meetings with the Department of Transport on the matter; if she has had discussions with Aer Lingus or another airline regarding the relocation of their maintenance of aeroplanes from overseas to Dublin; her plans to provide incentives to airlines to have their maintenance carried out at Dublin; and if she will make a statement on the matter. [6819/09]

83. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she has had or is proposing to have meetings with the EU or with fellow EU ministerial colleagues or Departments in respect of problems in the airline industry, particularly in the maintenance section in view of the employment losses at a company (details supplied) in Dublin; the results of such meetings; and if she will make a statement on the matter. [6820/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I propose to take Questions Nos. 78, 82 and 83 together.

I very much regret the closure of the SR Technics operation at Dublin Airport. I met with the company on 11th February along with my Secretary General and the Chief Executive Officer of IDA Ireland. I should add that a number of meetings had taken place between the State, its Agencies and the company in the past year. The company explained that it had been exploring all options for its Dublin operations including sale to another party. Unfortunately, it was not possible to proceed with any of these options.

The company explained the global deterioration that had taken place in its business since mid 2008 with contracts moving to Eastern Europe, Jordan, Turkey and Malta. The company confirmed that it was putting in place a 5 year restructuring plan and that it had already reduced its worldwide workforce by 500 in the last year. The company stated that the recent loss of major contracts, current business and economic forecasts and the high cost-base and over capacity at Dublin airport make it impossible to continue a sustainable business in Dublin.

SR Technics provides line maintenance for the Aer Lingus fleet at their Dublin base. This is a long-term contract awarded by Aer Lingus in 2008 following a competitive procurement process. The Company has indicated that it hopes to assign this and other smaller operations to another operator, which offers the potential of saving up to 200 jobs. I have had no discussions with Aer Lingus or Ryanair in regard to the location of their maintenance contracts. As regards raising the matter at EU level, my Department is currently considering the possibility of support under the EU Globalisation Fund.

IDA Ireland, has had an ongoing relationship with the company over many years and approved a significant Training Grant package for the company in 2006 to assist the company in maximising efficiencies and improving competitiveness. IDA also had discussions with the company in relation to its business plan and further opportunities to assist the company with additional financial incentives such as RD&I support with the emphasis on Innovation and Process Development.

FÁS has been at the forefront in providing intervention and support to employees who have been made redundant or who are facing redundancy. FÁS is currently in contact with SR Technics Management to discuss the services available from FÁS and the potential needs of the employees. Each response will be tailored on a case-by-case basis. FÁS Services to Business Unit will also be involved in these consultations. It is important to establish how best FÁS can assist the workers. Following this initial contact, a judgement will be made in relation to the level of FÁS intervention required.

I will be meeting with Union representatives very shortly to hear their concerns and to consider any proposals which they might have, and any assistance which the State development agencies, under my auspices, might be able to provide, in addition to supporting the workers in finding new employment, including assistance to re-skill and re-train to enhance their future employment potential. Any involvement by the State Agencies, IDA Ireland or Enterprise Ireland, in regard to seeking the retention of any work currently carried out by SR Technics in Dublin, will be dependent on a company or companies submitting proposals for consideration and seeking approval for State support for an undertaking in the normal way.

### **FÁS Training Programmes.**

79. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the assistance being made available to FÁS apprentices whose sponsors, due to the economic downturn, are unable to provide them with the work needed to be undertaken as part of their apprenticeships; and if she will make a statement on the matter. [6737/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** FÁS has responded to the increase in the level of redundant apprentices especially in the construction and related sectors by providing the following supports for redundant apprentices.

- The Department of Social and Family Affairs immediately refer redundant apprentices to FÁS for assistance.
- Following this immediate referral, the FÁS Employment Services and FÁS Services to Business Divisions work in collaboration to provide guidance and support in sourcing a new employer and to consider further options. FÁS has amended the scheduling rules for off-the-job training to permit redundant apprentices to progress to their next off-the-job training, at Phase 2, Phase 4 and Phase 6, in accordance with the existing scheduling criteria.
- FÁS introduced an Employer Based Redundant Apprentice Rotation Scheme to provide support for employers to provide on-the-job training to redundant apprentices when they have released their employed apprentice to a scheduled Phase 4 and Phase 6 off-the-job training phase in the Institutes of Technology.
- ESB Networks have agreed a programme with FÁS to provide on-the-job training to eligible redundant electrical apprentices at Phase 5 and Phase 7. This programme will provide up to 400 places over a period of eighteen months and this programme will be funded by ESB Networks.
- Redundant Apprentices may also avail of existing specific skills training courses, which are trade related to enhance their employable skills. Redundant apprentices may also avail of the range of trade related night courses, which are available in FÁS training centres.

### **Industrial Relations.**

80. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of an organisation (details supplied); the legislation which underpins its role; and if she will make a statement on the matter. [6773/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The company to which the Deputy refers (EPACE) is a private company, limited by guarantee and established under the aegis of the National Joint Industrial Council for the Electrical Contracting Industry by employer and worker representatives themselves. Its main objective is to advise Electrical Contractors of their responsibilities under the Registered Employment Agreement (REA) for the Electrical Industry and it also carries out inspections of Electrical Contractors in order to ensure compliance with the agreement. While the organisation does not have statutory authority under employment rights legislation to undertake such inspections, Electrical Contractors have in the past been in general willing to facilitate, and cooperate with, these arrangements.



The registration of employment agreements, such as the Electrical Contracting Industry REA, is a matter for the Labour Court, as provided for in the Industrial Relations Act 1946. Enforcement of the provisions of the REA for the Electrical Sector is effected through the Labour Court under the Industrial Relations legislation.

### **Departmental Schemes.**

81. **Deputy Ciarán Cuffe** asked the Tánaiste and Minister for Enterprise, Trade and Employment the steps she has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in her Department; and if she will make a statement on the matter. [6800/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** My Department has not yet made any plans in respect of this matter and is awaiting instructions from the Department of Finance outlining details of the scheme and how it should be implemented in Government Departments.

*Questions Nos. 82 and 83 answered with Question No. 78.*

### **Departmental Staff.**

84. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Enterprise, Trade and Employment if, in respect of staff and bodies under the remit of her Department, she will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6839/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The remuneration of staff of my Department and all the agencies under its remit are in line with either benchmarking recommendations or recommendations of the Review Body on Higher Remuneration with the exception of those mentioned as follows.

#### *Science Foundation Ireland*

The remuneration for the Director General of Science Foundation Ireland is as sanctioned by the Department of Finance and comprises a base salary and an allowance in the nature of pay in recognition of his international research experience and expertise. The remuneration being paid to the Director General is the market rate required in order to secure the services of a uniquely qualified individual with the necessary international scientific reputation and managerial experience, to deliver on the ambitious agenda the Government has entrusted to SFI.

#### *IDA Ireland*

IDA has on its staff two persons to whom a personal rate of pay applies. The two staff in question are technologists employed on non permanent contracts. The staff in question are paid at the grade of Level F plus an allowance as follows:

Technologist 1: €121,416 (comprising of €105,463 & €15,953)

Technologist 2: €125,463 (comprising of €105,463 & €20,000)

[Deputy Mary Coughlan.]

The technologists were recruited to address a need emerging within the IDA for in-depth knowledge and understanding of the core technologies underpinning various business areas.

This Department and the Dept of Finance consented to this in recognition of the fact that the level of expertise required attracted a much higher level of remuneration in the private sector than the rate payable at Level F in the public sector.

#### *National Consumer Agency*

Sanction was received from the Department of Finance on 7th July 2008 approving that the CEO of the National Consumer Agency (NCA) would be paid at a salary equivalent to the rate of Deputy Secretary on a personal basis.

#### **FÁS Training Programmes.**

85. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the eligibility for the FÁS redundant apprentice rotation scheme; if it is the case that redundant apprentices can apply for work rotation, and FÁS places these apprentices with eligible companies and will contribute €340 per week towards employment costs; the reason there is a condition contained therein, which means that a company is only eligible if it has not laid off an apprentice since January 2007, companies struggling to keep apprentices in employment are not eligible for assistance, and the apprentice must be made redundant before he or she can apply for rotation; if, in this context her attention has been drawn to the fact that the only company which has not laid off an apprentice in the past two years is the ESB; if she will ensure that all apprentices in these situations are given the opportunity of participation; and if she will make a statement on the matter. [6879/09]

**Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher):** The Tánaiste launched the Employer Based Redundant Apprentice Rotation Scheme on 29th December 2008. The scheme provides support to employers to provide on-the-job training to redundant apprentices while they have released their employed apprentice to a scheduled Phase 4 or Phase 6 off-the-job training phase in the Institutes of Technology. The Department of Enterprise Trade and Employment has allocated €4 million to the scheme to provide up to 500 on-the-job training places during 2009.

To be eligible for the Employer Based Redundant Apprentice Rotation Scheme, employers must not have made an apprentice redundant in the period since 1st January 2007. The number of employers who were eligible to participate in the scheme in January 2009 was 2,683 for the trades of Carpentry & Joinery, Electrical, Plumbing, Plastering and Brick & Stonelaying. Employers must make an application to FÁS for approval to participate in the scheme and FÁS will allocate a redundant apprentice for the relevant trade and phase based on the longest period recorded as redundant on the FÁS Statutory Register.

The scheme is employer based and the eligibility criteria included in the scheme is to ensure that employers who have demonstrated in the past a strong commitment to the apprentice in the completion of their apprenticeship would be supported by taking a redundant apprentice into their employment to enable the redundant apprentice to complete their on-the-job training with assessment. FÁS provides a contribution of €340 a week to the employer toward the employment costs. The scheme is not open to employed apprentices as its purpose is to provide assistance to redundant apprentices.

### Motor Taxation.

86. **Deputy Pádraic McCormack** asked the Minister for Finance the proposals he will make, in the context of the Finance Act 1992, to enable quad bike owners to have motor tax displayed on their vehicles for use on the public road; and if he will make a statement on the matter. [6698/09]

**Minister for Finance (Deputy Brian Lenihan):** I understand from the Revenue Commissioners that if a vehicle is Type Approved for use on the road, it must be registered and subsequently motor taxed before it can be driven on public roads. If the vehicle is not Type Approved for use on the road, then it cannot be registered, or driven on the road; and so the issue of motor tax does not arise. As the Deputy will be aware the issue of Motor Tax is a matter for the Department of Environment, Heritage and Local Government.

### Banking Sector Regulation.

87. **Deputy Martin Ferris** asked the Minister for Finance if he is satisfied that the Financial Regulator has carried out its duties in respect of the regulation of Irish banks. [6714/09]

**Minister for Finance (Deputy Brian Lenihan):** The importance of having a regulatory system that provides financial stability and fosters probity has become all the more clear to us now in a time of severe financial dislocation, both nationally and internationally. It is accepted that a new and better co-ordinated approach to ensuring financial stability and regulation is required, with a greater degree of focus on areas such as risk management, compliance, corporate governance and general control processes.

As the Deputy will appreciate, steps have already been taken in that regard in the Credit Institutions (Financial Support) Scheme and, as a result of this, the oversight of the banks concerned has been greatly intensified. This new regime provides for a heightened direct engagement with each of the covered institutions and new reporting arrangements including the provision of Scheme compliance certificates by the covered institutions themselves and by their external auditors. The Regulatory Authority is allocating additional resources to supervise the compliance by the covered institutions with the Scheme requirements and is now reporting to me on this on a regular basis.

The Bank Guarantee Scheme requirements and conditions are the first step in a new system of financial regulation and supervision. The joint Boards of the Central Bank and Irish Financial Services Regulatory Authority are considering further reform measures and I have just received a report in that regard. In addition, other regulatory considerations, both domestically and at an international level, are underway including the following:

- The Regulatory Authority is reviewing its overall strategic regulatory approach with a view to ensuring that the Authority meets its statutory mandate and responds to EU developments in financial regulation;
- The Financial Regulator Business Process Review, designed to improve its effectiveness and value for money, is now close to finalisation;
- The Financial Regulator is also processing a strategic plan for 2009, which will address the particular EU and Guarantee Scheme requirements for 2009;
- At EU level, new regulatory proposals, including improvements to the Capital Requirements Directive, are due for adoption in early 2009, and more generally;

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- At Ecofin Council, which will incorporate the work being carried out at a wider international level, the role and mandates of national regulators are now the subject of in depth consideration and arising from this it can be expected that proposals will be forthcoming on matters such as prudential soundness, the orderly functioning of markets and stronger European co-operation on financial stability oversight.

I propose to take account of the various reviews that are underway on regulatory reform. As Minister for Finance, I am responsible for the legislative framework within which the Financial Regulator operates. When I have considered the issues fully, I will bring my proposals for reform to Government.

88. **Deputy Martin Ferris** asked the Minister for Finance if Anglo Irish Bank provided loans to State or semi-State bodies. [6715/09]

**Minister for Finance (Deputy Brian Lenihan):** Anglo Irish Bank is being run on an arms length commercial basis. Accordingly, commercial decisions, which include decisions on lending, whether to private or public entities, are a matter for the Board of Anglo. Notwithstanding this, I am informed that Anglo has no direct lending on the Irish loan book to State or Semi-State bodies. As the Deputy will be aware, the Board of Anglo is preparing a comprehensive business plan which will be required to demonstrate how the Board will oversee the continued commercial operation of the bank in the best interests of the bank, its customers and the State.

#### **Drainage Schemes.**

89. **Deputy Bobby Aylward** asked the Minister for Finance the body which is responsible for the upkeep of the River Nore; if he will arrange for the large trees which have fallen into the river recently to be removed and the river beds cleaned; and if he will make a statement on the matter. [6728/09]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Office of Public works implemented a programme of flood relief works for the River Nore, Kilkenny City, which was completed in 2006. The works carried out on the River Nore extend from Fennessy's Weir downstream of the By-pass Bridge in the South to approximately Bishop's Meadows; upstream of Green Street Bridge in the North, and on the River Breagh from its confluence with the Nore to upstream of Black Cat Bridge.

The Office of Public Works are responsible for the ongoing maintenance of the River Nore within the confines of the scheme as outlined above, and I am advised by the Commissioners of Public Works that an inspection of the scheme has been carried out recently, which shows that there are no obstructions on these maintainable channels, which would create an increased flood risk. The normal build-up of debris associated with Winter water levels will be dealt with by OPW's Eastern Regional Maintenance Division as part of their maintenance programme.

Maintenance of the River Nore, including the removal of fallen trees, outside the confines of the scheme outlined above is outside the remit of the Office of Public Works, and responsibility would lie with the riparian owners and the local authority. I understand that the Deputy is referring to fallen trees in the Inistioge area, which is downstream of the River Nore (Kilkenny City) Drainage Scheme.

#### **National Lottery Funding.**

90. **Deputy Paul Connaughton** asked the Minister for Finance if he is satisfied that, as a

result of a decision not to make available grant aid through the sports grants section of the Department of Arts, Sport and Tourism, many contributors to the national lottery will feel cheated that part of their money is not going to the development of sport and other recreational facilities nationwide as was advertised by the national lottery authority; and if he will make a statement on the matter. [6745/09]

**Minister for Finance (Deputy Brian Lenihan):** I have been informed by my colleague, the Minister for Arts, Sport and Tourism that no decision has yet been taken about the timing of further rounds of the Sports Capital Programme. In the meantime, it is business as usual for those who have been awarded grants under previous rounds of the programme. The current position remains that €56m has been provided in the Vote for the Department of Arts, Sport and Tourism in 2009 to cover payments to be made from the C1 subhead, out of which grants are paid for the provision of sports and recreation facilities. As the allocation for this subhead is part-funded by the proceeds of the National Lottery, those who participate in National Lottery games can continue to be assured that a proportion of their money is applied to the development of sport and recreation facilities throughout the country.

#### **Tax Code.**

91. **Deputy Bernard J. Durkan** asked the Minister for Finance when a tax refund in the case of a person (details supplied) in County Kildare will issue; and if he will make a statement on the matter. [6758/09]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that they do not have sufficient information to deal with the taxpayer's claim. Mr Vincent Murphy, Revenue Officer, Kildare District will make contact with the person concerned in relation to the matter.

#### **Transfer Application.**

92. **Deputy John O'Mahony** asked the Minister for Finance the position with regard to an application for a transfer by a person (details supplied). [6759/09]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** OPW is processing the application from the person (details supplied) in respect of the transfer concerned.

#### **Departmental Staff.**

93. **Deputy Olwyn Enright** asked the Minister for Finance the number of vacancies at executive officer level within the Revenue Commissioners in Athlone as on 31 January 2009; when these vacancies will be filled from the existing panels in the Public Appointments Service; and if he will make a statement on the matter. [6770/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the information provided to you last year in response to a similar question (Parliamentary Question 95 of 6 November 2008) was out of date and they apologise for this error. I am now advised that, at 15 October 2008, there were 92 staff serving in Athlone including 30 at Executive Officer level. In addition, there were 2 appointments to Executive Officer from the Public Appointments Service panel already in train and these 2 Executive Officers took up duty in Athlone on 28 October 2008 and 3 November 2008 respectively.

I am further advised that on 31 January 2009 Revenue had 93 staff serving in Athlone including 33 at Executive Officer level. In addition to the 2 appointments from the Public Appointments Service mentioned above there was also 1 internal appointment to Executive



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Officer in December 2008. There have been no appointments to Executive Officer in Athlone from the Public Appointments Service panel since 3 November 2008. Given the Government's current expenditure controls there are no immediate plans to make any further such appointments.

### Pension Provisions.

94. **Deputy Arthur Morgan** asked the Minister for Finance the number of former Deputies drawing down pensions; the names of these persons; and the amounts they receive annually. [6771/09]

**Minister for Finance (Deputy Brian Lenihan):** I do not have the information requested by the Deputy as my Department does not have any function in respect of such payments to former Deputies. These payments are the responsibility of the Commission of the Houses of the Oireachtas and the Deputy might consider seeking the information from it

95. **Deputy Arthur Morgan** asked the Minister for Finance the number of former Ministers drawing down pensions; the names of these persons; and the amounts they receive annually. [6772/09]

**Minister for Finance (Deputy Brian Lenihan):** The information required by the Deputy is available in Statement 1.4 of the Finance Accounts. The latest published accounts are for the year 2007. In 2008, 122 former Ministers and other office holders received a ministerial pension. Four former Ministers of State received severance payments in 2008. The details of such are as follows.

#### Pensions for Former Ministers and Other Office Holders

To whom Payable	€
Bertie Ahern	111,235
Bernard Allen	6,169
Lorcan Allen	11,684
David Andrews	62,790
Liam Aylward	13,678
Sean Barrett	32,243
Peter Barry	65,310
Richard Barry	9,842
Michael Begley	19,998
George Bermingham	18,099
Rory Brady	79,065
Vincent Brady	21,273
Niamh Breathnach	37,502
John Bruton	100,371
Richard Bruton	14,894
Ray Burke	57,652
Richard Burke	34,876
Joan Burton	8,684
Hugh Byrne	18,868
Seán Calleary	24,247
Ivor Callely	7,465

To whom Payable	€
Donal Carey	12,050
Edward Collins	18,732
Gerard Collins	56,252
Paul Connaughton	18,099
Ger Connolly	25,671
Patrick Cooney	56,252
Liam T. Cosgrave	19,200
Declan Costello	66,996
Donal Creed	17,183
Austin Currie	12,334
Brendan Daly	46,264
Michael D'Arcy	17,183
Noel Davern	20,746
Austin Deasy	37,452
Jimmy Deenihan	6,169
Proinsias De Rossa	14,176
Barry Desmond	38,515
Sile De Valera	57,442
John F. Donnellan	18,099
Avril Doyle	7,484
Alan Dukes	45,627
Bernard Durkan	6,169
Frank Fahey	41,846
Jackie Fahy	18,465
Pádraig Faulkner	56,252
Nuala Fennell	18,099
Eithne Fitzgerald	17,363
Garrett Fitzgerald	104,283
Thomas Fitzpatrick	10,991
Chris Flood	17,707
Padraig Flynn	51,102
Pat (the Cope) Gallagher	26,343
Maire Geoghegan-Quinn	64,503
Eamon Gilmore	6,165
Dermot Gleeson	51,074
Anthony Hederman	65,194
Jim Higgins	5,973
Michael D.Higgins	19,951
Tras Honan	23,756
Gemma Hussey	37,452
Thomas Hussey	17,434
Liam Hyland	11,837
Joe Jacob	30,495
Liam Kavanagh	40,252
Justin Keating	37,827
Enda Kenny	15,851
Seamus Kirk	19,981
Patrick Lalor	54,702

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To whom Payable	€
Terry Leyden	21,836
Denis Lyons	19,981
Liam Mac Cosgair	83,426
Sean McCarthy	11,844
Charles McCreevy	75,003
Jim McDaid	25,292
Charles McDonald	11,811
Liz McManus	6,169
Ray McSharry	41,277
Michael McDowell	31,543
Gay Mitchell	6,169
Tom Moffatt	18,868
Robert Molloy	68,753
Brian Mullooly	22,549
John Murray	73,234
Ted Nealon	19,987
Michael Noonan	32,208
Michael J. Noonan	44,927
Fergus O'Brien	19,987
John O'Connell	27,401
Liz O'Donnell	19,233
Tom O'Donnell	37,827
Martin O'Donoghue	31,339
Rory O'Hanlon	29,637
Jim O'Keeffe	19,987
Ned O'Keeffe	7,660
Michael O'Kennedy	74,565
Desmond O'Malley	56,252
Tim O'Malley	19,073
Mary O'Rourke	56,877
Brian O'Shea	8,679
Toddy O'Sullivan	14,886
Paddy O'Toole	40,927
Nora Owen	28,351
Tom Parlon	19,073
Seamus Pattison	68,749
Patrick Power	27,026
Ruairí Quinn	46,852
Pat Rabbitte	6,186
Albert Reynolds	109,734
Eoin Ryan	5,929
John Ryan	17,745
Richie Ryan	37,827
Michael Smith	75,003
Dick Spring	77,197
Emmet Stagg	8,679
Mervyn Taylor	39,902

To whom Payable	€
Noel Treacy	27,002
Sean Treacy	75,003
Dan Wallace	21,371
Joe Walsh	75,003
Michael Woods	37,502
Pearse Wyse	10,991

## Severance Payments for former Ministers and office holders

To whom Payable	€
Michael Ahern	26,610
John Browne	26,610
Rory Kiely	24,628
Tom Kitt	26,610

**Tax Yield.**

96. **Deputy Arthur Morgan** asked the Minister for Finance the yield to the Exchequer if the income levy for those on annual salaries of €200,000 was increased to 6%. [6784/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that an increase in the income levy from 2% and 3% to 6% on incomes above €200,000 would yield approximately €130 million in a full year. The figures are estimates from the Revenue tax-forecasting model using actual data for the year 2005 adjusted as necessary for income and employment growth for 2009. They are therefore provisional and likely to be revised. The figures for income and employment growth used are based on macro-economic indicators, which have been recently revised in the light of the latest economic outlook for 2009.

97. **Deputy Arthur Morgan** asked the Minister for Finance the expected yield to the Exchequer if the income levy for those on annual salaries of €100,000 to €200,000 was increased to 3%. [6785/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that an increase in the income levy from 2% to 3% on incomes between €100,101 and €200,000 would yield approximately €35 million in a full year. However, I should point out that this would create an anomalous situation where an individual would be liable to the income levy at a rate of 1 per cent up to a ceiling of €100,100, a rate of 3 per cent on income from €100,101 to €200,000, a rate of 2 per cent on income from €200,001 to €250,120 and a rate of 3 per cent on the balance. The figures are estimates from the Revenue tax-forecasting model using actual data for the year 2005 adjusted as necessary for income and employment growth for 2009. They are therefore provisional and likely to be revised. The figures for income and employment growth used are based on macro-economic indicators which have been recently revised in the light of the latest economic outlook for 2009.

**Tax Code.**

98. **Deputy Arthur Morgan** asked the Minister for Finance the cost to the Exchequer as a result of section 23 tax relief in 2008. [6786/09]

**Minister for Finance (Deputy Brian Lenihan):** I am informed by the Revenue Commissioners that the relevant information available on the cost to the Exchequer of the section 23 tax relief is based on personal income tax returns filed by non-PAYE taxpayers. The cost is estimated at €239.7 million, based on tax returns filed for the income tax year 2005, the most recent year for which the necessary detailed information is available. It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11. Corresponding information is not yet available for years following 2005.

#### **Financial Institutions Support Scheme.**

99. **Deputy Mary Upton** asked the Minister for Finance his views on the fact that, following the State's guarantee of six financial institutions in September 2008, Ireland's rate for loans on the international market has risen sharply; if there is an escalator clause in this agreement with the banks to ensure that the fee charged to these banks covers the increased cost in lending which the State has to bear; and if he will make a statement on the matter. [6789/09]

**Minister for Finance (Deputy Brian Lenihan):** I acknowledge that Irish bond spreads have widened against the benchmark German bund over recent months. This is not specific to Ireland only. With particular attention to Ireland, while I am aware that the government guarantee is a factor to be considered by market participants, there are a variety of factors at play, most notably the international economic environment and the general government deficit. To this end, I have outlined at length the necessity to reign in public spending in order to bring more balance to the public finances.

Each covered institution will pay a quarterly charge to the Exchequer for its guarantee. The objective of the guarantee charging model is to put in place a mechanism to remunerate the State appropriately for the financial cost and risk of granting of the guarantee provided to covered institutions. The main principle of the guarantee charging model is that as Minister, I estimate an aggregate cost that the State will bear as a consequence of the guarantee and each covered institution will pay its share in accordance with its risk profile. In case the actual cost for the State is determined to be higher, the charge model will be adapted accordingly.

#### **Departmental Schemes.**

100. **Deputy Ciarán Cuffe** asked the Minister for Finance the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6802/09]

102. **Deputy Ciarán Cuffe** asked the Minister for Finance the number of companies which have contacted his Department and the Revenue Commissioners to avail of or inquire with regard to the cycle to work scheme; and if he will make a statement on the matter. [6827/09]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 100 and 102 together.

My Department is considering the detailed arrangements that will be required to implement the cycle to work scheme provided for under Section 7 of the Finance (No.2) Act 2008, and is currently in discussions with the Government Supplies Agency on how the proposed scheme might be put into operation and the correct procurement procedures put in place. To date my Department has had a query from one bicycle supplier in relation to the implementation of the scheme.



### **Banking Sector Regulation.**

101. **Deputy Michael McGrath** asked the Minister for Finance his plans for reforming the regulation of the banking system here. [6813/09]

**Minister for Finance (Deputy Brian Lenihan):** The importance of having a regulatory system that provides financial stability and fosters probity has become all the more clear to us now in a time of severe financial dislocation, both nationally and internationally. A new and better co-ordinated approach to ensuring financial stability and regulation is clearly now required, with a greater degree of focus on areas such as risk management, compliance, corporate governance and general control processes.

As the Deputy will appreciate, steps have already been taken in that regard in the Credit Institutions (Financial Support) Scheme and, as a result of this, the oversight of the banks concerned has been greatly intensified. This new regime provides for a heightened direct engagement with each of the covered institutions and new reporting arrangements including the provision of Scheme compliance certificates by the covered institutions themselves and by their external auditors.

The Bank Guarantee Scheme requirements and conditions are the first step in a new system of financial regulation and supervision. The joint Boards of the Central Bank and Irish Financial Services Regulatory Authority are considering further reform measures and I have just received a report in that regard. In addition, other regulatory considerations, both domestically and at an international level, are underway including the following:

- The Regulatory Authority is reviewing its overall strategic regulatory approach with a view to ensuring that the Authority meets its statutory mandate and responds to EU developments in financial regulation;
- The Financial Regulator Business Process Review, designed to improve its effectiveness and value for money, is now close to finalisation;
- The Financial Regulator is also processing a strategic plan for 2009, which will address the particular EU and Guarantee Scheme requirements for 2009;
- At EU level, new regulatory proposals, including improvements to the Capital Requirements Directive, are due for adoption in early 2009, and more generally;
- At Ecofin Council, which will incorporate the work being carried out at a wider international level, the role and mandates of national regulators are now the subject of in depth consideration and arising from this it can be expected that proposals will be forthcoming on matters such as prudential soundness, the orderly functioning of markets and stronger European co-operation on financial stability oversight.

I propose to take account of the various reviews that are underway on regulatory reform. As Minister for Finance, I am responsible for the legislative framework within which the Financial Regulator operates. When I have considered the issues fully, I will bring my proposals for reform to Government.

*Question No. 102 answered with Question No. 100.*

### **Departmental Staff.**

103. **Deputy Róisín Shortall** asked the Minister for Finance if, in respect of departmental staff and bodies under the remit of his Department, he will provide details of those remuneration

[Deputy Róisín Shortall.]

arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6841/09]

**Minister for Finance (Deputy Brian Lenihan):** There are no staff in my own Department who have remuneration arrangements currently in excess of a benchmarking recommendation or a Review Body recommendation. There are 3 staff at Higher Executive Officer level who were formerly in receipt of an IT gratuity payment prior to its abolition. Their total remuneration at the time exceeded the maximum of the salary scale. The staff concerned continue to hold their remuneration level on a personal basis. In addition, there a further 2 staff (1 Executive Officer, 1 Staff Officer) who are on a salary level that relates to remuneration in a previous Department or grade, and which exceeds, on a personal basis, the salary level of their current post. With regard to the other offices (excluding OPW) under the remit of my Department, I am advised that the there are no such arrangements. OPW have indicated they will forward any details directly to the Deputy.

#### **Public Sector Staff.**

104. **Deputy Paul Kehoe** asked the Minister for Finance the number of people, who were employed in the public service, who have taken early retirement or retired after normal service, who have been re-employed in other Government Departments or county or city councils here; and if he will make a statement on the matter. [6946/09]

**Minister for Finance (Deputy Brian Lenihan):** By re-employment I presume the Deputy is referring to the full or part time employment of retired public servants as part of the staffing of the Department. In this regard, I am not aware of any people who, currently, have been re-employed in my Department. Retired public servants are, however, engaged by the Department, and some of the Offices under my Department's remit, from time to time for specific and time-bound tasks or projects. Such engagements are normally remunerated on a fee basis but in some cases, indeed, services of retired civil servants have been provided without any additional remuneration.

I am informed by the Revenue Commissioners that records of past employments of new recruits are not captured in such a way as to provide a dedicated basis for compiling the information requested by the deputy. Accordingly, the specific information requested is not available.

In relation to other offices under the remit of my Department, the following is the position: Public Appointments Service — one permanent staff member. Valuation Office — one officer (13 weeks to cover Term Time absence).

In the other offices under my Department's aegis (except OPW), there are no such people employed. I am advised by the OPW that they will forward any details directly to the Deputy.

#### **Cancer Screening Programme.**

105. **Deputy James Reilly** asked the Minister for Health and Children if she is confident that the interim head of the National Cancer Control Programme (details supplied) is receiving full co-operation from the Health Service Executive in view of reports of correspondence released under Freedom of Information between the person and the HSE; and if she will make a statement on the matter. [6950/09]

**Minister for Health and Children (Deputy Mary Harney):** The correspondence referred to by the Deputy dates from over a year ago. Professor Keane, who took up his post as Interim Director of the National Cancer Control Programme in November 2007, has made immense progress in implementing the programme since his appointment. This progress would not have been possible without the co-operation of HSE staff at all levels.

The transfer of breast cancer diagnosis and surgery into eight designated cancer centres is almost complete and only four institutions still await the transfer of these services to a specialist centre. Also in 2009, funding has been provided to develop rapid access diagnostic clinics for lung and prostate cancers. The transfer of other site-specific cancers to the eight centres will also begin in 2009, with the focus this year on brain tumours, pancreatic cancer, major head and neck reconstructive surgery and rectal cancer surgery.

As Interim Director, Professor Keane is ably supported by an excellent team of HSE staff in the NCCP. The Department and the HSE will continue to work closely, as they have been doing, with Professor Keane and his staff to implement the programme including the targets for 2009 as outlined above.

*Question No. 106 answered with Question No. 27.*

#### **Health Services.**

107. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo can expect treatment to commence. [6697/09]

**Minister for Health and Children (Deputy Mary Harney):** The matter raised by the Deputy relates to the provision of healthcare services and accordingly, I have asked the HSE to respond directly to the Deputy on the matter.

#### **Nursing Homes Repayment Scheme.**

108. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive payment under the health repayment scheme. [6706/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

#### **Medical Cards.**

109. **Deputy Michael Creed** asked the Minister for Health and Children if she will clarify the circumstances regarding the issue of a medical card to a person (details supplied) in County Cork; if this medical card was approved under the old over 70's scheme of automatic entitlement; and if she will make a statement on the matter. [6708/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Data Protection.**

110. **Deputy Michael Creed** asked the Minister for Health and Children the protocols operated by the Health Service Executive in respect of queries by public representatives on behalf of individual constituents whereby by virtue of the personal details available to the public representative, it is clear that they have approval of their constituent to make either written or telephone representations on their behalf; her views on the practice by some offices

[Deputy Michael Creed.]

of the Health Service Executive which decline to respond to representations on the grounds of confidentiality; and if she will make a statement on the matter. [6709/09]

**Minister for Health and Children (Deputy Mary Harney):** In November 2007, the Data Protection Commissioner issued a Guidance Note for Data Controllers on the Release of Personal Data to Public Representatives, in line with which the Health Service Executive prepared a Standard Operating Procedure for its staff. This requires that routine information be provided to public representatives on the basis that it can be generally assumed that the constituent has given consent for the release of the personal data necessary to respond to the request.

In instances where the information requested is determined to be of a very sensitive personal nature, the Executive's procedure, in line with the Data Protection Commissioner's Guidance Note, provides that the data controller should check with the patient or client that he or she has given consent for the information to be released to the public representative. If the client or patient cannot be contacted the person dealing with the inquiry should contact the public representative's office to check if consent has been obtained from the patient or client to the release of sensitive personal data.

Having made inquiries in the matter, it has not been possible to ascertain specific instances where the Executive has declined to provide information on the grounds of confidentiality. However, if the Deputy wishes to provide information on a specific case or cases where such a situation has arisen, I will request that the Executive investigate the matter and take appropriate action if necessary.

#### **Health Services.**

111. **Deputy Edward O'Keefe** asked the Minister for Health and Children if she will assist in having long-term care provided for a person (details supplied) in County Cork. [6720/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hctor):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Medical Cards.**

112. **Deputy Dinny McGinley** asked the Minister for Health and Children if her attention has been drawn to plans of the Health Service Executive to transfer the administration of medical cards from Donegal to a central location in Dublin; the implications for employment in Donegal if such plans are implemented; and if she will make a statement on the matter. [6731/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Nursing Homes Repayment Scheme.**

113. **Deputy Richard Bruton** asked the Minister for Health and Children if she is receiving regular reports on the progress in making repayments to persons unlawfully charged while in nursing homes; the proportion of cases in which payments have to be made; the reason for the delay as in the case of a person (details supplied) in Dublin 5. [6750/09]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive (HSE) has responsibility for administering the health repayment scheme in conjunction with the appointed scheme administrator KPMG/McCann Fitzgerald. The HSE provide weekly monitoring reports to my Department on the progress of the Health Repayment Scheme.

Since the commencement of the scheme almost 35,000 applications have been received by the Scheme Administrator. Over 33,000 of these applications have been concluded which has resulted in excess of 19,600 offers being made to date. Payments have issued to over 16,200 claimants with a value totalling in excess of €353m. In the region of 1,600 applications remain to be determined. The vast majority of the remaining offers will issue by the end of April 2009.

The individual case referred to by the Deputy has been referred to the HSE for investigation and direct reply.

#### **Health Services.**

114. **Deputy Olwyn Enright** asked the Minister for Health and Children the reason an eight week speech therapy course in a town (details supplied) in County Offaly, due to commence in November 2008, has not re-started; when such service will be available; and if she will make a statement on the matter. [6782/09]

**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.

#### **Adoption Services.**

115. **Deputy Mary Upton** asked the Minister for Health and Children if, in relation to the Adoption Bill 2009, she will ensure that the legislation introduced will promote the development of adoption counselling and post adoption services here and will allow for a tracing service for persons who wish to avail of it; and if she will make a statement on the matter. [6792/09]

116. **Deputy Mary Upton** asked the Minister for Health and Children her views on an assertion (details supplied) in regard to the Adoption Bill 2009; and if she will make a statement on the matter. [6793/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 115 and 116 together.

There is no specific provision in the Adoption Bill, 2009, to provide for post adoption services for those children who have additional needs. Adopted children who have additional needs have, and will continue to have, the same eligibility and entitlements to health, personal social services and special educational needs as any child in Ireland.

The Bill does make statutory provision for the notification by adoptive parents of the adoption on return to Ireland with a child. This notification must be made both to the Adoption Authority for the purposes of registering the child as well as to the HSE, to ensure that the child receives all of the normal child health surveillance services available through the public health system.

As regards information and tracing for adopted persons, again the Bill does not cover this area as there is already an effective administrative system for dealing with the issue of information and tracing. The National Contact Preference Register provides an invaluable service, both to those adopted people who wish to learn about their family of origin and to natural families who have been separated from relatives. Persons who have joined the Register can confidentially state their preferences on both the extent and type of contact they wish to have with the other party. The Register has saved much time and effort on the often difficult task of ascertaining the current location circumstances, and contact details, of adoptive persons and their natural relatives.



### Departmental Schemes.

117. **Deputy Ciarán Cuffe** asked the Minister for Health and Children the steps she has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in her Department; and if she will make a statement on the matter. [6804/09]

**Minister for Health and Children (Deputy Mary Harney):** I am aware of the provisions of Section 7 of the Finance (No.2) Act 2008 which introduced an exemption from an income tax charge under section 118 of the Taxes Consolidation Act 1997 in respect of a benefit in the form of a bicycle or associated safety equipment provided to a director or employee by his or her employer, where the bicycle/associated safety equipment is used by the employee or director mainly for qualifying journeys. My Department is considering the detailed arrangements that will be required to implement the scheme.

### Health Service Reports.

118. **Deputy Pat Breen** asked the Minister for Health and Children when the Health Information and Quality Authority report into services at Ennis General Hospital, County Clare will be published; and if she will make a statement on the matter. [6809/09]

**Minister for Health and Children (Deputy Mary Harney):** I am informed that the investigation into the management of quality and safety arrangements at the Mid Western Regional Hospital, Ennis, being conducted by the Health Information and Quality Authority, is substantially completed and that the drafting of the report is at an advanced stage. The next step, which is expected to take a number of weeks, will be the necessary legal verification process. This will include consulting those referred to in the report. The report will then be presented to the Board of the Authority for approval. Following approval by the Board, the report will be submitted to me and will be published as soon as possible thereafter.

### Health Services.

119. **Deputy Michael McGrath** asked the Minister for Health and Children if she will provide a detailed progress report on the provision of a new health centre (details supplied) in County Cork. [6814/09]

**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.

### Departmental Staff.

120. **Deputy Róisín Shortall** asked the Minister for Health and Children if, in relation to Departmental staff and bodies under the remit of her Department, she will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6843/09]

**Minister for Health and Children (Deputy Mary Harney):** I understand that the Deputy's question relates to staff at the level of principal officer and equivalent and higher grades. No such remuneration arrangements exist in respect of staff working in my Department.

My Department has asked the Health Service Executive to reply directly to the Deputy in relation to staff employed by it whose remuneration arrangements would be comprehended by the question.

The relevant information is currently being sought from the other bodies under the aegis of my Department and I will transmit this to the Deputy as soon as possible.

### **Inter-Country Adoptions.**

121. **Deputy Michael McGrath** asked the Minister for Health and Children the number of inter-country adoptions into Ireland from each country for each of the past five years; the countries with which Ireland has a bilateral adoption agreement which meets the standards of the Hague Convention; and the expiry date of each such agreement. [6858/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The Adoption Board is the body responsible for maintaining statistics on the number of inter-country adoptions into Ireland. I would refer the Deputy to the Adoption Board Annual Report 2007 for further information on this matter.

Under the recently published Adoption Bill 2009, prospective adoptive parents will be able to adopt from countries which have ratified the Hague Convention, or from those countries with which Ireland has a bilateral agreement based on Hague standards. As part of the preparations for the likely passage and entry into force of these new legislative arrangements, my Office has been liaising closely with the Department of Foreign Affairs to identify and negotiate with countries who continue to seek homes abroad for children in need of alternative care which cannot be provided domestically. We are working actively to assess the possibilities of entering into bilateral agreements with a small number of countries, including Vietnam, Ethiopia and the Russian Federation.

The only non Hague country with which Ireland currently has a bilateral agreement is Vietnam. In relation to Vietnam in particular, a new draft agreement is being finalised. Once the text of the draft has been agreed between the OMCYA, the Department of Foreign Affairs and the Attorney General's office, it will be forwarded to the Vietnamese Authorities for their consideration. It is anticipated that we will be able to forward this draft to Vietnam very shortly.

### **Child Care Services.**

122. **Deputy Michael McGrath** asked the Minister for Health and Children the position in relation to the payment of a child care grant in respect of a group (details supplied) in County Cork. [6859/09]

**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, which is the successor programme to the Equal Opportunities Child-care Programme (EOCP) which concluded at the end of 2007. The EOCP was, and the NCIP is administered by Pobal on behalf of my Department.

I understand that the service in question was approved a capital grant of €250,000 in November 2005 under the EOCP. As the applicant could not proceed to contract at that time the grant was transferred to the NCIP and approved in June 2007. An additional €40,000 was approved in February 2008, bringing the total to €290,000.

In November 2008 the group informed Pobal that the local authority had granted planning permission for the development of the facility. As the terms of the planning permission did not satisfy the requirements of the NCIP, a decision has been made to decommit the funding and officials in my Office are in the process of advising the group of the outcome. It is, of course, open to the group to appeal the decision.

### **Nursing Homes Repayment Scheme.**

123. **Deputy James Reilly** asked the Minister for Health and Children the number of appeals made to the nursing home repayment scheme; the number of appeal decisions issued; the average time to process and appeal; the number of appeal decisions that have resulted in an increased offer to claimants; the number of appeal decisions that have resulted in the initial offer to claimants; the number of appeal decisions that have resulted in a reduced offer to claimants; if she will provide a breakdown of issues to which claimants appeal; and if she will make a statement on the matter. [6865/09]

**Minister for Health and Children (Deputy Mary Harney):** The Health Repayment Scheme Appeals Office is an independent office established to provide an appeals service to those who wish to appeal the decision of the Scheme Administrator under the Health (Repayment Scheme) Act 2006.

Up to 13 February 2009, 5,269 appeals have been lodged with the Appeals Office and 2,883 appeal decisions have issued. The average completion time for an Appeal Officer's decision is 116 days. 189 appeal decisions have resulted in an increased offer to claimants and 28 appeal decisions have resulted in a reduced offer to claimants. 253 appeal decisions will result in an initial offer to claimants.

In relation to the issues on which claimants appeal, 1,411 of the appeals lodged relate to appeals of the amount of repayment offered and 3,858 relate to appeals made against the Scheme Administrator's decision to reject application made under the Health Repayment Scheme.

### **Medical Cards.**

124. **Deputy Frank Feighan** asked the Minister for Health and Children if she will ensure the system in place for processing GMS cards in counties Roscommon and Leitrim will be maintained and the present staff arrangement will be retained servicing the local counties. [6875/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### **Health Service Staff.**

125. **Deputy Frank Feighan** asked the Minister for Health and Children the breakdown of members of staff in the Health Service Executive west area who have been awarded performance bonuses in 2005, 2006, 2007, 2008 and the amount. [6876/09]

**Minister for Health and Children (Deputy Mary Harney):** The Performance Related Awards Scheme was introduced following a decision by the Government on the implementation of recommendations of the Review Body on Higher Remuneration in the Public Sector. The primary function of the Review Body is to advise the Government from time to time on the general levels of remuneration appropriate to certain public sector posts, including higher management grades in the health service not covered by the Public Service Benchmarking Body process.

A number of senior management grades in the HSE Western Area are eligible to participate in the Performance Related Award Scheme. Specifically, the grades included are those of National Director, Assistant National Director and Hospital Network Manager.

The level of awards made to individuals is solely a matter for the Board of the HSE which implements the principles set out by the Review Body. My Department has therefore, referred the matter to the Parliamentary Affairs Division of the HSE for direct reply to the Deputy.

#### **Mental Health Services.**

126. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent, nature and result of psychiatric treatment offered in respect of a person (details supplied) in County Kildare during the past 20 years; and if she will make a statement on the matter. [6883/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As this is a service matter the question has been referred to the HSE for direct reply.

*Questions Nos. 127 to 129, inclusive, answered with Question No. 39.*

#### **Child Protection Services.**

130. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent of funding available for child protection; if this sector is adequately funded in 2009; and if she will make a statement on the matter. [6888/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As this is a service matter it has been referred to the HSE for direct reply.

131. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the action she will take to ensure that various children's services previously under resourced are not likely to be further damaged in the course of budgetary cutbacks; and if she will make a statement on the matter. [6889/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Children's services provided by the HSE aim to promote and protect the health and well being of vulnerable children and families. A wide range of services are provided including early years services, family support services, child protection services, alternative care, services for homeless youth, search and reunion (post adoption) services, psychological services, child and adolescent psychiatric services, registration and inspection of children's residential centres in the voluntary sector and monitoring of children's residential centres in the voluntary and statutory sectors.

The HSE service plan for 2009, which was approved by the Minister for Health and Children on 9 December 2008, envisages that Child and Family service provision in 2009 will be in line with that provided in 2008. In her letter of approval, the Minister asked the Board and management of the HSE to pay particular attention in 2009 to the absolute necessity for the HSE to operate within the limits of its Voted allocation in delivering, at minimum, the levels of service specified in the service plan. I will be working with the HSE to try to ensure that provision of these important services to some of the most vulnerable members of our society can be maintained at existing levels notwithstanding the ongoing budgetary adjustments aimed at restoring balance to the public finances. Implementation of the service plan will be monitored formally throughout 2009 by means of regular monitoring reports to the Department of Health and Children.

#### **Health Services.**

132. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she will

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provide an assurance that there will be no restriction in funding available to children and adults with special needs in the course of 2009; and if she will make a statement on the matter. [6890/09]

**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.

133. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she will provide an assurance that home help funding and allocation of home help hours are restored to previous levels without delay; and if she will make a statement on the matter. [6891/09]

**Minister of State at the Department of Health and Children (Deputy Máire Hocht):** The Home Help Service is a well established and successful component of the overall strategy to enable older people to remain in their own homes and communities for as long as possible. Significant funding has been provided to the Health Service Executive in recent years for the expansion of this service. As the Executive has operational responsibility for the management and delivery of the service at national and local level, in line with its overall service priorities and resources, I have referred the matter to the Executive for direct reply to the Deputy.

#### Medical Cards.

134. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of persons in possession of a full medical card; the extent to which this number has increased or decreased in the past five years; and if she will make a statement on the matter. [6892/09]

**Minister for Health and Children (Deputy Mary Harney):** Details of the number of medical card holders are provided to my Department each month by the Health Service Executive (HSE). The figures are provided on a net basis, showing the balance after new cards have been issued and other cards, as appropriate, have been deleted from the Executive's database, e.g. following a review of a person's circumstances. The following table shows the number of medical card holders and the net annual change at the end of each of the last five years, with a total net increase of 199,212 card holders over the five year period.

Year	Number of Medical Card Holders	Net Annual Change
31st December 2003	1,152,908	
31st December 2004	1,145,083	-7,825
31st December 2005	1,155,727	+ 10,644
31st December 2006	1,221,695	+ 65,968
31st December 2007	1,276,178	+ 54,483
31st December 2008	1,352,120	+ 75,942
Total		+ 199,212

135. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the number of persons from whom medical cards have been withdrawn on income grounds in the past six months; and if she will make a statement on the matter. [6893/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.



*Question No. 136 answered with Question No. 19.*

### **Nursing Education.**

137. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position in regard to an application for registration for nursing regarding a person (details supplied) in County Kildare; and if she will make a statement on the matter. [6895/09]

**Minister for Health and Children (Deputy Mary Harney):** An Bord Altranais has statutory responsibility for the registration of nurses under the Nurses Act, 1985. I am sure that the Deputy will appreciate that An Bord Altranais must process each application thoroughly to ensure that all those entered on the Register of Nurses are deemed professionally qualified and competent for such registration. Given the statutory functions of the Board and its independence in this regard, it would not be appropriate for the Minister to intervene in individual applications for registration.

### **General Medical Services Scheme.**

138. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if antenatal care will be offered under the GMS in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [6931/09]

**Minister for Health and Children (Deputy Mary Harney):** Any person ordinarily resident in the State is entitled to anti-natal and post-natal care regardless of whether or not they hold a medical card. I am not aware of the particular circumstances pertaining to this case but I have referred the matter to the HSE for investigation and direct reply to the Deputy.

### **Hospital Services.**

139. **Deputy Frank Feighan** asked the Minister for Health and Children if she will review a case regarding a person (details supplied) in County Roscommon, as to the appropriateness of PEG feeding in circumstances such as this in which a patient has Parkinson's disease; and her views on the use of PEG feeding option in such circumstances. [6945/09]

**Minister for Health and Children (Deputy Mary Harney):** The treatment provided to a patient is a matter for clinical decision, in consultation with the patient, where appropriate, and his or her family. I have no function in such matters. The case raised by the Deputy has therefore been referred to the HSE for direct reply.

### **Departmental Schemes.**

140. **Deputy Ciarán Cuffe** asked the Minister for Transport the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6807/09]

**Minister for Transport (Deputy Noel Dempsey):** My Department is currently finalising arrangements to put the Cycle to Work Scheme in place and it is envisaged that Departmental staff will be able to avail of this scheme within the next few weeks.

### **Company Closures.**

141. **Deputy Jack Wall** asked the Minister for Transport if he has had or is proposing to have meetings with fellow Ministers at EU level to discuss the problems in the airline industry and in particular the maintenance section of the industry in view of the impending closure of

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a company (details supplied) at Dublin Airport; the results of such meetings; and if he will make a statement on the matter. [6818/09]

**Minister for Transport (Deputy Noel Dempsey):** The awarding of maintenance contracts is a commercial matter for the airlines concerned. I understand that my colleague, the Tánaiste and Minister for Enterprise Trade and Employment met with representatives of SR Technics, in the context of the employment impact of the Company's announcement. I note that the announcement issued by the company on 12 February indicated that the line maintenance operations carried out by the company at Dublin airport would continue as normal but that it is intended that these activities will transfer to another provider at some time in the future.

#### **Departmental Staff.**

142. **Deputy Róisín Shortall** asked the Minister for Transport if, regarding departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6846/09]

**Minister for Transport (Deputy Noel Dempsey):** Remuneration for Departmental staff and Non-Commercial bodies under the remit of my Department are as sanctioned by the Department of Finance and in accordance with benchmarking and recommendations from the Review Body on Higher Remuneration. However, the Chief Executive of the National Roads Authority (NRA) is subject to a personal rate of remuneration. When the post of Chief Executive of the NRA was being filled in 2005 it was considered that the scale and strategic importance of the remit of the Authority was such that it was essential to attract and retain a Chief Executive of the highest possible calibre. Against that background the NRA sought the assistance of consultants who recommended a remuneration package which was endorsed by my Department and approved by the Department of Finance.

#### **Road Network.**

143. **Deputy Arthur Morgan** asked the Minister for Transport the number of kilometres of road works which were carried out under public private partnerships in 2008. [6847/09]

**Minister for Transport (Deputy Noel Dempsey):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The implementation of individual national road projects is a matter for the National Roads Authority (NRA) under the Roads Act 1993, in conjunction with the local authorities concerned.

#### **Company Closures.**

144. **Deputy Róisín Shortall** asked the Minister for Transport the action he is taking to ensure that a licence to operate is not withdrawn from a company (details supplied) while efforts are ongoing to save the company or find alternative working or ownership arrangements at the Dublin facility; the discussions he has had with the Irish Aviation Authority in relation to the withdrawal of the operating licence; and if he will make a statement on the matter. [6935/09]

**Minister for Transport (Deputy Noel Dempsey):** I am advised that the Irish Aviation Authority has met with SR Technics (Ireland) Ltd who have explained that all of the conditions to

sustain the maintenance approval remain in place and that SR Technics (Ireland) Ltd will advise the Authority if a situation arises whereby the conditions cannot be met. SRT (Ireland) has not made an application to surrender their maintenance approval certificate.

### **Residency Permits.**

145. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the residency requirements in other EU states for non-national EU citizens; the way they differ from policy here; if permits are required, the length of such permits; if the person is required to have means, employment or other; and if he will make a statement on the matter. [6749/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am aware that in immigration matters the national rules and regulations of Member States differ significantly and also that regular changes occur. There are many different categories of applicant and the terms and conditions under which they may reside will vary from country to country. The scope for such variation will clearly be less where the category of migrant is the subject of an EU Directive. My responsibility however is to ensure that the Irish system meets the country's needs. If the Deputy is seeking detailed information in respect of the regimes in other Member States the relevant embassies should be able to assist him.

### **Crime Prevention.**

146. **Deputy David Stanton** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No 199 of 28 January 2009, the members of the project board that he has established, which is led by the Probation Service in order to examine the implementation of electronic monitoring; if this project board will be inviting submissions from members of the public; and if he will make a statement on the matter. [6716/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As the Deputy will be aware I published a significant Discussion Document on the Management of Sex Offenders on the 27th January, 2009. That Document, inter alia, raises the issue of the use of electronic monitoring technology and submissions have been invited to reach my Department by April 30. The full report and the address to send written submissions to has been made available on my Department's website and I would encourage interested organisations and individuals to make their views known.

The Project Board established to look at the implementation of electronic monitoring in this jurisdiction is comprised of the following: Mr. Vivian Geiran, Deputy Director, Probation Service (Chair); Mr. Kieran O'Dwyer, Director of Prison Regimes, Irish Prison Service; Chief Superintendent Noel White, An Garda Síochána; Ms Mary Burke, Principal Officer, Department of Justice, Equality and Law Reform.

I understand that the Project Board has no plans to invite submissions at this point in time. My Department will, of course, make the Board aware of all relevant submissions received in relation to electronic monitoring as part of the wider consultation process on the Discussion Document.

### **International Agreements.**

147. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform if he has assessed the case for Ireland moving to fully participate in the Schengen Agreement in view of the fact that Britain is moving towards introducing passport control between Ireland and Britain; his views on the contention that membership of Schengen would be less expensive,

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give a positive message regarding Ireland's commitment to the EU and allow a common travel area with Northern Ireland; and if he will make a statement on the matter. [6723/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Schengen Convention provides for the abolition of border checks on common borders between participating States and for the development of enhanced cooperation in relation to law enforcement matters and judicial cooperation. Ireland has successfully applied to participate in certain provisions of the Schengen Convention including those associated with police cooperation, mutual assistance in criminal matters and the Schengen Information System.

The necessary measures which will enable Ireland to meet its Schengen requirements are currently being put in place. Ireland has not, however, applied to participate in the Schengen arrangements to the extent that they deal with the abolition of border checks. This decision has been taken to maintain the common travel area (CTA) with the United Kingdom which remains a priority for Ireland. The common travel area could not continue to operate if Ireland were to remove border checks with Schengen States generally while the United Kingdom did not do so. To do so would result in a situation where the land border with Northern Ireland would become the border between the Schengen area and the United Kingdom.

The United Kingdom has proposed, in the context of the development of its E-borders system, a number of changes in respect of travel on routes between Ireland and the United Kingdom, including:

- the introduction of full immigration controls for non-CTA nationals on all sea and air routes by 2014.
- new measures to verify the identities of CTA nationals.
- monitoring of all air and sea travel between the United Kingdom and Ireland by 2010 using e-Borders watchlists.

The Government has approved the development of an Irish Border Information System, which will operate on a broadly similar basis to the United Kingdom e-borders system. However, Phase 1 of the development only encompasses travel between Ireland the destinations outside the CTA. My officials are in contact with their counterparts in the United Kingdom on these issues as the matter progresses.

### **Residency Permits.**

148. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason for the delays in dealing with the application for a stamp four residency permit for a person (details supplied) in Dublin 8. [6748/09]

**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 first person referred to by the Deputy was received in August 2007. I understand that due to the large volume of applications received, applications received in March 2007 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be informed.

### **Asylum Applications.**

149. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected residency status in the case of persons (details supplied) in County Meath; and if he will make a statement on the matter. [6754/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to Parliamentary Question No. 147 of Thursday, 26 June 2008, and the written Reply to that Question.

The first named person concerned applied for asylum on 14 April 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 first named person concerned was informed, by letter dated 20 February 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 first named person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the first named 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 first named 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 first named person concerned is passed to me for decision.

The second named person concerned, the wife of the first named person concerned, applied for asylum on 15 June 2005. She also gave birth to a child in this State in 2005. Her asylum application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the second named person concerned was informed, by letter dated 30 August 2006, that the Minister proposed to make Deportation Orders in respect of her and her child. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why she and her child should be allowed to remain temporarily in the State. Representations were submitted by the second named person concerned at that time.

The second named person concerned was invited, by letter dated 6 October 2008, to submit an application for Subsidiary Protection in the State in accordance with the European Com-



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munities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The second named person concerned subsequently submitted an application for Subsidiary Protection in the State and this application is under consideration at present. When consideration of this application has been completed, the second named 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 second named 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 second named person concerned is passed to me for decision.

150. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position of an application for refugee status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [6755/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned arrived in the State on 28 September 2004 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 9 May 2006, re-issued on 22 May 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations have been submitted on behalf of the person concerned and these representations will be fully considered, under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement, before the file is passed to me for decision.

151. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position of an application for a person (details supplied) in County Kildare regarding their application for residency; and if he will make a statement on the matter. [6764/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 17 October 2001. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner. The person concerned appealed that decision to the Refugee Appeal Tribunal but later withdrew that appeal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 23 July 2002, 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. No such representations were submitted by, or on behalf of the person concerned. However, the person concerned made an application for permission to remain in the State under the revised arrangements for non-EEA parents of children born in the State prior to 1 January 2005, commonly referred to as the IBC/05 Scheme. Following consideration of this application the person concerned was informed, by letter dated 16 November 2005, that the Minister had refused this application.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was again informed, by letter dated 31 January 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

#### **Departmental Schemes.**

152. **Deputy Ciarán Cuffe** asked the Minister for Justice, Equality and Law Reform the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6805/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** My Department is fully aware of the provisions of Section 7 of the Finance (No.2) Act 2008 which provides for this initiative by way of an income tax exemption. I can inform the Deputy that my Department is actively considering the detailed arrangements that will be required to implement the cycle to work scheme and I understand that my colleague, the Minister for Finance, intends to issue a Circular which will provide uniform guidelines to all public bodies on how the scheme is to operate.

#### **Departmental Staff.**

153. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if, regarding Departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6844/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The post of Chief Executive Officer of the Courts Service is paid at the salary level of Secretary General Level III. This has been the case since the establishment of the Courts Service in 1999. This is higher than that recommended by the Review Body on Higher Remuneration in the Public Sector. Sanction was granted in July 2008 for the retention of the post at that level to reflect the position of the CEO as Head of the court system where the Judiciary serves as an independent arm of the Constitution.

### Asylum Applications.

154. **Deputy Michael McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding the legal status in this State of a person (details supplied) in County Cork. [6860/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 23 July 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. The person concerned initiated, in August 2005, Judicial Review proceedings in the High Court challenging the decision of the Refugee Appeals Tribunal in his case and these proceedings were resolved, in April 2007, in favour of the person concerned with the consequence that he was afforded a further hearing before the Tribunal. This further hearing took place but again the Refugee Appeals Tribunal concluded that the person concerned did not meet the criteria for recognition as a refugee.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 11 February 2009, 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 15 day period referred to in my Department's letter of 11 February 2009 expires on 5 March 2009. It is open to the person concerned to make representations and/or apply for Subsidiary Protection in the State within that period. In any event, the case of the person concerned will not be further processed until the 15 day period referred to has elapsed.

### Residency Permits.

155. **Deputy Willie Penrose** asked the Minister for Justice, Equality and Law Reform if he will confirm that he has received an application for permission to remain in the State dated 13 November 2008, from a person (details supplied) in County Westmeath; the position in this regard; and if he will make a statement on the matter. [6882/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Immigration Division of my Department that they have recently been in contact with the person referred to by the Deputy in relation to his family's immigration status. Further documentation has been requested from the person concerned in order to facilitate the Immigration Division in examining the case.

### Prisoner Releases.

156. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if day release will be granted to a person (details supplied) currently serving a prison sentence in Portlaoise Prison to enable them attend their child's first holy communion on 9 May 2009; and if he will make a statement on the matter. [6903/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern)** I am informed by the Irish Prison Service that, to date, no request in relation to any form of release to attend a First Holy Communion has been received by Portlaoise Prison in relation to the person referred to by the Deputy.

### Residency Permits.

157. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when stamp four will be issued to persons (details supplied) in County Dublin; and if he will make a statement on the matter. [6904/09]

**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 first person referred to by the Deputy was received in November 2008. I understand that applications received in March 2007 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be informed.

### Asylum Applications.

158. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and ongoing position in the matter of residency regarding a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [6905/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum in the State on 10 February 2005. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 7 September 2007, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. In addition, she was notified of her entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

159. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected position in the matter of residency in respect of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [6906/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his Parliamentary Question, No. 234 of Thursday 18 December 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.

160. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected residency status in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [6907/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** There is currently no application pending in my Department for residency in the case of the person whose details were supplied.

If an application for asylum has been made by the person concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending.

#### **Visa Applications.**

161. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to his reply to Parliamentary Questions Nos. 160 of 19 June 2008 and 634 of 27 January 2009, if arising from the conditions under which a person (details supplied) in County Kildare was given permission to remain in the State specifically prevents them from obtaining family reunification in respect of their 20 year old son who is anxious to be reunited with them; and if he will make a statement on the matter. [6908/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that records indicate that the person in question is not a recognised refugee and is therefore not entitled to make an application for family reunification.

#### **Residency Permits.**

162. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the extent to which a person (details supplied) in County Laois qualifies for residency provisions under subsidiary protection in accord with EC eligibility for protection regulations 2006 SI No. 518206; and if he will make a statement on the matter. [6909/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his recent Parliamentary Question, No. 159 of Thursday, 5 February 2009, in this matter. The position in the State of the person concerned is as set out in that Reply.

The Deputy might wish to note that Subsidiary Protection is a form of international protection offered to those persons who do not meet the criteria for recognition as a refugee but who nonetheless claim a risk of serious harm in their country of origin if repatriated there. Each application for Subsidiary Protection in the State is considered on the basis of its individual merits, having regard for the claims made by the applicant and measured against objective, reputable, up to date information relating to the applicant's country of origin. The Subsidiary Protection application in respect of the person concerned is under consideration at present and the Deputy may be assured that this application will receive the appropriate individual consideration. Given that the Subsidiary Protection application of the person concerned has not yet been determined, it would not be appropriate to comment on the merits of the application at this time.



The Deputy might wish to note that persons approved for Subsidiary Protection in the State are granted permission to remain in the State for a renewable three year period and are also entitled to apply for family reunification in respect of qualifying family members.

### **Asylum Applications.**

163. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected residency status in respect of a person (details supplied) in County Wexford; if their application for transfer to residential accommodation in Dublin will be arranged; and if he will make a statement on the matter. [6910/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to his Parliamentary Question No. 54 of Thursday, 16 October 2008, and the written Reply to that Question. The position in the State of the person concerned is as set out in that Reply.

In relation to his accommodation needs, the Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The person referred to in the details supplied is currently availing of direct provision accommodation at the Old Rectory accommodation centre in New Ross. If this person wishes to transfer to another accommodation centre, they can make an application directly to the RIA, setting out the grounds for the request and providing any appropriate documentation in support of that transfer.

164. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected residency status in respect of a person (details supplied) in County Meath; and if he will make a statement on the matter. [6911/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 24 February 2005. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 29 June 2006, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State. Representations were received from the person concerned at that time.

The person concerned has also submitted an application for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006) and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned is passed to me for decision.

### **Residency Permits.**

165. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the

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current and expected residency status and citizenship in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [6912/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person to whom the Deputy refers was granted permission to remain in the State in June 2002, under the arrangements then in place for the parents of Irish citizen children. The most recent permission to remain granted to the person concerned expired on 5 May 2008. I am informed that when the person presented at his local Immigration Office on 6 May 2008 for renewal of that permission, it was noted that his wife and child were not resident in the State. Renewal was therefore refused, and the person was advised to contact my Department. I am further informed that the person concerned again presented at his local Immigration Office on 14 January 2009 without having contacted my Department. As his family situation remained unchanged, he was again refused renewal of his permission to remain.

The person concerned is advised to write to my Department at: INIS, PO Box 10003, Dublin 2, regarding his current family circumstances. The matter will then be considered by officials of my Department.

I am also informed that an application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in August 2008.

The average processing time from application to decision is now at 22 months. The Citizenship Division is currently commencing further processing of applications received in mid 2007. More complicated cases can at times take more than the current average while an element of straight forward cases are now being dealt with in less than that time scale.

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 the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

### **Asylum Applications.**

166. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected residency status in respect of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [6913/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my Reply to his Parliamentary Question No. 67 of Thursday, 16 October 2008, in this matter.

The person concerned applied for asylum on 20 September 2006. Following investigation by the Office of the Refugee Applications Commissioner, it was established that the person concerned had previously made an asylum application in Germany and, as such, a determination was made, in accordance with the provisions of the Dublin II Regulations, that the person concerned should be transferred to Germany for the purposes of having his asylum application examined there. This determination was upheld following an appeal to the Refugee Appeals Tribunal. Consequently, a Transfer Order was signed in respect of the person concerned on 22 November 2006. This Order was subsequently served on the person concerned, by letter dated 23 November 2006, which placed a legal obligation on him to present himself at the Offices of the Garda National Immigration Bureau (GNIB), on Wednesday 29 November 2006, to make arrangements for his formal transfer to Germany. The person concerned failed to present on this occasion and was therefore classified as having evaded his transfer. The person concerned became illegally resident in this State at that time.

The person concerned continued to evade his transfer with the consequence that the Transfer Order ultimately expired leaving Ireland responsible for processing the asylum application of the person concerned. At this point the case of the person concerned was referred back to the Office of the Refugee Applications Commissioner for the purposes of having his asylum claims investigated. Subsequently, the Office of the Refugee Applications Commissioner made a recommendation that the person concerned be refused a declaration of refugee status. This recommendation was, on appeal, upheld by the Refugee Appeal Tribunal.

In accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 26 September 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will be passed to me for decision.

167. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the degree to which assistance might be given in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [6914/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The person referred to in the details supplied made an application for asylum on 30 March 2007 along with her son and is currently a resident at Atlantic House accommodation centre, Tramore, County Waterford. They have been accommodated there since 16 April 2007.

The mother requested a transfer to self-catering accommodation on the basis of health issues by way of correspondence dated 25 February 2008. This request was considered and refused. Following further representations, including a Dáil Question of 18 December 2008 from the Deputy, the transfer request documentation was referred to a medical referee for review. A response issued from the medical referee to the RIA dated 27 January 2009 to the effect that sufficient grounds to support a change of accommodation were not provided. The request was again refused.

In respect of the sharing of accommodation, this arises as a specific choice of mother and son in this instance. Alternative arrangements within the direct provision accommodation system had been offered previously but were refused by both parties. The offer of separate accommodation for both parties within the direct provision portfolio still stands.

168. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected position in regard to residency and accommodation requirements in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [6915/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 22 September 2006. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 11 March 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned will be passed to me for decision.

The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The person referred to in the details supplied is currently residing in private accommodation and is not availing of direct provision accommodation. If he wishes to avail of such accommodation, he should write to the RIA at P.O. Box 11487, Dublin 2 and his request will be given due consideration.

### **Citizenship Applications.**

169. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected position in regard to residency and citizenship in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [6916/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in November 2007.

The average processing time from application to decision is now at 22 months. The Citizenship Division is currently commencing further processing of applications received in mid 2007. More complicated cases can at times take more than the current average while an element of straight forward cases are now being dealt with in less than that time scale.

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 the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

However, I understand that the person concerned is a refugee and in accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible.

I am informed by the Immigration Division of my Department that the person in question has not made an application for Long Term Residency.

### **Diplomatic Representation.**

170. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if his Department will liaise with the French authorities to ensure the return of passports in respect of persons (details supplied) in Dublin 24; and if he will make a statement on the matter. [6917/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed that officials from my Department have raised this matter with the French authorities through the Irish Embassy in Paris.

### **Residency Permits.**

171. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if particular or specific provision will be made in respect of residency and accommodation in respect of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [6918/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Irish Naturalisation and Immigration Services that a request for permission to remain in the State was made to my Department in September, 2008 on behalf of the persons referred to by the Deputy. This application is currently being examined and a decision will be issued shortly.

### **Visa Applications.**

172. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the application for a visitor's visa in respect of a person (details supplied); and if he will make a statement on the matter. [6919/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The visa application referred to by the Deputy was received in the Visa Office, Moscow on the 12 February 2009. Following consideration by a Visa Officer it was refused on 17 February 2009 for the following reasons: The obligations to return to the home country were not deemed sufficient; It was the opinion of the Visa Officer that the applicant may not observe the conditions of the visa if granted.

The decision of the Visa Officer may be appealed within two months of the date of decision, in this case before 17 April 2009. Any appeal must be submitted to the Visa Office, Moscow for consideration.

### **Asylum Applications.**

173. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected residency status in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [6920/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his Parliamentary Question, No. 901 of Wednesday, 24 September 2008, in this matter. The position in the State of the person concerned is as set out in that Reply.



### Deportation Orders.

174. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if he will revoke on humanitarian and human rights grounds the deportation order in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [6921/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned is the subject of a Deportation Order following a comprehensive and thorough examination of his asylum claim and of his application to remain temporarily in the State. He has been evading his deportation since 19 May 2005 and should he come to the notice of the Gardaí, he would be liable to arrest and detention. He should, therefore, present himself to the Garda National Immigration Bureau without any further delay.

As a matter of policy, I do not intend to reward persons who have failed a very fair and comprehensive asylum process, and who have thereafter proceeded to evade their deportation for several years, by granting such persons residency in the State. Notwithstanding the foregoing, if there has been a change in the circumstances of the person concerned, or new information has come to light which has a direct bearing on his case, there remains the option of applying to me for revocation of his Deportation Order pursuant to the provisions of Section 3 (11) of the Immigration Act, 1999, as amended. However I wish to make clear that such an application would require substantial grounds to be successful.

### Residency Permits.

175. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of stamp 4 renewal, residency or citizenship status in the case of a person (details supplied) in Dublin 6. [6922/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my detailed Reply to his recent Parliamentary Question No. 622 of Tuesday, 27 January 2008. The position in the State of the person concerned is as set out in that Reply.

### Citizenship Applications.

176. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of the application for citizenship in the case of a person (details supplied) in Dublin 15. [6923/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in July 2008.

The average processing time from application to decision is now at 22 months. The Citizenship Division is currently commencing further processing of applications received in mid 2007. More complicated cases can at times take more than the current average while an element of straight forward cases are now being dealt with in less than that time scale.

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 the status of citizenship is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

However, I understand that the person concerned is a refugee and in accordance with the Government's obligations under the United Nations Convention relating to the Status of Refu-

gees every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible.

177. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in Dublin 15 will be awarded citizenship status; and if he will make a statement on the matter. [6924/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in February 2006.

Processing of the application has been completed and I have reached a decision. The person in question has been informed of this decision in a letter issued on 17 February, 2009.

#### **Residency Permits.**

178. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency or citizenship in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [6925/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned has been granted Leave to Remain in the State for the period to 18 February 2010. This decision was conveyed in writing to the person concerned by letter dated 18 February 2009.

179. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected residency status and the progress in the past five years in this regard in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [6926/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that the person concerned was granted permission to remain in the State in November of 2007 as the dependant of parents granted under the IBC/05 Scheme. The permission granted is valid until 10 October 2010.

#### **Asylum Applications.**

180. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of residency in the case of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [6927/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person referred to by the Deputy applied for Asylum on 20 March 2007. The claim was assessed by the Refugee Applications Commissioner who concluded that the person concerned did not meet the criteria for recognition as a refugee. The Commissioner's recommendation was communicated to her by letter dated 10 October 2007. This communication advised the person of her entitlement to appeal the Commissioner's recommendation to the Refugee Appeals Tribunal, which she duly did.

The Refugee Appeals Tribunal considered the person's appeal, following which the Tribunal affirmed the Commissioner's earlier recommendation to reject her claim. The outcome of the appeal was made known to the applicant by letter dated 26 November 2008.

In accordance with normal procedures, the applicant's file has been forwarded to my Department for final processing of the Asylum claim. A letter will issue to her shortly from my

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Department advising her formally that her asylum claim has been rejected and affording her three options as follows:

1. Return home voluntarily
2. Consent to the making of a deportation order, or
3. Make written representations to me within 15 working days for temporary leave to remain in the State and/or make an application for subsidiary protection under the European Communities (Eligibility for Protection) Regulations 2006 (SI No. 518 of 2006).

#### **Residency Permits.**

181. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of the application for family reunification in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [6928/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that the person in question made an application on behalf of her step-daughter in June 2007.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996. This investigation has been completed and the Commissioner has forwarded a report to my Department.

The application will be considered by my Department and a decision will issue in due course.

At the present time Family Reunification applications are taking up to 24 months to process.

#### **Asylum Applications.**

182. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the current or expected position in the matter of residency status in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [6929/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** There is currently no application pending in my Department for residency in the case of the person whose details were supplied.

If an application for asylum has been made by the person concerned the Deputy will of course be aware that it is not the practice to comment on asylum applications that are pending.

#### **Residency Permits.**

183. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in the matter of family reunification in respect of the child of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [6930/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Immigration Division of my Department that there is no record of a Family Reunification application having been received in respect of the person in question.

#### **International Agreements.**

184. **Deputy Richard Bruton** asked the Minister for Foreign Affairs if he has assessed the case for Ireland moving to fully participate in the Schengen Agreement in view of the fact that Britain is moving towards introducing passport control between Ireland and Britain; his views

on the contention that membership of Schengen would be less expensive, give a positive message regarding Ireland's commitment to the EU and allow a common travel area with Northern Ireland; and if he will make a statement on the matter. [6722/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The issues referred to in the Deputy's question relate to policy areas which are the responsibility of my colleague the Minister for Justice, Equality and Law Reform.

Ireland has successfully applied to participate in certain provisions of the Schengen Convention including those associated with police cooperation, mutual assistance in criminal matters and the Schengen Information System.

The British authorities are at present involved in a review process of issues regarding travel across borders. I understand from my colleague the Minister for Justice that officials in his Department are in contact with their counterparts in the United Kingdom on these issues.

As regards Ireland's engagement with the EU, I can assure the Deputy that the Government is resolutely committed to retaining Ireland's place at the heart of the European Union, which brings many benefits to Ireland and is vital to the present and future well-being of our country and its people.

#### **Overseas Development Aid.**

185. **Deputy Mary Upton** asked the Minister for Foreign Affairs his views on the cut to overseas as announced earlier this month; if it is his intention to achieve a total aid budget of 0.7%; when he projects that this will be achieved; and if he will make a statement on the matter. [6790/09]

186. **Deputy Mary Upton** asked the Minister for Foreign Affairs the way the Irish Aid budget is to be cut; the way a decision was reached on the areas to cut from the Irish Aid budget; if he expects the Irish Aid budget to be cut further again later in 2009; and if he will make a statement on the matter. [6791/09]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** I propose to take Questions Nos. 185 and 186 together.

The Government's decision to reduce the 2009 allocation for Official Development Assistance from €891 million to €796 million was taken exclusively in the context of the very difficult economic situation facing the country, the need to curb public expenditure, and our determination to provide the conditions for renewed economic growth. When economic circumstances permit, we will resume the expansion of the aid programme, which has been a significant feature of Government policy over the past decade.

It is important to recognise that since 1999 Ireland's total ODA has grown from €230 million to €899 million last year. In the past six years alone, the Government has provided over €4 billion in untied development assistance, with a strong focus on the poorest people in the world's least developed countries. This year, Ireland can expect to maintain its position as the world's sixth biggest aid donor in per capita terms. Based on current economic projections, estimated spending on ODA in 2009 will be in the region of 0.54% of GNP.

The Government remains committed to working towards the target of spending 0.7% of GNP on ODA by 2012. Ireland is already significantly closer to achieving the target than most of our EU partners.

The priorities of the Government's aid programme will remain as set out in the 2006 White Paper on Irish Aid. Decisions on the implementation of the budget adjustments will be taken

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over the coming weeks. They will be based on our determination to ensure the effectiveness of the aid programme in the fight against global poverty and hunger, and value for money. The central priority will be to ensure that Ireland continues to make a significant contribution to the reduction of poverty and hunger, with a focus on the least developed countries and especially on sub-Saharan Africa. We will continue to place the needs of the most vulnerable people in these countries at the heart of the programme. We are taking a lead role internationally on the global hunger crisis. We will continue to focus on investment in basic services, including primary education and primary health. Sectors such as good governance, HIV and AIDS, gender equality and economic development will also remain important aspects of our aid programme.

#### **Departmental Schemes.**

187. **Deputy Ciarán Cuffe** asked the Minister for Foreign Affairs the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6803/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am aware of the provisions of Section 7 of the Finance (No. 2) Act 2008 which introduced an exemption from income tax in respect of a benefit-in-kind arising from a bicycle or associated safety equipment being provided to an employee by his or her employer for the purposes of commuting to work. My Department is at present studying the detailed arrangements that will be required to implement the scheme, along with the related resource implications.

#### **Departmental Staff.**

188. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs if, in relation to Departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6842/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** No established civil servant employed in my Department is currently in receipt of remuneration in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which is subject to a personal rate.

#### **Emigrant Support Services.**

189. **Deputy Jack Wall** asked the Minister for Foreign Affairs his views in relation to correspondence (details supplied); the position regarding the meetings and so on that he has had in regard to the matters raised; and if he will make a statement on the matter. [6869/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Government attaches the highest importance to resolving the plight of our undocumented citizens in the United States.

In the absence, to date, of comprehensive immigration reform in the United States, we have actively pursued a bilateral approach in this area, aimed at reforming our overall immigration arrangements with the United States and facilitating greater legal migration between the two countries. The approach has had three core objectives; a reciprocal Working Holiday Agreement; new bilateral arrangements to provide reciprocal long term working visas (known as E3s); and a solution for our undocumented.



The first of these objectives has already been delivered, and the second, the provision of long term working visas similar to the E3 Visas available to Australian citizens, has formed the basis for detailed discussions with senior Member of Congress over the past twelve months.

A bilateral programme on long term working visas would represent a very significant step in the reform of our immigration arrangements with the US and, like the working holiday agreement, would represent an important investment in the long term health of this vital bilateral relationship.

I would like to emphasise that our efforts in these areas in no way dilute the Government's strong commitment to finding a solution for the undocumented, whose welfare remains a key priority. We are in ongoing contact with US law-makers on this issue.

The Taoiseach, I and other members of Government will use the unique opportunity afforded by the St. Patrick's Day celebrations in the US to engage the new Administration at the very highest level on this issue.

There is no evidence of undocumented Irish citizens, in Boston or elsewhere, being targeted by the US authorities. However, while the numbers of undocumented Irish being detained and deported has not increased significantly in recent years (see table below), the anxiety and stress deportation causes, highlighted in the correspondence the Deputy has attached, is very real. Our Ambassador in Washington has raised the issue of detentions with senior officials at the State Department and the Embassy and Consulates provide consular assistance and support to all Irish citizens, including those threatened with or awaiting deportation. Through the emigrant support programme, the Government also supports a range of services, coordinated by Irish immigration centres throughout the United States, which are of direct benefit to the undocumented, including welfare, information and advisory services.

Table — Deportation figures (2000-2008) provided by the US Department of Homeland Security

Year	Total	Criminal	Non-criminal(Immigration related)
2000	29	15	14
2001	50	17	33
2002	64	15	49
2003	69	17	52
2004	63	24	39
2005	43	12	31
2006	39	12	27
2007	42	17	25
2008	66	18	48

### Departmental Schemes.

190. **Deputy Ciarán Cuffe** asked the Minister for Arts, Sport and Tourism the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6795/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I am aware of the provisions of Section 7 of the Finance (No.2) Act 2008 which introduced an exemption from an income tax charge under section 118 of the Taxes Consolidation Act 1997 in respect of a benefit in the form of a bicycle or associated safety equipment provided to a director or employee by his or

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her employer, where the bicycle/associated safety equipment is used by the employee or director mainly for qualifying journeys. The Department proposes to implement the Cycle to Work Scheme in 2009 following the receipt of guidelines from the Department of Finance on how to administer the Scheme in Government Departments.

### **Departmental Staff.**

191. **Deputy Róisín Shortall** asked the Minister for Arts, Sport and Tourism if, in relation to Departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6834/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** There are no staff in my Department whose remuneration arrangement is currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration.

In regard to the agencies under the aegis of my Department there is only one case where a personal remuneration arrangement is in place. This relates to the Chief Executive Officer of the National Sports Campus Development Authority who was appointed after the presentation of the most recent report of the Review Body on Higher Remuneration. The rate in question was agreed with the Department of Finance to reflect the skills set required for the post.

### **Sports Capital Programme.**

192. **Deputy Michael McGrath** asked the Minister for Arts, Sport and Tourism the position in relation to the payment of a grant to a club (details supplied) in County Cork under the sports capital grant programme. [6857/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The grantee in question was allocated a number of grants between 1996 and 2004. The grant allocations were subject to the terms and conditions of the Programme, which include the execution of a Deed of Covenant and Charge. A Deed provides, inter alia, for a refund of the grant in the event of the facility not continuing to be used for the purpose for which the grant was allocated. The Department's legal adviser, the Chief State Solicitor's Office (CSSO), deals with the grantee's solicitor in executing this Deed.

The CSSO has informed the Department that a Deed of Covenant and Charge securing all of these grants was sent to the club's solicitor on 7th January 2005 to be registered. The grantee's solicitor acknowledged receipt of the Deed to the CSSO on January 20th 2005. The CSSO has advised that the registered Deed has yet to be returned. The CSSO issued a further reminder to the club's solicitors in this regard on February 2nd 2009. The latest update from the CSSO is that no response has been received to that letter.

It is also the case that the Department issued a further request for outstanding documentation to the contact person for the club on February 2nd 2009. No response has been received to that letter either.

As the Deed of Covenant and Charge is required in order to protect the taxpayers' investment in the project, the Department must await clarification from the CSSO that all legal formalities have been completed before it may consider providing formal approval for the project. The Department also awaits sight of the documentation requested in its letter of

February 2nd 2009, which is likewise required before formal approval for the project can be confirmed.

### **Departmental Programmes.**

193. **Deputy Billy Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs the position in regard to grants for voluntary organisations; and if he will make a statement on the matter. [6726/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** My Department is committed to the ongoing development of grants and supports to strengthen and underpin the work of the community and voluntary sector in Ireland. Indeed, the growth of the sector in recent years has been accompanied by a significant expansion of grants by Government. Community and Voluntary organisations play an important role in implementing the more than €400m worth of schemes and measures funded by Department annually.

These supports are underpinned by the ‘Towards 2016’ Partnership Agreement, which recognises the valuable role of the community and voluntary sector. The agreement notes that the great strength of voluntary activity is that it emerges organically from communities and points out that while the Government should not seek to control and be involved in every aspect of voluntary activity, it does have a responsibility to provide an enabling framework to help the sector.

The Deputy will be aware that my Department provides funding to the community and voluntary sector for training in relation to capacity building in governance and compliance, strategic development, and service to communities. The Local Development Social Inclusion Programme also provides training and education grants for community development capacity building, IT training, or any other training priorities identified by local voluntary groups.

In addition, some 180 projects are being supported under the Community Development Programme. These projects play a significant role in building community infrastructure and enhancing the capacity of the voluntary groups within the communities.

The Deputy will also be aware of the extensive range of services now being provided by volunteer-led groups and organisations with the support of the Community Services Programme. At the end of 2008, over 420 groups and organisations were approved for funding, with nearly 360 of them operational. The remaining groups are due to get up and running during 2009. Based on information from the groups, my Department estimates that around 2,100 people are employed in delivering quality services across the country. This Programme plays an increasingly important role in delivering services — which would not otherwise be provided — by harnessing the capacity and resources of the voluntary sector and using these in partnership with the resources available from the State.

It is also worth noting that the Task Force on Active Citizenship recommended that a network of volunteer centres be funded across the country. The Department is now supporting twenty such centres which support, promote and co-ordinate voluntary activities around Ireland.

Further details in relation to all of the schemes and programmes operated by my Department that support the wider community & voluntary sector are available on my Department’s website — [www.pobail.ie](http://www.pobail.ie).

### **Inland Waterways.**

194. **Deputy Ruairí Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs when dredging work will start on the section of the canal between the Grand Canal Dock and

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Rathmines Bridge, Dublin; the length of time this work is expected to take; his views on whether flotsam and jetsam fouling propellers, locks out of order, weeds and so on are causing problems for canal users; if he will confirm the person who is responsible for removing blankets, trolleys, traffic cones and sacks out of the canal, trimming overhanging trees and removing the rubble at Charlemont Place; and if he will make a statement on the matter. [6746/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** The maintenance of the Grand Canal is the responsibility of Waterways Ireland.

I have been informed by Waterways Ireland that its staff continually remove discarded objects from the canal waters, carry out maintenance repairs to the locks and lock gates, and remove weeds during the growing season.

I understand that a survey is currently being carried out on the Grand Canal between Grand Canal Dock and Rathmines Bridge to ascertain the quantity of material to be dredged. The results of this survey will determine the length of time required to carry out the dredging works and it is hoped dredging will commence in November 2009.

All waste disposal activities associated with the dredging of the Grand Canal will be carried out under the appropriate waste collection and waste disposal licences, and with the approval of the relevant waste authorities.

195. **Deputy Olwyn Enright** asked the Minister for Community, Rural and Gaeltacht Affairs the consents that are necessary in order for a person to operate both maintenance and repairs on a commercial basis on the canals where such maintenance is carried out directly on other individual boats or on dry docks by the boat owner; and if he will make a statement on the matter. [6780/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Permission is required from Waterways Ireland for any commercial operations on canal property. I understand that permissions are given by way of an operating licence, upon written application and consideration by Waterways Ireland. Considerations taken into account in assessing applications for a commercial operating licence include:

- Suitability of location;
- Type of operation proposed;
- Compliance with Health and Safety and any statutory requirements; and
- The ability of the applicant to indemnify Waterways Ireland against any potential liabilities.

I understand that Waterways Ireland's dry docks are available for hire to private individuals/entities to undertake boat repairs. An application and charging process is in place. Applicants are required to comply with all Health and Safety and statutory regulations, and to indemnify Waterways Ireland. Commercial use of the dry docks to operate a business would require an operating licence, as outlined above.

#### **Departmental Schemes.**

196. **Deputy Ciarán Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2)

Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6797/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** As the Deputy will be aware, section 7 of the Finance (No.2) Act 2008 provides for an exemption from an income tax charge under section 118 of the Taxes Consolidation Act 1997 in respect of a benefit in the form of a bicycle or associated safety equipment provided to a director or employee by his or her employer, where the bicycle/associated safety equipment is used by the employee or director mainly for qualifying journeys.

My Department is currently considering the detailed arrangements that would be required to implement the scheme.

### **Departmental Staff.**

197. **Deputy Róisín Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs if, in relation to Departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6836/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I can confirm to the Deputy that in relation to staff of my Department, no staff member has a remuneration arrangement currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration. In addition, no staff member is in receipt of a personal point of pay that is not covered by benchmarking or the Review Body on Higher Remuneration.

I am advised that this is also the case for bodies under the remit of my Department.

198. **Deputy Olwyn Enright** asked the Minister for Social and Family Affairs if she will confirm the number of vacancies at executive officer level within her Department in Athlone and Tullamore as on 31 January 2009; when these vacancies will be filled from existing panels in the Public Service Appointment Office; and if she will make a statement on the matter. [6767/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** At Executive Officer level, there were 2 vacancies in the Department's offices in Athlone, and 1 vacancy in the Tullamore office as on 31st January 2009.

Arrangements are in train to fill these posts, either by lateral transfer or from the Department's Internal Executive Officer competition panel.

It is not proposed to fill any of the posts from the Public Appointments Service panel.

### **Departmental Schemes.**

199. **Deputy Ciarán Cuffe** asked the Minister for Social and Family Affairs the steps she has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in her Department; and if she will make a statement on the matter. [6806/09]



**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department is currently analysing the options for the implementation of the scheme referred to by the Deputy.

### **Departmental Staff.**

200. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the action she will take to ensure that waiting times at branch offices are reduced when she has no control over staffing levels; if there is a mechanism in place to share workload with nearby local offices; and the options open to her to insist on better processing times, higher staff numbers and so on at branch offices. [6829/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department delivers a frontline service through a network of 62 local offices and 62 branch offices. Staff in local offices are employees of the Department while branch offices are operated by private individuals on a contract basis. Under the terms of their contract, branch managers are required to review their staffing levels to ensure that the meeting service requirements and that they allow for the efficient performance of the work of the office. Staffing levels in a branch office are reviewed by the management of its parent local office as part of the branch manager's performance assessment.

All decisions on branch office claims are made in the parent local office. The increase in the number of people applying for unemployment payments have placed particular pressures on all officers. 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 (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 appreciate that becoming unemployed is a very difficult time in a persons life and that they need to get access to financial and other supports as quickly as possible. I assure the Deputy that every effort is being made to reduce processing times.

A range of measures have been put in place by the Department to deal with the extra workload arising from the increase in the live register. Over 202 staff have been or are been assigned to local offices and further staff will be deployed in the coming months as required. In addition temporary staff contracts have been used in certain offices, the level of overtime worked has increased and the work in the offices is being prioritised.

Plans are under way to establish a number of central decisions units countrywide, commencing with Sligo, Carrick-on-Shannon, Finglas and a Dublin city centre location. These units will ease the pressure to local and branch offices and will help speed up decision making.

The Department has also implemented a number of process improvement initiatives aimed at improving overall processing times for the jobseeker schemes. In addition, from time to time Regional Management in the Department send a team of staff from other local offices, to decide claims in an office under particular pressure.

The situation regarding applications for jobseekers benefit and jobseekers allowance is being monitored on an on-going basis by the Department to ensure that appropriate measures are put in place to address the issue.

201. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if, in regard to departmental staff and bodies under the remit of her Department, she will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the review body on higher remuneration or which are subject

to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6845/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** There are no staff in my Department, or the Agencies under its aegis, who are remunerated at a rate that is in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration. All the staff in question are paid on the appropriate civil/public service pay-scales, as sanctioned by the Department of Finance.

#### **Social Welfare Benefits.**

202. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when rent support will be made payable in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [6897/09]

**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 (HSE) as part of the supplementary welfare allowance scheme.

The HSE has advised, that according to its records, it has not received an application for rent supplement from the person concerned. The person should contact the community welfare officer in his area so that any entitlement he may have can be determined.

203. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved and awarded jobseeker's allowance. [6936/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned has been awarded jobseeker's allowance with effect from 20 October, 2008. A payment of €3,074.50, which will include all arrears due, will issue to her on 20 February, 2009. Her current weekly rate of payment is €204.30.

Her weekly rates of payment since the date of her claim are based on a means assessment of €97.00, derived from benefit of parental income, for the period from 20 October, 2008, to 13 November, 2008 and nil from 14 November 2008, the date on which she changed her place of residence.

Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

#### **Departmental Schemes.**

204. **Deputy Ciarán Cuffe** asked the Minister for Defence the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6798/09]

**Minister for Defence (Deputy Willie O'Dea):** My Department supports the provisions of Section 7 of the Finance (No.2) Act 2008 which introduced an exemption from an income tax charge under section 118 of the Taxes Consolidation Act 1997 in respect of a benefit in the form of a bicycle or associated safety equipment provided to a director or employee by his or her employer, where the bicycle/associated safety equipment is used by the employee or director mainly for qualifying journeys. My Department is considering the detailed arrangements that will be required to implement the scheme.

### Departmental Staff.

205. **Deputy Róisín Shortall** asked the Minister for Defence if, in regard to departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the review body on higher remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6837/09]

**Minister for Defence (Deputy Willie O’Dea):** The remuneration for staff in my Department and bodies under the remit of my Department is in line with benchmarking recommendations or, where appropriate, recommendations from the Review Body on Higher Remuneration as approved by Government.

### Motor Taxation.

206. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government the steps he proposes to take to allow quad owners to be able to tax their vehicles for use on public roads; and if he will make a statement on the matter. [6699/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Liability for motor tax on any vehicle arises when the vehicle is first used in a public place following registration of the vehicle by the Revenue Commissioners and assignment of Irish number plates. Issues in relation to registration are a matter for the Minister for Finance.

### Planning Issues.

207. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government if he will review the law whereby conditions attached to licences issued by local authorities under the licensing of quarries are not enforceable under existing planning laws; and if he will make a statement on the matter. [6707/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I assume the Question refers to the registration of quarries. Section 261 of the Planning and Development Act 2000 introduced a once-off system of registration for all quarries, except those for which planning permission was granted in the 5 years prior to the commencement of the section on 28 April 2004. Under the registration system, quarry operators were required to supply full details of their operations to the planning authority within a year, i.e. by 27 April 2005. Following registration, planning authorities were empowered to impose controls on the operation of registered quarries as follows:

- impose conditions on the operation of a pre-October 1964 quarry;
- require a pre-October 1964 quarry which exceeds certain thresholds to apply for planning permission and submit an Environmental Impact Statement;
- restate, modify or add to conditions on the operation of a quarry which has received planning permission.

My Department is reviewing the legislative provisions in relation to quarries, including in the context of considering the measures necessary to ensure early compliance with a recent European Court of Justice judgment (Case 215/06) concerning retention planning permission for developments, including quarries, requiring an environmental impact assessment.

### Register of Electors.

208. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if he will ensure all the people in direct provision are facilitated in registering for the local elections; and if he will make a statement on the matter. [6747/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register. Authorities were required to publish the final Register for 2009/10 by 1 February 2009 and this is now available for checking. Individuals not on the Register can avail of the supplement to the Register up until 15 days before the next polling day i.e. Monday 18 May in the case of the Local and European elections being held on 5 June 2009.

### Water Quality.

209. **Deputy Olwyn Enright** asked the Minister for the Environment, Heritage and Local Government the agency which has the management of a river (details supplied) in County Offaly; if there is a management plan in place for same; and if he will make a statement on the matter. [6781/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Primary responsibility for the protection and improvement of water quality within their functional areas is assigned to the relevant local authority under the Local Government (Water Pollution) Acts and related legislation. The EPA exercises general supervision in relation to the performance of these functions by local authorities. In addition, the Brosna river is covered by the draft management plan for the Shannon RBD. Public consultation is currently underway in relation to draft management plans for each of the 8 River Basin Districts on the island of Ireland. These draft plans were published on 22 December 2008 and are open for comment until 22 June 2009. The plans include, *inter alia*, an assessment of the current status of our waters and the proposed programmes of measures intended to achieve the environmental objectives of the Water Framework Directive.

### Departmental Schemes.

210. **Deputy Ciarán Cuffe** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6801/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Arrangements are currently being finalised in my Department to ensure that the Cycle to Work Scheme, as introduced in the Finance (No. 2) Act 2008, can be availed of by members of staff in my Department within the coming weeks. The scheme will further enhance the implementation of the Department's Workplace Travel Plan which was launched in October 2008 as part of our participation in the One Small Step campaign being overseen by the Dublin Transportation Office. One of the main aims of the Plan is to reduce reliance on the car as a means of transport to and from work, particularly in the Greater Dublin area, and promote, where possible, the healthier, sustainable options of walking or cycling. As part of the roll-out of the Plan, my Department participated last year in the Ecology Foundation's Cycle to Work scheme,

[Deputy John Gormley.]

a not-for-profit programme which aims to operate as a one-stop-shop service for employers to facilitate their employees cycling to work. As part of the Department's participation in the Scheme, staff were provided with the opportunity to purchase subsidised bicycles and safety accessories.

### **Water and Sewerage Scheme.**

211. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government if his Department has had discussions with the water services investment programme team regarding the Dunmanway regional water supply scheme, County Cork; the progress that these discussions have made to date; when he expects the project to commence; and if he will make a statement on the matter. [6816/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Dunmanway Regional Water Supply Scheme is approved for funding in my Department's Water Services Investment Programme 2007-2009. My Department is awaiting submission of Cork County Council's revised Contract Documents for the scheme.

### **Departmental Staff.**

212. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government if, in regard to departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6840/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** All staff in my Department are on salary pay scales set out and approved by the Department of Finance. Local authorities and the following bodies are within the remit of my Department:

Affordable Homes Partnership

An Bord Pleanála

Environmental Protection Agency

Housing Finance Agency

Limerick Regeneration Agencies

Local Government Computer Services Board

Local Government Management Services Board

National Building Agency

Radiological Protection Institute of Ireland

Dublin Docklands Authority

Irish Water Safety Association



Private Residential Tenancies Board

Regional Assemblies

The Heritage Council.

The pay and emoluments notified by my Department to these bodies, following sanction by the Department of Finance, are in line with the recommendations of the Review Body on Higher Remuneration in the Public Sector and the Benchmarking Body, where appropriate. In accordance with the guidelines of the Review Body, individual arrangements in regard to pension and other emoluments may be entered into as part of a remuneration package. In this regard, emoluments in relation to travel expenses and pension contributions are expected to be contained within the contract of employment and, therefore, could vary from post to post, and person to person. In accordance with advice provided by the Information Commissioner, in relation to the corresponding Civil Service Scheme, information naming officials and individual amounts paid to them is deemed a personal record and consequently is not made publicly available.

### **Register of Electors.**

213. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if non-consultant hospital doctors who are attached to hospitals, and who rotate from hospital to hospital every six months during training are entitled to a postal vote in local and European elections in view of the fact that a number of those doctors may be listed for a 12 to 24 hour on-call shift coinciding with election day. [6853/09]

214. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if persons working in Dublin, Cork and Galway while their home address is still their permanent address are entitled to postal votes; and the persons entitled to postal votes. [6854/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 213 and 214 together.

In order to be able to vote at elections and referenda in this jurisdiction, a person's name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides. Postal voting is provided for in electoral law in respect of certain categories of person who are entered in the register of electors. The Electoral Act 1992 provides for postal voting by wholtime members of the Defence Forces, members of the Garda, and Irish diplomats serving abroad and their spouses.

Subsequent legislation enacted by the Oireachtas has extended postal voting to other categories: electors living at home who are unable to vote because of a physical illness or a physical disability (the Electoral (Amendment) Act 1996); electors whose occupation, service or employment makes it likely that they will be unable to vote in person at their local polling station on polling day — in these cases, the law provides for completion of the necessary voting documentation at a Garda station (the Electoral Act 1997); full-time students registered at their home who are living elsewhere while attending an educational institution in the State (the Electoral Act 1997); certain election staff employed at the poll outside the constituency where they reside (the Electoral (Amendment) Act 2001); and electors who because of the circumstances of their detention in prison pursuant to an order of a court are likely to be unable to go in person on polling day to vote (the Electoral (Amendment) Act 2006).

[Deputy John Gormley.]

Persons wishing to apply for entry on the supplement to the postal voters list for the upcoming Local and European elections should contact their relevant registration authority (city or county council) without delay.

215. **Deputy Frank Feighan** asked the Minister for the Environment, Heritage and Local Government if he will ensure that an application form for registration is available on the website of every local authority to facilitate young people completing their application to be included on the register of electors. [6855/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register.

Authorities were required to publish the final Register for 2009/10 by 1 February 2009 and this is now available for checking. Individuals not on the Register can avail of the supplement to the Register up until 15 days before the next polling day i.e. Monday 18 May in the case of the Local and European elections being held on 5 June 2009. The relevant supplement application form is available for download from [www.checktheregister.ie](http://www.checktheregister.ie) and my Department has requested all registration authorities to ensure that it is also available from their websites.

#### **Local Authority Housing.**

216. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that as a result of a lack of funding provided by him, Naas Town Council, County Kildare is not in a position to build an extension to one of its houses in which there is overcrowding (details supplied); and if he will investigate this matter. [6934/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** As part of the Housing management Initiative, local authorities have been given delegated sanction for the delivery of their annual Improvement Works Programmes subject to specific conditions and overall programme approval from my Department. Funding for these programmes is provided from the authority's own internal capital receipts (from the sale of local authority dwellings) and may include extensions to local authority dwellings. Furthermore, my Department has indicated that in certain circumstances, and where authorities can demonstrate insufficient internal capital receipts, it will consider applications to fund such works from allocations provided to authorities under the Social Housing Investment Programme. No such application has been received in this case.

#### **Departmental Schemes.**

217. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources if the recently announced supports for insulation will cover window insulation; if it is excluded, the reason this energy-saving method was overlooked; his plans to make provision for such work in the future; and if he will make a statement on the matter. [6766/09]

218. **Deputy Terence Flanagan** asked the Minister for Communications, Energy and Natural Resources if he will respond to a query (details supplied); and if he will make a statement on the matter. [6871/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 217 and 218 together.

I announced the launch of the Home Energy Saving Scheme on the 8th of February last, together with the Minister for the Environment, Heritage and Local Government, as part of the Government's National Insulation Programme for Economic Recovery. I have allocated €50 million to the Home Energy Saving Scheme in 2009 and this funding will be sufficient to support the retrofitting of energy efficiency measures in over 27,000 homes in 2009.

The scheme provides grant assistance to homeowners for attic and wall insulation, efficient boilers and heating controls. I selected these measures for inclusion in the scheme, with the assistance of advice from Sustainable Energy Ireland (SEI), which has built up a considerable expertise on residential energy efficiency matters as part of their statutory remit and in the course of their oversight of the pilot phase of the scheme in 2008. SEI recommended these measures to me as most likely to deliver significant energy savings to homeowners, at least cost.

I am conscious that there are other measures not included in the scheme that may also deliver strong energy savings. I will be keeping the scheme under continuous review and if I find that there is a strong case for adding other measures to the scheme, I will give this full consideration.

219. **Deputy Ciarán Cuffe** asked the Minister for Communications, Energy and Natural Resources the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6796/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** My Department is in the process of considering how best to implement the Budget 2009 announcement, as set out in the Finance Act 2008, on the provision of bicycles and related equipment by employers, to employees who agree to use the bicycles to cycle to work.

In advance of the roll out of this scheme, my Department has implemented a scheme whereby a number of bicycles have been provided, with the appropriate safety equipment, for official use on business travel within Dublin city. I am very pleased to report that the uptake on the use of these bicycles has been encouraging and is reducing dependency on taxis, particularly for city centre travel.

Secure bicycle storage and shower facilities are provided at the Dublin offices to facilitate staff cycling and walking to work.

#### **Departmental Staff.**

220. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources if, for departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6835/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** No staff member in my Department is in receipt of a rate of remuneration that is in excess of either benchmarking or Review Body recommendations.

[Deputy Eamon Ryan.]

In the time available, it has not been possible to assemble the information requested in relation to the bodies under the aegis of my Department.

My Department is compiling the data sought by the Deputy in this regard and I will forward it to her as soon as possible.

### **Harbours and Piers.**

221. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if there are plans to proceed with the extension of the pier at Brandon, County Kerry. [6751/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The pier at Brandon is the property of Kerry County Council and responsibility for its repair and upkeep rests with the Local Authority in the first instance. Each year my Department invites proposals from all Local Authorities for inclusion in the annual Fishery Harbours and Coastal Infrastructure Development Programme. My Department did not however, receive an application from Kerry County Council in respect of the above mentioned location for inclusion in the 2009 Programme. However, any future application made by Kerry County Council will be considered based on available Exchequer funding and overall national priorities.

### **Statutory Instruments.**

222. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will make a statement regarding Statutory Instrument No. 16 of 2009. [6711/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Agricultural Research Training and Advice Act (Transfer of property) Order 2009 (S.I. Number 16 of 2009) revoked The Agricultural Research Training and Advice Act (Transfer of property) Order 2004 (S.I. No.214 of 2004). S.I. No.214 of 2004 was revoked because there was an error contained in its text. The Order transferred to Teagasc, plan 5, 10 and 11 instead of plan 5 from Folio 22836 County Cork. S.I 16 of 2009 has corrected this anomaly.

### **Grant Payments.**

223. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position in regard to an application by a person (details supplied); and if he will make a statement on the matter. [6727/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

224. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Kilkenny was informed by his Department on three occasions in December 2008 that their file was cleared for payment; and if he will make a statement on the matter. [6729/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** EU Regulations require detailed administrative checks on all REPS applications to be completed before the first payments can issue in individual cases. The last of these administrative checks in this and

all other cases were completed in late January and the first payments for 2008 REPS 4 applications issued in the last week of January to those whose applications required no correction following the administrative checks. Further payments continue to be made as applications are cleared. Queries have arisen during the administrative checks on the biodiversity options in the plan of the person named and it is currently under further examination.

225. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork who is in need of their REP scheme four payment will receive the payment due; and if he will make a statement on the matter. [6738/09]

**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 in the last week of January to those whose applications required no correction following the administrative checks. Further payments 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.

#### **Departmental Staff.**

226. **Deputy Michael D'Arcy** asked the Minister for Agriculture, Fisheries and Food when those placed on a panel of candidates selected for appointment as technical agricultural officers with his Department can expect to be appointed; if an embargo exists on hiring within his Department which would mean these positions will not be filled in the foreseeable future; and if he will make a statement on the matter. [6739/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Given the current difficult economic situation and the need for my department, along with other departments and the public sector in general, to achieve increased efficiencies and manage our business with reduced resources, it is clear that not all vacancies arising in my department can be filled. Accordingly, my department is reviewing all of its operations and functions to achieve these necessary increased efficiencies and aims to fill only those positions that can be resourced, are essential and are of high priority from a business viewpoint. As and when such positions are identified, including any positions at technical agricultural officer level, my department will seek to fill those posts in the normal way.

#### **Grant Payments.**

227. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when a slatted house grant will be awarded in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [6743/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

228. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when a slatted house grant will issue in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [6744/09]



**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

229. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive payment. [6752/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The first part of the 2008 REPS 4 payment to the person named is currently being processed and will issue in the next 10 days. The balance will issue in due course.

230. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a forestry grant has not been awarded to a person (details supplied) in County Galway; and if he will make a statement on the matter. [6765/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The applicant removed an area of his plantation to facilitate the construction of a dwelling house. However the applicant's Forestry Company submitted a revised certified species map of the plantation which did not reflect the position on the ground and another map was requested in November 2008.

The applicant's Forestry Company has now amended the certified species map. My Department is currently examining this map and if it is satisfactory, the applicant's 2008 forest premium will be paid.

#### **Departmental Staff.**

231. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food if he will confirm the number of vacancies at executive officer level within his Department in Athlone and Tullamore as on 31 January 2009; when these vacancies will be filled from existing panels in the Public Appointments Service office; and if he will make a statement on the matter. [6768/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** There are no vacancies at Executive Officer level in my Department's offices in Athlone and Tullamore.

#### **Grant Payments.**

232. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food when a grant will be awarded in respect of a person (details supplied) in County Laois; and if he will make a statement on the matter. [6777/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A number of issues have been identified in relation to this application. Officials from my Department have been in regular contact with the person named and it is expected that payment will issue shortly.

233. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food when he will award outstanding farm waste payments; and if he will make a statement on the matter. [6778/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

234. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food when a payment in respect of a person (details supplied) in County Tipperary will be made; the reason for the delay; if he will confirm payment date; and if he will make a statement on the matter. [6779/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

#### **Departmental Schemes.**

235. **Deputy Ciarán Cuffe** asked the Minister for Agriculture, Fisheries and Food the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6794/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I am aware of the provisions of Section 7 of the Finance (No.2) Act 2008 which introduced an exemption from an income tax charge under section 118 of the Taxes Consolidation Act 1997 in respect of a benefit in the form of a bicycle or associated safety equipment provided to a director or employee by his or her employer, where the bicycle/associated safety equipment is used by the employee or director mainly for qualifying journeys.

The Department of Finance is preparing the detailed arrangements that will be required to implement the scheme.

#### **Decentralisation Programme.**

236. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the cost, to date, of the construction of the new Bord Iascaigh Mhara, BIM, offices in Clonakilty, County Cork; if a date for completion of the building has been agreed with the building contractor; if a date for the official opening of the building has been set; the number of BIM staff to be decentralised to Clonakilty; the number of BIM staff who have already agreed to be decentralised to Clonakilty; and if he will make a statement on the matter. [6815/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The issue of the construction of new offices in Clonakilty, its proposed date of completion and cost are a matter for Department of Finance (Office of Public Works). The number of staff to be decentralised is available on the Central Applications Facility under Publicjobs.ie. Progress on decentralisation generally is centrally dealt with by the Department of Finance and the Decentralisation Implementation Group.

#### **Grant Payments.**

237. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a

[Deputy Michael Ring.]

person (details supplied) in County Mayo will be approved and awarded payment for REP scheme three. [6830/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The payment application by the person named is being processed and remains within the period set out in the Charter of Rights for Farmers.

### Departmental Staff.

238. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food if, with regard to departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements that currently are in excess of a benchmarking recommendation or a recommendation from the review body on higher remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6833/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested by the Deputy is set out in the following table in relation to my Department:

Grade	Reason
Principal Officer	Allowance in respect of being former Ministerial Special Advisor
Principal Officer	Allowance in respect of being former Director of Agricultural Appeals redeployed to deal with urgent work

Remuneration details in respect of bodies under the aegis of the Department of Agriculture, Fisheries and Food is a matter for the Bodies themselves as part of their day-to-day activities.

### Grant Payments.

239. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 391 of 3 February 2009, the measures he will take to assist farmers who have taken out substantial loans and who are struggling to repay those loans following the decision to phase in payments due under this scheme; and if he will make a statement on the matter. [6848/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Since my reply to the Parliamentary Question referred to by the Deputy, the arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

240. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when payment will issue in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [6849/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per

cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

241. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food the position regarding the payment of a farm waste management grant in respect of a person (details supplied) in County Cork. [6856/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

242. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Roscommon will be issued payment under the farm waste management scheme; and if he will make a statement on the matter. [6861/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

243. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if he will release funds for a farm waste management grant application in respect of a person (details supplied) in County Roscommon; and if he will make a statement on the matter. [6862/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

244. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food if he will release funds to a person (details supplied) in County Roscommon; and if he will make a statement on the matter. [6863/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

245. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in releasing funds for a farm waste management grant application in respect of a person (details supplied) in County Roscommon; when payment will issue; and if he will make a statement on the matter. [6864/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per

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cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

246. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payments for two grants; and if he will make a statement on the matter. [6866/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The first part of the 2008 REPS 4 payment to the person named issued on 13 February and the balance will issue in due course. Payment will be made shortly in respect of his application for grant aid under the Farm Improvement Scheme.

247. **Deputy P. J. Sheehan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will be granted their REP scheme three payment; and if he will make a statement on the matter. [6867/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payment will issue to the person named within the next 10 days.

#### **Animal Welfare Bodies.**

248. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food if, in the context of Parliamentary Question No. 399 of 3 February 2009 on behalf of a person (details supplied) in County Westmeath, he will review this situation, particularly in the context of information furnished in correspondence received by this Deputy from this person; if, in view of this correspondence, the matter will be progressed; and if he will make a statement on the matter. [6933/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As indicated in my earlier reply of 3rd February last, animal welfare organisations that wish to be considered for ex-gratia funding must fulfil a number of conditions including the completion of a standard application form. They must also provide documentation in relation to their taxation and financial positions.

The position in relation to the person referred to by the Deputy is that while she submitted some documentation to my Department last year in relation to her request for ex-gratia funding, a completed application form was not received from her. My Department was in contact with the person concerned on a number of occasions and provided her with copies of an application form for completion but despite this a completed application form was never received and therefore it was not possible for my Department to make an assessment for funding in this case.

As regards taxation, the position is that prospective applicants that are not in possession of a valid Registered Charity Number but which receive funding from Government Departments/Public Authorities to a value of €10,000 or more within any twelve-month period, must submit a copy of a current Tax Clearance Certificate. Applicants must also submit documentation relating to the organisation's financial position i.e. audited or certified accounts or in a case where an organisation operates on low expenditure/income levels, a statement signed and dated by an executive in the organisation showing Income and Expenditure for a 12-month period. Taxation and/or financial documentation in the format required was not received from the person concerned.



As I stated in my recent reply of 3rd February, 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 and the required documentation, 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 other eligibility criteria is fulfilled.

### **Grant Payments.**

249. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded the farm waste management grant. [6937/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40 per cent being paid this year as claims are approved. A further 40 per cent will be paid in early January 2010 and the remaining 20 per cent in January 2011. Payment of the initial 40 per cent to farmers will be made as expeditiously as possible.

### **Qualifications Recognition.**

250. **Deputy Martin Ferris** asked the Minister for Education and Science if he is satisfied with the progress made by the National Qualifications Authority of Ireland; the reason so little progress has been made in 10 years by the NQAI to promote recognition outside the State of awards made by bodies in the State and recognition in the State of awards made by bodies outside the State; and the amount that this body has cost the State to date. [6712/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The National Qualifications Authority was set up in February 2001, under the Qualifications (Education and Training) Act 1999, and has therefore been in operation for 8 years. During that time the Authority has developed a national framework of qualifications governing all awards in the State from basic education to post doctoral level across the education and training sectors, together with the policies and criteria which underpin its operation. Launched in 2003, the Framework is under continuous development and remains central to the work of the Authority; Set out, in June 2004, a national approach to the recognition of international awards in Ireland; Established a one-stop shop for providing advice on the recognition of international qualifications in 2005 ([www.qualificationsrecognition.ie](http://www.qualificationsrecognition.ie)). The centre provides information and an on-line application form to enable migrants to submit their qualifications for advice on comparability. It provides a database of international qualifications, information on the Irish education system and a referral point for those seeking recognition of Irish awards abroad. As more countries in Europe and elsewhere follow Ireland’s lead in developing qualifications frameworks, this recognition service will be able to provide more information on international qualifications to individuals, employers and education and training providers.

Completed, in July 2005, an exercise with the quality assurance and certification agencies in Northern Ireland, England Wales and Scotland to align the levels of awards in the Irish framework with those in the UK and published a joint leaflet, *Qualifications Can Cross Boundaries*, for the information of learners, employers and education and training providers.

Completed the groundwork which led to a Mutual Recognition Agreement between China and Ireland relating to higher education qualifications being agreed in February 2006.

Developed policies and criteria for the inclusion in or alignment of international and professional body awards with the Irish framework of qualifications (Sept 2006).

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Completed the verification of compatibility of the Irish National Framework of Qualifications in the higher education sector with the Bologna Framework (November 2006), becoming the first European country to do so. This work facilitates the recognition of Irish higher education qualifications amongst the 46 countries which are participating in the Bologna process.

Completed the alignment of a substantial range of UK awards with the Irish framework in 2008, notably City and Guilds, Edexcel, Scottish Qualifications Authority and Open University awards.

Work is ongoing to align the Framework with its New Zealand counterpart, which it is hoped will be completed this year. Preliminary discussions have taken place with the United Arab Emirates to explore the possibility of co-operation on qualifications recognition matters.

The Authority has also played a seminal role in the development of the European Qualifications Framework and has ensured that Ireland is well placed to have its awards included in the EQF as it develops. The Authority has begun the process of referencing the Irish framework of qualifications with the EQF, with a view to completing it this summer, and this will facilitate the recognition of Irish school, vocational and higher education and training qualifications throughout the 27 member states of the EU.

The Authority is networked extensively with national awarding bodies in other countries (European Network of Information Centres [ENIC], National Academic Recognition Information Centres [NARIC] and National Reference Points) and is the national centre in Ireland for EUROPASS. As the Irish ENIC-NARIC centre, the NQAI works on behalf of Irish citizens on an individual basis if notified by them that they are having difficulty securing recognition of their qualifications.

The number of formal qualifications recognition applications received by the NQAI from individuals has increased steadily over time, from approximately 300 such queries in 2003 to over 2,000 in 2008. While growing, these numbers do not reflect the full range of recognition services which are provided by the NQAI by telephone, e-mail or via their website. Phone calls and personal calls by individuals account for some 3,000 exchanges annually, email exchanges relating to recognition matters come to approximately 4,250 per year and in the final quarter of 2008 the website received over 40,000 hits.

The Authority publishes audited accounts on an annual basis and the following figures, which are taken from those accounts, show the cost to the State of the Authority since its establishment.

Year	€
2001	2,239,818
2002	2,140,000
2003	1,429,157
2004	1,683,618
2005	2,036,000
2006	2,047,405
2007	2,288,152
2008*	3,227,454

The figure for 2008 is estimated and the increase over previous years is mainly due to the transfer of responsibility for Qualifax, the national learner's database, to the NQAI on 1 January 2008.

I am satisfied that the National Qualifications Authority of Ireland has, since its establishment, been successful in promoting the recognition of Irish awards abroad and in providing a quality service to those persons wishing to have foreign qualifications recognised in Ireland. The Authority continues to improve qualification recognition services, for example through the deeper implementation of the National Framework of Qualifications, and to work with its counterparts in the EU and further afield.

### **Special Educational Needs.**

251. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the extent to which he will continue to fund the autism unit for the Clogherinkoe/Derriturn area of County Kildare in view of the ongoing and particular need for same under the present economic climate; and if he will make a statement on the matter. [6884/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The Deputy will be aware of the Government's commitment to ensuring that all children with special educational needs, including those with autism, can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

The criteria for allocating additional teaching and/or special needs assistant support for children with special educational needs, including autism, were not changed as part of the budget announcements. The rate of capitation funding payable in respect of special classes for autism attached to mainstream primary schools and special schools for children with autism was significantly increased from €880 per pupil to €986 per pupil.

The establishment of a network of autism-specific special classes in schools across the country to cater for children with autism has been a key educational priority in recent years. In excess of 345 classes have now been approved around the country at primary and post primary level, including many in special schools.

Children in these classes benefit from having fully-qualified teachers who have access to training in a range of autism-specific interventions, including Applied Behavioural Analysis (ABA), the Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH) and the Picture Exchange Communication System (PECS). These students have the option, where appropriate, of full/partial integration and interaction with other pupils. Funding is also provided for assistive technology and specialist equipment as required and special school transport arrangements may also be put in place.

252. **Deputy Joe Carey** asked the Minister for Education and Science if he will reverse the decision to close the mild general learning disability services at a school (details supplied) in County Clare; and if he will make a statement on the matter. [6695/09]

258. **Deputy Joe Carey** asked the Minister for Education and Science if he will reverse the decision to close the mild general learning disability services at a school (details supplied) in County Clare; and if he will make a statement on the matter. [6736/09]

261. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a case (details supplied). [6774/09]

262. **Deputy Finian McGrath** asked the Minister for Education and Science if he will support a school (details supplied) in Dublin 5. [6775/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 252, 258, 261 and 262 together.

The Deputies will be aware that all primary schools have been allocated additional teaching resources to enable them support pupils with high incidence special educational needs including mild general learning disability (MGLD). All primary schools were given these additional teaching resources under the General Allocation Model of learning support/resource teaching introduced in 2005. Schools can decide how best to use this allocation based on the needs of the pupils. Most pupils with a MGLD are included in ordinary classes with their peers and are supported by their class teacher. The curriculum is flexible so that teachers can cater for the needs of children of different abilities.

The Deputies will be aware that allocations to schools typically increase or decrease depending on pupil enrolment. In the case of classes for MGLD the normal pupil teacher ratio that applies is 11:1. My Department however allows for a small reduction in this number and permits schools to retain a teaching post where it has a minimum of 9 pupils in the class. In the schools in question, the number of pupils dropped below this minimum. These schools therefore are no longer entitled to the teaching posts in these classes.

In 2005 when the General Allocation Model was introduced, schools with additional teachers in classes for MGLD were allowed to retain the teachers for these classes. Effectively, these schools received a double allocation. The number of these special classes has decreased over the years and schools have integrated the children into age-appropriate mainstream classes.

All of the other primary schools in the country who do not have classes for children with MGLD cater for these pupils from within the General Allocation Model.

### **School Staffing.**

253. **Deputy Mary Upton** asked the Minister for Education and Science if he will address the concerns of a school (details supplied) in Dublin 6W where the loss of two teachers will have a negative impact on the ability of the school to deliver the quality of education required by students; and if he will make a statement on the matter. [6702/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Teacher allocations to all second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In accordance with these rules each school management authority is required to organise its subject options within the limit of its approved teacher allocation. The deployment of teaching staff in the school, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the school management authorities.

In accordance with existing arrangements, where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department considers applications for additional short term support i.e. curricular concessions. This concession is available as a short term support to enable essential curricular provision to continue.

The allocation processes also include appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. The Board of Management of a school can submit an appeal under certain criteria to an independent Appeal Board which was established specifically to adjudicate on appeals on staffing allocations in post-primary schools. This Board operates independently of my Department.

Discrete allocations are also made to post-primary schools to cater for pupils with Special Educational Needs and those with Language difficulties for example and these allocations can alter the ultimate position of the school in relation to any over quota position.

254. **Deputy Mary Upton** asked the Minister for Education and Science his views on whether it is appropriate that each of the nine primary schools in the Dublin 10 area will lose a learning support teacher, and one school will lose two teachers; his further views on the impact this decision will have on the pupils and teachers in these schools which all have DEIS status.  
[6703/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I wish to advise the deputy that all primary schools have been allocated additional teaching resources to enable them support pupils with high incidence special educational needs including mild general learning disability (MGLD). All primary schools were given these additional teaching resources under the General Allocation Model of learning support/resource teaching introduced in 2005. Schools can decide how best to use this allocation based on the needs of the pupils. Most pupils with a MGLD are included in ordinary classes with their peers and are supported by their class teacher. The curriculum is flexible so that teachers can cater for the needs of children of different abilities.

The Deputy will be aware that allocations to schools typically increase or decrease depending on pupil enrolment. In the case of classes for MGLD the normal pupil teacher ratio that applies is 11:1. My Department however allows for a small reduction in this number and permits schools to retain a teaching post where it has a minimum of 9 pupils in the class. In the schools in question, the number of pupils dropped below this minimum. These schools therefore are no longer entitled to the teaching posts in these classes.

In 2005 when the General Allocation Model was introduced, schools with additional teachers in classes for MGLD were allowed to retain the teachers for these classes. Effectively, these schools received a double allocation. The number of these special classes has decreased over the years and schools have integrated the children into age-appropriate mainstream classes.

All of the other primary schools in the country who do not have classes for children with MGLD cater for these pupils from within the General Allocation Model.

Specifically in the case of schools with DEIS (Delivering Equality of Opportunity in Schools) status, the Deputy will be aware of the additional resources available to these schools under the DEIS scheme. In the case of the schools referred to by the Deputy, these schools are all in DEIS Urban Band 1 and so benefit from a reduced pupil teacher ratio as well as additional supports which include:

- additional non-pay/capitation allocation based on level of disadvantage;
- financial allocation under schools books grant scheme;
- access to numeracy / literacy supports and programmes;
- access to Home School Community Liaison services;
- access to School Completion Programme.

#### **Site Acquisitions.**

255. **Deputy John O’Mahony** asked the Minister for Education and Science when the deed of surrender in respect of lands for a school (details supplied) in County Mayo will be drawn



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up which are currently with the Chief State Solicitor's Office; and if he will make a statement on the matter. [6704/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I assume that the Deputy is referring to St. Patrick's National School, Kilmaine, Co. Mayo, and the partial surrender of a portion of the school site for the establishment of a playschool. My Department is in ongoing consultation with the solicitors in relation to the matter and has recently written to them requesting additional information with a view to bringing the matter to a conclusion. A response is awaited including the completed nomination form for the appointment of new trustees. Until same is received, my Department cannot progress the matter further.

#### **School Curriculum.**

256. **Deputy Fergus O'Dowd** asked the Minister for Education and Science if he will grant a request from a school (details supplied) in County Louth to assist in the restoration of pre-first year places as was available in previous years; and if he will make a statement on the matter. [6732/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The Inspectorate of my Department conducted a Whole School Evaluation of the school in question in January 2008. The recommendation of the evaluation was that the current 'pre first year class' or 'four-year junior cycle' that was being offered at the school should be phased out and that the school should embark on a three-year junior cycle programme, as required by Section 21(1)(a) of the Rules and Programmes for Secondary Schools 2004/05. Accordingly, the provision of a four-year junior cycle programme, incorporating a pre first-year class by the school in question, does not comply with current regulations governing the operation of secondary schools, as set out in the Rules and Programmes.

The Whole School Evaluation recommendation was that the school should be given a period of grace, but that the practice should be discontinued following the 2008/2009 school year. As a result the school has been requested by my Department to implement this recommendation that the school offer a three year junior cycle programme, effective from the 2009/2010 school year, and to ensure that all prospective parents and students for the 2009/2010 school year are informed of this change in advance of enrolment.

#### **Special Educational Needs.**

257. **Deputy Finian McGrath** asked the Minister for Education and Science if a person (details supplied) in County Leitrim will retain their special needs assistant hours in September 2009. [6733/09]

**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 (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special needs. Applications for SNAs may be considered by the NCSE where a pupil has a significant medical need for such assistance and where there are identified care needs arising from a diagnosed disability. A pupil's level of care may diminish over time as the child matures. Pupils may move to a different school or on to post-primary school. In such situations, the NCSE will review and adjust the SNA support required 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).

*Question No. 258 answered with Question No. 252.*

### **School Enrolments.**

259. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when it is expected the judicial review will be completed in the case of a person (details supplied) in County Kildare; if home help will be increased; and if he will make a statement on the matter. [6757/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** During the past week, my Department has been formally advised by the school concerned that their Board of Management has decided to seek a Judicial Review of the decision of the Section 29 Appeal Committee in this case to uphold an appeal against a refused enrolment. At this point, it is not possible to say how long it might take to complete the Judicial Review.

Home Tuition support is currently being provided in respect of the child concerned. I am advised that some further hours of additional Home Tuition support may be available to assist with the child's special educational needs, on application, and subject to the normal criteria. 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 and I am advised that there is ongoing contact between the family, officials at my Department, and the NEWB in this regard.

### **Departmental Staff.**

260. **Deputy Olwyn Enright** asked the Minister for Education and Science if he will confirm the number of vacancies at executive officer level within his Department in Athlone and Tullamore as on 31 January 2009; when these vacancies will be filled from existing panels in the Public Service Appointment Office; and if he will make a statement on the matter. [6769/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** At Executive Officer level, there no vacancies in my Department's offices in Athlone and 1.5 Executive Officer vacancies in my Department's offices in Tullamore on 31 January 2009. Due to pressures on the staff payroll budget, my Department has had to implement a number of measures to ensure that expenditure on staff payroll comes within budget in 2009. These measures include the holding of vacancies for a period, prior to the filling of same. I am not in a position to inform the Deputy when my Department will be in a position to fill these posts.

*Questions Nos. 261 and 262 answered with Question No. 252.*

### **Departmental Schemes.**

263. **Deputy Ciarán Cuffe** asked the Minister for Education and Science the steps he has taken to ensure the cycle to work scheme, introduced in the Finance (No. 2) Act 2008, can be availed of by officials in his Department; and if he will make a statement on the matter. [6799/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I am aware of the provisions of Section 7 of the Finance (No.2) Act 2008 which introduced an exemption from an income tax charge under section 118 of the Taxes Consolidation Act 1997 in respect of a benefit in the

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form of a bicycle or associated safety equipment provided to a director or employee by his or her employer, where the bicycle/associated safety equipment is used by the employee or director mainly for qualifying journeys. My Department is considering the detailed arrangements that will be required to implement the scheme.

### **Schools Building Projects.**

264. **Deputy Michael McGrath** asked the Minister for Education and Science when a design team will be formally appointed for a planned new primary school building (details supplied) in County Cork; if the new school will be built using the modular build method; and when construction work is expected to get underway. [6810/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to inform the Deputy that a project for a new 16 classroom building for the school to which he refers is included among the list of major school building projects which I announced on the 12 of February last for the appointment of a Design Team.

My officials will shortly be contacting each school on the list about the next steps to be taken. No decision has yet been taken on the construction model for this building.

265. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the construction of a new primary school (details supplied) in County Cork, including the name of the principal contractor, the value of the construction contract, the facilities to be provided on site, the expected date of completion and the date the school will open its doors. [6811/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The construction of the first phase of the primary school to which the Deputy refers commenced in January 2009. It is a two storey building comprising 8 classrooms, 3 special education tuition rooms, an Administration/General Office, a Teacher/Staff room and ancillary space with associated site works including car parking spaces and play areas.

The principal contractor is ABM Construction. Due to commercial sensitivities it would not be appropriate for me to disclose the value of the contract. The expected date of completion is June 2009 with an expected opening date of September 2009.

### **Education Cuts.**

266. **Deputy Michael McGrath** asked the Minister for Education and Science his views on exempting special classes from the provisions of circular letter 115/2008 in relation to substitute cover for registered teachers employed in primary schools. [6812/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As a result of the 2009 Budget provisions for Education, arising from current economic challenges and following subsequent proposals from the management bodies of primary schools, new arrangements are being put into place for substitution cover for uncertified sick leave for teachers in primary schools.

In primary schools there will be substitute cover for teachers on uncertified sick leave other than on the first day of absence. In a school where more than one teacher is absent on the first day of uncertified sick leave, substitute cover will be provided for the second and subsequent teachers that are absent. In schools with two teachers or less cover will be provided where any classroom teacher is absent. The Deputy refers to Circular 0115/2008 which outlines the full details of the revised arrangements.

Substitution cover will continue to be provided for all other categories of absences currently available such as certified sick leave and maternity leave. In the period until the end of the school year, there will be a full review of the substitution and supervision scheme and related matters in conjunction with the school management bodies and teacher unions with a view to making up the additional expenditure and thereby ensuring that the budgetary parameters are met.

As we manage through this difficult period I am asking teachers in all schools to co-operate fully with school managers in coping with this change in the interest of the students. I am also requesting the school managerial bodies to ensure that the supervision/substitution scheme is operated with maximum effectiveness in all schools.

### **Schools Building Projects.**

267. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the design stage of the provision of a new school building for a school (details supplied) in County Cork. [6824/09]

268. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the payment of fees to a design team for work carried out on a new school building project at a school (details supplied) in County Cork. [6825/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 267 and 268 together.

The building project for the school to which the Deputies refer is at Stage 2 (a) of the architectural planning process, which is the Developed Sketch Scheme stage. Design Team Fees will be paid when the Stage submission has been approved by my Department. Thereafter, further progression of the project will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

269. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science the reason for the delay since 2000 in releasing the funds for the school building project in respect of a school (details supplied) in County Galway; and if he will make a statement on the matter. [6828/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The building project for the school to which the Deputy refers is at an advanced stage of architectural planning.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

### **School Staffing.**

270. **Deputy Brian Hayes** asked the Minister for Education and Science if a school which in 2008-09 was not over quota and allowed teachers job share and take career breaks will be given replacement teachers for those on job share or career breaks in 2009-10 while they are over quota due to changes in the staffing schedule; and if he will make a statement on the matter. [6831/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The decision to approve job-sharing and career break applications is a matter for the authorities of the employing school.

In the case of schools that have over-quota teachers, vacancies do not arise as a result of teachers approved for job-sharing or career break. This position is no different from that pertaining in previous years.

In these schools that have over-quota teachers, applications for job-sharing and a career break may be considered by the authorities of the schools concerned in the normal way. Because the school is over its allocation of teachers my Department will not give automatic replacements. It is, of course, open to the school authority to apply to my Department for additional teaching hours by way of curricular concessions to cover part or all of the hours in respect of an approved job-sharer/career break teacher. Each such application is considered on its merits.

271. **Deputy Brian Hayes** asked the Minister for Education and Science if his attention has been drawn to the additional cost in bringing back job sharing and career break teachers into their schools following the changes to the staffing schedule in order to replace non-permanent teachers who will face unemployment; the additional cost to his Department of this measure; and if he will make a statement on the matter. [6832/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The terms of the career break and job sharing schemes for teachers remain unchanged. The decision to approve an application under either of these schemes is a matter for the authorities of the employing school.

In schools that have over-quota teachers, applications for job-sharing and a career break may be considered by the authorities of the schools concerned in the normal way. Because the school is over its allocation of teachers my Department will not give automatic replacements. It is, of course, open to the school authority to apply to my Department for additional teaching hours by way of curricular concessions to cover part or all of the hours in respect of an approved job-sharer/career break teacher. Each such application is considered on its merits.

In the case of schools that have over-quota teachers the non replacement of career break and job sharing teachers results in savings to the exchequer. This position is no different from that pertaining in previous years.

#### **Departmental Staff.**

272. **Deputy Róisín Shortall** asked the Minister for Education and Science if, in relation to departmental staff and bodies under the remit of his Department, he will provide details of those remuneration arrangements which are currently in excess of a benchmarking recommendation or a recommendation from the Review Body on Higher Remuneration or which are subject to a personal rate; the position and grade the person is currently holding in each case; and the rationale for making a higher payment than that recommended in each case. [6838/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As regards Civil Servants working in my Department all starting pay on promotion/appointment are subject to the relevant Department of Finance circulars and applicable salary scales which take on board benchmarking recommendations and recommendations from the Review Body on Higher Remuneration. I can confirm that there are no Civil Servants with personal rates in excess of recommended amounts.



The information sought in respect of bodies under the aegis of my Department is not readily available. I have requested officials of the Personnel Unit of my Department to compile this information and this will be forwarded to you as soon as possible.

### **Schools Refurbishment.**

273. **Deputy Pat Breen** asked the Minister for Education and Science the status of an application in respect of a school (details supplied) in County Clare; and if he will make a statement on the matter. [6852/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As part of the expansion of the Small Schools Scheme, a grant was sanctioned to enable the school in question to extend and modernise the existing school building. My Department approved a further grant in December 2008 to cover additional costs associated with the installation of a waste water treatment system and extra ground works.

Applications submitted for the deferred Summer Works Scheme in 2008, including one from the school in question, are currently being assessed for summer 2009 and the school will be notified of the outcome of this assessment in due course.

### **School Staffing.**

274. **Deputy Joanna Tuffy** asked the Minister for Education and Science if his attention has been drawn to the concerns expressed by the vocational educational committee board of management and teachers regarding the effects that budget 2009 cutbacks will have on VEC schools and centres here, that the sector will lose hundreds of teachers in 2009 as a consequence of the change in the pupil teacher ratio, while further posts will be lost in relation to disadvantage and that this will have a serious impact on the education system here; and if he will make a statement on the matter. [6868/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Teacher allocations to all VEC schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In accordance with these rules each VEC is required to organise its subject options within the limit of its approved teacher allocation. The deployment of teaching staff, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the VEC’s.

In accordance with existing arrangements, where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department considers applications for additional short term support i.e. curricular concessions.

This concession is available as a short term support to enable essential curricular provision to continue.

The allocation processes also include appellate mechanisms under which VEC’s can appeal against the allocation due to them under the staffing schedules. The CEO of a VEC can submit an appeal under certain criteria to an independent Appeal Board which was established specifically to adjudicate on appeals on staffing allocations in post-primary schools. This Board operates independently of my Department.

Discrete allocations are also made to VEC schools to cater for pupils with Special Educational Needs and those with Language difficulties for example. The main focus of Social Inclusion measures will be to retain resources in DEIS schools. There is a need to focus targeted resources on the schools in most need and this approach is in line with the broad thrust of the

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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.

### **Site Acquisitions.**

275. **Deputy Brian Hayes** asked the Minister for Education and Science the amount he paid for the site for the proposed new school (details supplied) in County Cork; and if he will make a statement on the matter. [6870/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The Deputy will appreciate that due to commercial sensitivities in relation to site acquisitions generally my Department is not in a position to provide costings associated with specific sites.

### **Schools Building Projects.**

276. **Deputy Frank Feighan** asked the Minister for Education and Science when the extra funding will be made available for a project at a school (details supplied) in County Roscommon. [6872/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As part of the expansion of the Small Schools Scheme a grant was allocated to this school to enable the management authority to build a new three classroom school. Additional funding was subsequently provided for unavoidable extra costs relating to planning conditions and ground works and to provide a fourth classroom.

The school has now applied for a further increase in funding under the scheme. A central tenet of the devolved scheme is that the school, granted discretion and funding, must equally accept responsibility for prioritisation, adherence to statutory regulations, as well as control of costs and ensuring value for money.

The scheme is not intended to leave schools with significant fundraising needs, rather the terms of the Scheme require the schools to tailor the scope of capital works commissioned to the available funding. The decision on whether to continue participating in the scheme or to drop out, if the scope of build is more than the funding envelope permits, is a matter for each school authority.

In this instance, having examined the school’s latest application for additional funding, and, in light of the large number of projects seeking funding from the budget allocated, further grant aid was refused. The school has submitted an appeal of this decision which will be assessed and the school informed of the outcome in due course.

277. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the number of primary and post primary building projects at stage three within his Department; and if he will make a statement on the matter. [6938/09]

278. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the number of primary and post primary building projects at stage four within his Department; and if he will make a statement on the matter. [6939/09]

279. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the breakdown on a county by county basis of the projects under the school building projects programme that have completed the tender process and are not included in the most recent announcement in respect of the school construction stage for 2009; and if he will make a statement on the matter. [6940/09]

280. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the schools on the schools building programme waiting list, categorised by designated band and project type, including those approved to proceed in 2009; and if he will make a statement on the matter. [6941/09]

281. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the number of schools within bands one, two, three and four on his list of applications for funding under the school building and modernisation programme; and if he will make a statement on the matter. [6942/09]

282. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the names of the schools under the school building projects programme that have completed the tender process and are not included in the most recent announcement in respect of the school construction stage for 2009; and if he will make a statement on the matter. [6943/09]

283. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science the number of schools and details of same on a county basis that have received planning permission for works that they have applied to his Department for funding. [6944/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 277 to 283, inclusive, together.

The stages of architectural planning referred to by the Deputy arise from my Department’s design team procedures for the procurement of major capital projects. These are necessary to comply with Department of Finance guidelines which require that capital projects be fully designed prior to going to tender. They also ensure proper cost management of capital projects and facilitate compliance with statutory and public procurement requirements.

At present, there are five stages involved in the delivery of major school projects which reflects the Capital Works Management Framework developed by the Department of Finance.

The stages are as follows:

Stage 1 — Preliminary

Stage 2 — Design (which is divided into Stage 2a — Developed Sketch Scheme and

Stage 2b — Detailed Design)

Stage 3 — Tender Action, Evaluation and Award

Stage 4 — Construction

Stage 5 — Hand-over of Works and Final Account.

There are currently 74 projects at stage 3 (55 at primary and 19 at post primary level) which have been approved to proceed to tender and construction. These projects include the 10 which I announced in January of this year and the 43 which I announced earlier this month. There

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are currently 28 projects at stage 4 (20 at primary and 8 at post primary level). All schools which had previously completed the tender process have now been approved to either retender or to proceed to construction. There are no schools on my Departments Building Programme which have completed the tender process and which are still awaiting announcement to proceed.

In line with the requirement to ensure that projects are fully designed prior to going to tender, all projects will have secured planning permission before being approved to go to tender.

The information requested by the Deputy in relation to all schools which have applied for inclusion on my Department’s school building programme, the respective band ratings for those applications and the number of projects which have already received planning permission is currently being compiled and will be forwarded to the Deputy when that work is complete.