



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 28 April 2009.*

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# DÁIL ÉIREANN

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## DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Máirt, 28 Aibreán 2009.*  
*Tuesday, 28 April 2009.*

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

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*Paidir.*  
*Prayer.*

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#### **Ceisteanna — Questions.**

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#### **Commemorative Events.**

1. **Deputy Aengus Ó Snodaigh** asked the Taoiseach the historical commemorative events his office proposes to fund and with which it will be involved in 2009; and if he will make a statement on the matter. [10131/09]

2. **Deputy Eamon Gilmore** asked the Taoiseach the commemorative events his Department plans to fund during 2009; and if he will make a statement on the matter. [10888/09]

3. **Deputy Enda Kenny** asked the Taoiseach the commemorative events he will support during 2009; and if he will make a statement on the matter. [14061/09]

4. **Deputy Enda Kenny** asked the Taoiseach the commemorative events his Department will sponsor during the remainder of 2009; and if he will make a statement on the matter. [15573/09]

**The Taoiseach:** I propose to take Questions Nos. 1 to 4, inclusive, together.

[The Taoiseach.]

An amount of €170,000 has been allocated under subhead E of my Department's Estimates this year to support commemorative projects. This funding is available to assist individuals or groups in organising the commemoration of individuals or events of historic importance.

To date, funding has been committed towards the cost of the Mayo Peace Park, a publication to mark the 150th anniversary of the founding of the Irish Republican Brotherhood, the commemoration of the bicentenary of the birth of William Gladstone and a conference on the plural Protestant traditions in Ireland.

**Deputy Aengus Ó Snodaigh:** Céad bliain ó shin, bunaíodh Fianna Éireann ag Countess Markievicz agus Bulmer Hobson. An bhfuil sé de rún ag an Rialtas comóradh a dhéanamh ar an ocaíd sin i mí Lúnasa? The members of Fianna Éireann played a key role in the struggle for independence and many of its members made the ultimate sacrifice. Will the Government mark the centenary this year or support any commemorative events? Is the Taoiseach aware that a major auction house up the road from here this morning held what it called an Independence sale and that among the items put up for auction was the football used on Bloody Sunday in Croke Park in 1920 and an original copy of the 1916 Proclamation which belonged to Rory O'Connor and also letters from Pearse, Griffith and de Valera? Does the Taoiseach think it right that such precious items of our heritage should be allowed to be sold unrestricted with nothing to prevent them from being taken out of the country? Does he agree that the Irish people, through the National Museum of Ireland or the National Library of Ireland, should be given priority in terms of acquiring important documents and artefacts? Given the role of the Taoiseach's Department in sponsoring major historical commemorations, will he ask his Department and also the Department of the Environment, Heritage and Local Government to prepare legislation to protect our heritage? What is the position regarding the committee established to mark the centenary of the 1916 Rising and why has it met only once since this Dáil was formed?

**The Taoiseach:** Some of these questions are beyond the ambit of the original question about commemorative events and whether there are proposals for such events this year. I cannot speak on any individual initiatives or events proposed for this year which may or may not be funded. Applications for funding under the commemoration initiatives fund are made to my Department. A number of issues are taken into account when assessing projects for funding. These include impact, significance and relevance, geographical spread, balance between popular and academic, educational content and viability of the project. I have no information as to what particular events may be supported further during the course of this year other than those I have outlined which have received support thus far.

The question of artefacts of historical importance is a matter for the judgment of the National Museum personnel or of any other public agency as to a decision to seek to obtain or purchase artefacts which may become available for sale through various means and this has been the case in the past. I cannot comment on the specific question about this morning's auction as I have not been given any notice of it.

On the question of a statutory basis for the protection of our heritage, some good legislation has been introduced dealing with archives, items of heritage and of historic importance. This has improved both the funding and the resources which are being made available for these purposes in a whole range of areas, which also includes items of cultural and architectural value in an effort to preserve our heritage in its widest sense.

Deputy Ó Snodaigh referred to particular items of interest which come up for auction or sale. These are matters which are considered by the director of the National Museum, based

on whatever existing artefacts the museum holds. I am sure the items mentioned by the Deputy are already in the possession of the museum, if not specifically the football from Croke Park.

**Deputy Aengus Ó Snodaigh:** I take it from the Taoiseach's answer that there are no plans to commemorate the founding of Fianna Éireann in August as it was not included in the list supplied by the Taoiseach. While I am aware this may be a matter currently being considered by An Bord Pleanála, will the Taoiseach support the call for an emergency meeting of the all-party commemorative committee on 1916 to consider the potential threat to No. 16 Moore Street and the adjacent buildings by the proposed development?

**An Ceann Comhairle:** I remind the Deputy that the questions before us concern commemorative events——

**Deputy Aengus Ó Snodaigh:** They relate to commemorative events.

**An Ceann Comhairle:** The Taoiseach is referring to funding of and involvement in projects in 2009. We are not stretching off to 2016.

**Deputy Aengus Ó Snodaigh:** There is a committee in the House which has met only once since it was re-established after the last election and met very infrequently during the previous Dáil.

**An Ceann Comhairle:** The Deputy will have to put down a separate question on that. That is a different matter.

**Deputy Aengus Ó Snodaigh:** An historic commemorative event is being planned.

**An Ceann Comhairle:** It is not planned for this year. I am not trying to block the Deputy, I am merely pointing out the rules.

**Deputy Aengus Ó Snodaigh:** We can have commemorative events this year during the run-up to the centenary. The committee was founded to organise a series of commemorative events between now and 2016. This is one such proposal and I was asking the Taoiseach whether he would consider organising such a meeting.

**The Taoiseach:** I agree that we have to prepare well in advance for the 1916 centenary commemorations and we will do that. In January 2007 the then Minister for the Environment, Heritage and Local Government, Deputy Roche, placed a preservation order on No. 16 Moore Street under the National Monuments Act 1930, as amended by the 2004 Act because the preservation of No. 16 is considered a matter of national importance by reason of the historic interest attaching to it. Nos. 14, 15 and 17 Moore Street were also included in the preservation order to protect the amenities of No. 16.

The statutory function of the Minister for the Environment, Heritage and Local Government comes into play regarding any future development of such privately owned national monuments, including its physical adaptation for new uses, and in cases where such a monument may be affected by development in its vicinity. Any proposed works affecting the national monument, including any excavation or ground disturbance in proximity to it, require the Minister's prior written consent under section 14 of the National Monuments Act 1930 as amended by the 2004 Act before they can proceed. Considering any such applications for consent the Minister is statutorily obliged to consult with the director of the National Museum of Ireland and it is the Minister's intention that any works to the national monument would be

[The Taoiseach.]

the subject of professional review and assessment in the Department before any consent would be granted.

The Department of the Taoiseach is engaged with other Departments and agencies on the preparation of a centenary commemorative programme centred on the Easter Rising. No expenditure will arise in this regard in 2009. The Minister for Defence is chair of the Oireachtas all-party consultation group on centenary commemorations.

**Deputy Eamon Gilmore:** Is the 100th anniversary of the formation of the Irish Transport and General Workers Union among the events which will be supported by his Department this year? A statement in the programme for Government states that the Taoiseach's Department has responsibility for commemorations, especially to organise a programme of commemoration activities to celebrate the key historical events in our history through the years 1913 to 1923. Has any list of such events been agreed for commemoration and support by his Department, and what plans has he to engage in a wider consultation on what events should be so commemorated? Does he see any potential, albeit on a limited basis, for North-South agreement on events that might be commemorated on an all-island basis and which his Department might support?

**The Taoiseach:** These matters can be examined. I am not aware of any application from SIPTU on the ITGWU centenary celebrations this year so I cannot comment on the Department's likely response. It is a matter of importance in terms of labour affairs and the history of the country but I am not aware of whether there is an application in under that fund for such a purpose. We will see if there is any potential for examining an all-island perspective to commemorate the events during the 1913-23 period.

**Deputy Eamon Gilmore:** Is there any reason the committee which was established to consider the commemoration of 1916 has met on only one occasion since its formation in 2006? Are there any plans for it to meet?

**An Ceann Comhairle:** That is outside the ambit of this question unless the Taoiseach can be helpful to the Deputy.

**The Taoiseach:** The previous Deputy referred to a consultative group within the House, if I am correct. According to a member of the committee it appears that group has met only once. I can ask the Minister for Defence, Deputy O'Dea, who is chairman of that group, what is the up to date position.

**Deputy Enda Kenny:** What is the position with regard to the report to be presented to the Government, concerning the re-organisation of the GPO complex? At the ceremony there on Easter Sunday, people were asking questions about the area beyond the main hall of the GPO where there was to be a major reconstruction. I believe this had general approval given the historical significance of the space and the building it occupies. The feeling was that a brilliant museum-type building might be created for the benefit of the people. A development programme was to have been put before Government. Does the Taoiseach have any idea what has happened to it? Has it gone back into the realms of theory or is there a practical programme that can be assessed and a decision made?

**An Ceann Comhairle:** That is beyond the realms of these questions unless the Taoiseach can be helpful.

**The Taoiseach:** I do not have that information before me but I shall make inquiries and come back to the Deputy.

**Deputy Enda Kenny:** The Republic was declared 60 years ago this month by the former Taoiseach, John A. Costello. Is there any significance in the fact that the Government has made no reference to the foundation date of the Republic? Was there any reason for this? Was it not worthy of comment?

**Deputy Jim O’Keeffe:** One may be sure there was a reason.

**The Taoiseach:** I have no problem with the fact that the Republic was declared in 1949.

**Deputy Jim O’Keeffe:** By whom?

**The Taoiseach:** The Republic to which the Deputy referred was declared in 1949.

**Deputy John Moloney:** Aontaím leat.

**An Ceann Comhairle:** John A. Costello was once described as the honest broker to the chains of stronger men.

**Deputy Jim O’Keeffe:** I have a lot of time for John A. Costello.

A decision was made to establish a national commemoration day in respect of the Famine and to hold the commemoration ceremony in different places around the country. This year, it is to take place next month in Skibbereen, my home town. Was there an application or has any provision been made for funding to support a proper approach being made by the local committee involved in the ceremony? As the Taoiseach probably knows, it will move to different towns as the years proceed. Skibbereen was very badly hit by the Famine. People became known — and some of us are still known — as the donkey eaters, in consequence. Was there any funding proposal or might funds be obtained to support the effort to complete the commemoration properly this year in Skibbereen?

**The Taoiseach:** As the Deputy noted, last year the Government announced plans to commemorate the Great Famine with an annual memorial day, reflecting support expressed by Oireachtas Members from all parties. The national Famine commemoration committee has now agreed that the annual Famine memorial should rotate between the four provinces of Ireland. It was proposed that Skibbereen should be the venue for the 2009 event, to be held on 17 May. Funding does not come under the small sub-heading I have in front of me. From memory, my feeling is that the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, has been able to assist in that regard.

**Deputy Jim O’Keeffe:** To bring the Taoiseach up to date, I am aware that the Minister, Deputy Ó Cuív, is assisting by attending on the day but he does not appear to be sending any cheque in advance with regard to the commemoration or the costs thereof.

**The Taoiseach:** I shall check on that.

**Deputy Michael Creed:** Cheque.

**Deputy Jim O’Keeffe:** If the Taoiseach could manage a cheque, either directly or through the Minister, that would be helpful.

**The Taoiseach:** The absence of money caused many of the problems of the Famine.

### Public Service Reform.

5. **Deputy Enda Kenny** asked the Taoiseach the number of staff in his Department with responsibility for implementing the recommendations of the Task Force on Public Service Reform; and if he will make a statement on the matter. [10597/09]

6. **Deputy Eamon Gilmore** asked the Taoiseach the progress made to date by the implementation group on the Task Force on Public Sector Reform; and if he will make a statement on the matter. [14323/09]

7. **Deputy Enda Kenny** asked the Taoiseach the progress to date made by the quality customer service initiative within his Department established under the strategic management initiative; and if he will make a statement on the matter. [15545/09]

8. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on progress to date by the Task Force on Public Service Reform. [16419/09]

**The Taoiseach:** I propose to take Questions Nos. 5 to 8, inclusive, together.

The Government statement on transforming public services, TPS, and the report of the task force on the public service were published on 26 November last and set out an ambitious programme of renewal for the entire public service. Implementation of the change programme is being overseen by the Cabinet Committee on Transforming Public Services, which I chair. The work of the Cabinet committee is being supported by the newly established programme office, which is based in my Department.

The programme office will support organisations across the public service in their transformation efforts and will also support the Government in driving, co-ordinating and monitoring progress on implementation. It will also promote innovation and the piloting of new activities and identify areas for joint action by organisations. In addition, designated officials have been charged with supporting the change agenda within each of the main branches of the public service.

The programme office has been established with seven officials from within the existing financial and staff resources of my Department. They will be supplemented by four secondees, one each from the four main sectors of the public service — local government, health, education and justice. The salaries of these secondees will continue to be paid by their parent organisation so there is no additional cost to my Department. In addition, a further six officials work on the organisational review programme, which was established to review the capabilities of all Departments and major offices to deliver on their stated goals into the future. The overall work of the programme office is supplemented by staff in other Departments, in particular the Department of Finance, and designated officials charged with supporting the change agenda at the sectoral level.

The TPS agenda is necessarily very broad and encompasses the whole of the public service — the health sector, the education sector, non-commercial State-sponsored bodies, local authorities and regional bodies, the Garda and the Defence Forces. Detailed and ambitious timelines are set down in TPS for many of the commitments and to date, progress has been made in a number of areas. These include the special group on public service numbers and expenditure programmes, which began its work in December and to date has met with 13 of the 15 Departments scheduled for review. Under its terms of reference, the special group will submit its report to the Minister for Finance by the end of June, and this is on course.

An e-Government policy unit has been established within the Department of Finance on foot of responsibility for e-Government policy and central operations being consolidated in



that Department. All Departments, offices, agencies, non-commercial public bodies and authorities are currently preparing their e-Government plans to be submitted to the Department of Finance by end June 2009.

Work has commenced in examining some specific proposals in the areas of shared services on the basis that there are potential savings associated with such initiatives. Groups of senior officials have been established to advance shared services in both the HR and financial services area. These groups are examining the feasibility of a shared services model for administrative HR and pensions for the public service, and undertaking a detailed study of the issues involved in the payroll and finance functions.

Significant savings can be realised from the improved professionalisation of procurement and, to this end, a new national operations unit is being established within the Office of Public Works. This unit will work to leverage the public service's buying power by organising the procurement of common goods and services. It is envisaged that the unit will achieve savings from a combination of price reductions, administrative efficiencies and demand management.

The organisational review programme has been extended so that all Departments and major offices will be reviewed within the next three years. The five organisations to be reviewed in 2009 are the Department of the Taoiseach, the Department of Health and Children, the Office of the Revenue Commissioners, the Central Statistics Office and the Property Registration Authority.

A new round of value for money reviews was approved by Government in late 2008. Reviews are underway or due to commence in 12 Departments for completion by end 2009. These focus on evaluations of significant areas of expenditure and major policy issues with a focus on health, education, social welfare and justice sectors. They ensure that programmes are delivering outcomes in line with expectations and identify appropriate policy responses where they are not.

Work has commenced on some of the numerous commitments in relation to improving customer focus. An examination of the feasibility of introducing a single point of contact telephone service has commenced, as has work on reducing the administrative burden for citizens. A group has also been established to determine the feasibility and value of mechanisms to simplify the provision of means information by citizens to public bodies.

These measures are in parallel to projects and initiatives previously established under the quality customer service initiative. The objective of this initiative has been to enhance the citizens' experience in their interaction with the public service. Central to this objective is the customer charter initiative under which organisations consult their customers, set targets, measure progress and report publicly on the results. The charter process is now in the process of being strengthened and extended throughout the public service to ensure a consistent and quality standard of service whether, for example, from a Department, a local authority or a Garda station.

Other areas of work which will be progressed in the near future include the allocation and redeployment of staff to areas of highest priority, which is the subject of discussions with the social partners, as well as extending individual performance management systems across the public service.

**Deputy Enda Kenny:** The OECD report was published a year ago yesterday. It was five months yesterday since the task force on public service reform, which was set up on foot of that report, reported back to Government with its three-year comprehensive plan to reform our public service. The Taoiseach will recall the OECD report exposed a number of serious shortcomings in the way the Government has managed, or mismanaged depending on one's point of view, the public service in recent years. He will also recall there were six major findings



[Deputy Enda Kenny.]

in that report, namely, the collapse of value for money disciplines, the superficiality of the budget reforms, the damage done by an ill-thought out decentralisation programme, the habit of creating new agencies for every problem, the inability to deliver the ambitions of an e-enabled government and the refusal to tie pay increases in the public service to a tangible reform agenda. There have been numerous opportunities in the past to deal with a number of these findings but they have not been taken.

I remind the Taoiseach that following the publication of the task force on public service reform report, he said there was a need to move quickly and decisively, with which I agreed, and that his policy was for public bodies to embark on a major drive on e-government to allow 24-7 access to as many of the services as is possible. Has that gotten off the ground? How many facilities in Departments are available 24-7, which was the Taoiseach's priority? Is it not a fact that the strategy for e-government has only proceeded at a snail's pace and has not worked in the way envisaged in the first place? Is there a focus on this to give it additional facilities to make it work, which is the way things should be done?

The Taoiseach said at that time he would engage with public service unions to bring about change as speedily as possible. What negotiations has he had with the public service unions? What reform or increased efficiency has taken place following those meetings between him and the public service unions? Have agreements been reached between him and the public service unions following the meetings on greater efficiency and an opportunity for public servants to progress, be promoted and move to where their initiative takes them?

**The Taoiseach:** The e-government potential is outlined in the report, as has been said. A team has been set up for the purpose of transforming public services under this report. All the agencies and Departments are to submit their e-government plans by the end of June, at which stage we can proceed.

I refer to the question of redeployment across the public service, flexibility and moving between Departments and agencies and getting flexibility across the public service generally. The first recommendation in that regard was to address, in the first instance, the position in the Civil Service and to proceed from there. The Minister for Finance and I are finalising our discussions on that matter so that we will have an established senior Civil Service which will allow for flexibility to move people around as required, with the benefits that brings to everyone, rather than to confine them to exclusively departmental careers.

The third issue raised by the Deputy also relates to the question of redeployment. Discussions on the question of redeployment are taking place in the context of the social partnership discussions. The decisions the Minister announced recently about early retirement and voluntary cessation of employment, etc., are being assessed in the context of the budget as a whole. It is obvious that any such measures would lead to major changes in certain organisations, depending on the demand for them. We need to consider how such changes can be facilitated without decreasing the effectiveness of organisations. That is the trick to be done in relation to all of that area.

There is progress to be reported in respect of all of the issues that were raised by Deputy Kenny. He suggested that people have been given pay increases without reference to reforms. I remind him that there has been a tie-in in that respect in various social partnership agreements. The report of the task force provides a full and comprehensive means by which we can make progress on all fronts. I refer not only to e-Government and redeployment, but also to other matters that, according to the task force, are the building blocks of a sustainable reform programme. The task force has emphasised the need to motivate workers to improve their performance, to deepen the engagement of citizens, to provide for shared services, to offer

3 o'clock

training for leadership, to provide for mobility and flexibility within the service, to strengthen the governance of organisations and State agencies and to set out a strategy for implementing all of that.

**Deputy Eamon Gilmore:** The Taoiseach listed some of the many groups that have been established to examine various aspects of public service reform. I confess that I lost track of the various groups as the Taoiseach went through them. I would like to focus on one group, in particular. The programme office that has been established in the Department of the Taoiseach seems to be pretty substantial. I understand from the Taoiseach's reply that the office comprises seven officials from his Department, four officials who have been seconded from elsewhere in the public service and six officials from other Departments. Are all of those officials working full-time? Is the programme office a full-time office? Is the office working on the basis of specified terms of reference? Can the Taoiseach tell the House exactly what is the office's job? How was it appointed? How were the secondees and the officials from the other Departments appointed? What was the process or the basis of their appointment? Can the Taoiseach give an example of the type of work the programme office is engaged in?

Further, which of the different bodies and groups that have been established as part of the process of public service reform proposed the introduction of an embargo on recruitment? I am particularly interested in the manner in which the embargo is being applied. I am concerned about its application to contract staff, for example. The Minister of State, Deputy Dick Roche, will be interested to learn that I visited a recycling centre in Bray this morning. The staff of the centre, who are local authority employees, are on fixed-term contracts that are due to expire in June of this year. According to the terms of the embargo, individual contracts cannot be renewed unless the Minister for Finance agrees to renew them. The recycling centre in Bray will face closure if these contracts are not renewed.

**The Taoiseach:** The establishment of the programme office was one of the central recommendations of the task force. As I said in my initial reply, I have reassigned seven officials from the public service modernisation division of my Department to the programme office. They will be supplemented by four officials, three of whom are already in place, who are to be seconded from each of the four main sectors of the public service. I have made it clear that the cost of seconding those officials is being met by their parent organisations. The final secondee will join the programme office soon. In addition there are six officials who work on the organisational review programme which involves reviewing the cost effectiveness and outputs of various programmes across Departments and agencies and ensuring that they do what they are supposed to do and whether they are part of the value for money process. The work of the programme office is supplemented by staff from other Departments working at their own jobs but in particular by their counterparts from the Department of Finance whose personnel have a strong public service remit, and designated officials charged with supporting the change agenda at the sectoral level. Some people work on this in addition to other responsibilities. The programme office works mainly in this area.

The statement on transforming public services sets out an ambitious programme of renewal for the entire service. It encompasses the whole of the public service and it is reasonable that staff have been assigned to the programme office to support that change which will lead to the real improvement in services delivered to citizens that is the purpose of the operation. We require staff to deliver frontline services and will require them to develop reform policies and to drive a transformation agenda throughout the public service. In doing so the programme office also supports the work of the Cabinet committee and the steering group of secretaries general.

[The Taoiseach.]

The grades of staff working with the programme office are principal officer, two assistant principals, one administration officer, one higher executive officer, an executive officer and a clerical officer, while three principal officers, one assistant principal, one administrative, and one clerical officer, work on the organisational review programme. The establishment of the programme office has not led to any increase in staff costs in my Department.

In addition to staff costs the programme office has been allocated €600,000 from the change management fund to support its activities. That fund was established in 1999 for the purpose of supporting Departments and offices in their efforts to implement the strategic change agenda. The activities of the programme office which the fund will support this year includes communication of the agenda across all Departments and research to progress work on its commitments.

**Deputy Caoimhghín Ó Caoláin:** Does the Taoiseach accept that the area in greatest need of reform within the public service is in the higher management of the public service and the political management of Departments? How can the Taoiseach and for example, the Minister for Social and Family Affairs, stand over the inordinate period of time it takes to process applications from people recently out of work seeking jobseeker's benefit or allowance? Some of these people wait months to have their applications processed. We have all heard about this in our constituencies. Does the Taoiseach not accept that there is something fundamentally wrong with the systems and that if there is to be public service reform management at the highest level and that political management of Departments must point out the unacceptability of these poor practices? What does the Taoiseach believe should and must be done to ensure that there is quality public service and that the pain and hurt of people applying for social welfare supports are not compounded by a system that treats them as suspects rather than as people who are genuinely in need?

One of the questions in this set refers to quality customer service. Where is the quality customer service? Do we have a code or is there a statement of best practice somewhere on a wall in all of these outlets? Where is quality public service part and parcel of what is happening on a daily basis? What is the position regarding the special group on public service numbers and expenditure programme? Is it not the case that this group and the exercise it is involved in is focused most particularly on a bookkeeping or cost-cutting exercise and that public service reform is not an integral part of its work? When is that special group due to report?

**The Taoiseach:** As regards the Deputy's final point, as I said in my first reply, it is expected that the group will report to the Minister for Finance by the end of June. It has already spoken to about 14 or 15 Departments, so that is on track.

As regards the Deputy's first question, the report Transforming Public Services referred to the question of redeployment and being able to get flexibility across the public service, thus moving people to areas of greatest need. For example, one could point to the demand on public services that is arising in the area of social welfare supports at present. Getting people to deal with that increased demand of work means they need to be flexible and amenable to change, thus reacting more quickly than the system seems capable of doing at the moment, unfortunately, because of the processes and procedures in place.

Redeployments are often subject to maintaining certain quotas at various grades because of procedures and processes that were built up in the past. That was at a different time when the whole question of organisational structure was far different from what it is, or should be, today. That needs to be fast-tracked with an oversight mechanism to move it along. It needs to be done in the interests of everyone who wants to see quality public services within a responsive

and flexible system that is in operation to meet increased demands which might suddenly arise. The problem is that our processes and procedures in industrial relations terms are not capable of responding as quickly as the public, public representatives or many in the public service would like. They date back to arrangements that may have been agreed 30 years ago. That culture and what it represents must change.

We have a voluntary industrial relations system; there are people of quality in our public services and in a representative capacity in trade unions who know and understand that we simply have to address this issue and confirm that it is needed for the future. Those of us who are committed to public services want to see them providing value for taxpayers' hard-earned money. That flexibility and redeployment must be put in place in order to maintain and improve confidence in the capacity of our public services to deliver, in certain respects, at a time of unexpected demand on some sectors. Despite the best efforts of everybody thus far, I do not believe we have the flexible arrangements in place in sufficient measure to enable us to do that.

Obtaining changed practices that would enable people to be moved across the service as demands require is critical to quality public services being provided in the way we want. Unfortunately, we are not at that point yet, despite the best efforts of everyone. It is currently an issue for discussion at the social partnership talks and elsewhere as to how that can be done. We have to do this in a way that meets modern requirements given that Governments and Administrations face having fewer resources than in the past. Greater flexibilities and more effective redeployment will be required if we are to provide the quality public services to which people aspire. Those were the two main points the Deputy raised.

On the question regarding quality customer service initiatives, as the Deputy said, various codes of conduct, etc., have been put in place. One of the issues that arises in the group discussing the transformation of public services is the need to have a culture of quality of service and uniform quality standards across all services as part of the management needed to deliver public services, as intended by the report.

**Deputy Caoimhghín Ó Caoláin:** While I welcome the recognition of the need for greater flexibility, the need in the first instance must be to be able to meet unexpected or sudden increases in demand. Social welfare is the critical example of this at this point. We do not have sufficient flexibility or adaptability in terms of the numbers presenting and the chaos that has unfolded as a result. This issue has to be addressed.

In the context of the real fear that we are looking at the possibility of significant redundancies across the public service and the curtailment of numbers in the provision of public services, does the Taoiseach not accept that such a scenario would not bring about reform but would result in a curtailment of current service provision and a potential deterioration in the level of service into the future? Will he note my particular concern about the decision by the Health Service Executive to place an embargo on recruitment, both in terms of temporary post provision and replacement in a number of areas, including locum posts and people on contract employment? The Taoiseach will have noted the pronouncement on these matters made by the trade union, IMPACT, last Tuesday in which it indicated that there has been a serious deterioration in service provision across the health service as a result of the HSE announcements. Will he not accept that what the HSE has indicated will lead to a further deterioration in an already stretched health service and that what we will end up with is not better public services but greater fear of the failure of those services where our health is concerned?

**Deputy Enda Kenny:** Does the Taoiseach have an overall figure on the savings that can be achieved by having a real policy in the area of public procurement? It must amount to hundreds

[Deputy Enda Kenny.]

of millions of euro. From speaking to procurement officers in local authorities and Departments, it is clear there are so many different contracts and systems in place that it seems incredible that a much more streamlined and efficient system could not be introduced which would reduce costs for taxpayers by securing the benefits of doing real public procurement in volume.

What has been the result of the decision to abolish some quangos and subsume others into Departments or other quangos? Is a list available setting out progress to date?

The Minister for Finance has introduced a total embargo on public recruitment. The four Ministers opposite will appreciate and understand that if one removes *in toto* the ability to recruit from State Departments, as people in certain sections retire or move on, a space is created on the conveyer belt, as it were, which, if not filled, brings the relevant Departments to a halt. In what current circumstances is it possible for the Minister for Finance, Deputy Lenihan to appoint or employ a public servant to critical areas? What are the circumstances which apply?

The Government's task force on the public service recommended a common public service contract which would allow for public servants to be redeployed and move from Department to Department. What is the status of that? Is it operational? Does it mean people of initiative and enterprise in any one Department can, if they see an opportunity in a different Department, be eligible without difficulty to apply and be considered to transfer to such positions?

**The Taoiseach:** Regarding the question of how to reorganise government and how agencies or offices can be rationalised for the future, it is a matter and process which was set out in the budget in October by the Minister for Finance, Deputy Lenihan and one which is an ongoing priority for individual Ministers according to the list outlined.

On the question of procurement, a national operations unit has been set up in the Office of Public Works for the purpose of trying to bring better value for money to the procurement aspects of Government and the public service generally and, generally speaking, there has been a lot of improvement in that area. There are constant questions about getting the best value for money, bulk buying and ensuring small and medium sized traders are not excluded from the process.

Changes have been brought about by OPW in some of the tendering arrangements to ensure small and medium sized enterprises are not discriminated against. They have the ability to apply for some, rather than all, parts of all contracts and various flexibilities have been introduced to assist SMEs in that respect. As part of that balance, the provision of such services locally to public bodies is also an issue.

The overall value for money requirement of getting the best possible price for taxpayers in respect of the purchase of goods and services by Government is a high priority and one which is being pursued through the operation of this unit and the various changes it is bringing about.

The question of staff being re-employed as a result of the embargo is a matter for the Minister for Finance, Deputy Lenihan, who has indicated there are issues he can and cannot consider. The background to this is we have a public service pay bill of some €18.5 billion on a spend this year of more than €54 billion on the current side alone. There is also the question of our tax base being some 33% less than it was two financial years ago. There are a number of ways to deal with this, in terms of the public pay and pensions bill. One is through the pensions levy and another is through controlling numbers. We can also get greater flexibility in terms of how we can deploy the very considerable resources available to the State. The question of transforming public services is about giving people of talent and ability the oppor-



tunity to serve in various parts of the service and blurring the distinctions that have built up over time, in IR and other organisational terms, in various aspects of the public service and Civil Service.

The first step in the interactability or interoperability of senior and other staff is to start with the senior Civil Service structure which enables people to move around. We are currently in the process of establishing that senior service structure. The question of a single contract, starting with the Civil Service and getting re-deployment and flexibility within the senior Civil Service core is the first step in a wider public service challenge we intend to pursue, as outlined in the task force report.

Regarding Deputy Ó Caoláin's question, the purpose of pursuing a reform programme is to get a sustainable level of public services, to help with morale in the public service in terms of giving people the opportunity to use their own initiative to make decisions at the lowest appropriate level, to avoid the strong hierarchical culture that has dominated public service provision, to get flexibility and re-deployability of people across the service and to move people according to the needs identified, depending on demands placed upon services generally. This is the purpose and reason behind reform. Public service reform has too often been characterised as negative and as an attack on the service. I am convinced public service reform provides a great opportunity for the public service to show, as many in the service wish to demonstrate, a capacity to meet needs to the highest possible standard. The public service organisations with which I have dealt, and those who represent them, have shown a great commitment in this regard. We need to find the political will and industrial relations know-how to put in place these changes as a matter of urgency in order that the public service can show that, as in other sectors of the economy, whatever changes are necessary to help improve the service are made. Given the limited resources available, change is imperative and we should all seek to encourage it at every turn.

### **Priority Questions.**

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#### **Departmental Expenditure.**

76. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the details of changes to the allocation of expenditure within his Department for 2009; the changes to programmes, initiatives or projects within his remit; and if he will make a statement on the matter. [16749/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The supplementary budget for 2009 was a necessary measure to bring stability to the public finances, to restore economic activity and to enhance Ireland's competitiveness. It is critical that we manage the immediate economic difficulties in order that Ireland is well positioned to take full advantage of the international recovery when it arrives. This has meant that certain measures have been necessary, including a reduction in the budgets of Departments. In my Department, the budget for 2009 is €531 million, a reduction of 27% on the 2008 figure of €727 million. In addition to this, the National Gallery Vote, for which I also have responsibility, has a budget of €11.2 million in 2009, down 11% on the 2008 figure. Notwithstanding the cuts in funding for this year, my Department will press ahead with the implementation of a broad range of programmes across the arts, sport and tourism sectors.

The allocation for expenditure in the arts, culture and film sector for 2009 is €180 million, a reduction of 18.5% on the 2008 allocation of €221 million, including the National Gallery Vote.



[Deputy Martin Cullen.]

Within this, there is a reduction of 42% in capital expenditure, owing primarily to the completion of once off projects such as Wexford Opera House and the Gate Theatre extension. The bulk of the cuts in this sector have been concentrated into capital expenditure to protect day-to-day expenditure and ensure venues stay open, job losses are minimised and the contribution of cultural tourism enhanced.

The allocation for sport this year is €195 million, a reduction of 42% compared to the 2008 allocation of €336 million. The 2008 figure, of course, takes account of once-off expenditure of €116 million on the Lansdowne Road project. Taking this amount out of the calculations, the reduction in funding for sport for 2009 is of the order of 11%. This allocation will allow all commitments made up to, and including, 2008 under the sports capital and local authority swimming pool programmes to be met. The provision of €56 million for the sports capital programme will ensure that existing commitments will be met and that a range of modern, well-equipped and well managed facilities will be brought into use.

Similarly, regarding the local authority swimming pools programme, while there will be no new round of the programme in 2009, the current round provided for 57 swimming pool projects. Of these, 43 projects have been completed and opened to the public and our priority now is to work with the relevant local authorities to open the remaining 14 pools to the public. The allocation for tourism is €153 million, a reduction of 9.5% compared to the 2008 figure of €169 million. I have sought to minimise the reductions in the tourism services budget in line with the Government's stated priority of protecting economic sectors that contribute to job creation, foreign revenue earnings and tax yield for the Exchequer. Tourism supports an estimated 288,000 jobs and generates €4.8 billion in foreign revenue earnings and €2 billion in tax revenues.

The tourism marketing fund, which stands at €47.25 million, has been largely protected as a strategic priority. Experience has shown that maintaining marketing spending in difficult times can position Irish tourism for a faster recovery. This marketing fund, used by both Tourism Ireland and Fáilte Ireland, is enabling a major reinvigorated marketing programme to be rolled out in 2009 to promote the island of Ireland as an attractive destination for visitors.

The allocation of funding for the agencies and bodies under the aegis of my Department is outlined in the Revised Estimates published last week. As the Deputy will be aware, it is a matter for the agencies to determine how best to allocate that funding within their organisations. The arts, sport and tourism sectors are important drivers within the economy as they contribute to both economic growth and employment levels. I have sought to minimise the reductions in funding to these sectors and I am satisfied the levels of funding available for 2009 will ensure that they continue to contribute to Ireland's economic recovery and growth.

**Deputy Olivia Mitchell:** I will concentrate on the areas in which there have been significant changes in spending. We now know there is no swimming pool programme as such, as we are just paying off the remaining bills on pools that were agreed some years ago. The actual amount allocated is down by €6.5 million this year. Does the Minister expect that the bills will not come in from the local authorities or groups that are building these pools, or will they be kept waiting for their money? Will this cause problems for local groups and local authorities? Will the funding be carried over until the following year or the year after that?

I have spoken about cultural infrastructure many times and I am devastated to find it is probably the area that will take the biggest hit. Despite the amount of money that has been available in the past 15 years, few of these projects have been carried out. The budget is down this year from €35 million, which was low anyway, to €19 million. The Minister mentioned a

42% drop in funding. Are there any new capital projects under the heading of cultural infrastructure?

The other big drop is in the product development allocation to Fáilte Ireland. I am sure the Minister, like all of us, has been reading the papers and has seen that our traditional attraction as a nice place to go with nice people and nice scenery is not working for us in the same way it once did. It is no wonder, as there are lots of nice places to go with nice people. We must offer people something more. I appreciate that the marketing budget has been maintained, but one must have something to market. It is very short-sighted to cut the product development budget at a time such as this when we have never needed it more. The budget has been halved. What projects, specifically, will Fáilte Ireland not be able to carry out as a result of this?

**Deputy Martin Cullen:** I would not necessarily agree with all of what the Deputy has said. Under the swimming pool programme, as I said, 57 projects were approved in the first round, and this round is still being completed, while 43 projects have been finished.

**Deputy Olivia Mitchell:** Over ten years.

**Deputy Martin Cullen:** It is some achievement in terms of volume. We have gone from having no swimming pools in some communities to having 43 around the country, which will make an enormous difference.

**Deputy Olivia Mitchell:** That is incorrect, as many of those are refurbishments. The pools were already there.

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

**Deputy Martin Cullen:** The reduction takes account of the reallocation of the budget. Those projects that we expect will require funding this year under the swimming pool programme will get it. Some are delayed for various reasons to do with the local authorities themselves. Our best estimate is that the money I have provided in the portfolio is more than enough to meet the requirements for this year.

On the issue of cultural tourism, I took the view — with which I thought the Deputy would agree — that it was important to maintain jobs. Large numbers of facilities such as small theatres have been opened across the country, many of them in conjunction with local authorities, and I wanted to make sure we did not see some of these closing down through lack of funding. Thus, I tried to maintain the funding on the current side to keep these attractions open, and I decided that if there were to be reductions they should be on the capital side in the short term. That is not to say we would not like to do more. It is an important area. The view of people I have spoken to in different parts of the country was that they did not want to see this substantial range of new small facilities shut down. That was the option that was chosen.

The Department has had to take its fair share of the pain, like anywhere else, but it is proportionate. It has been recognised by the arts, sport and tourism sectors that the measures have not been excessive, as they have been at certain times in the past. We have tried to manage the process in as fair and balanced a way as possible. I cannot off the top of my head say what projects are being carried out by Fáilte Ireland, or where its processes are, but it will still be funding major capital projects this year, some of which were only announced in the recent past. Some are going through the process of approval and vetting at present and there is money there to do this.

### Departmental Agencies.

77. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism his views on whether it is appropriate that two different bodies which receive funding from his Department both produced external reports on the Beijing Olympics at a cost to the taxpayer; and if he will make a statement on the matter. [16367/09]

**Deputy Martin Cullen:** Both the Irish Sports Council and the Olympic Council of Ireland conducted reviews of the performance of Team Ireland at the 2008 Beijing Olympic Games. The commissioning of these reviews is a matter for both organisations in the context of their roles in supporting Irish elite athletes. The Irish Sports Council, which is funded by my Department, has statutory responsibility for encouraging the promotion, development and co-ordination of competitive sport and the achievement of excellence in competitive sport. The Olympic Council of Ireland is the agency responsible for the organisation and participation of the Irish team at the Olympic Games and is a member of the International Olympic Committee, the organisation governing the Olympic movement worldwide. The Irish Sports Council provides annual funding to the Olympic Council for administration and programme costs aimed specifically at meeting costs related to attendance at the games.

I recently completed a series of meetings with a number of the key stakeholders involved in the support of our elite athletes, including the Irish Sports Council and the Olympic Council of Ireland, to discuss how we can best build on the success we had in Beijing and the supports required in terms of coaching, programmes, facilities and funding to ensure the optimum performance of Irish athletes at the London Olympic Games in 2012. It is my intention that the issues arising from these meetings and the reviews carried out by both organisations will inform the high-performance strategy for the London games. This should ensure there is an integrated approach between all stakeholders.

**Deputy Mary Upton:** I hope the Minister had a tad more clarity following his meetings with these two organisations than I have had from meetings and correspondence with them. It seems ridiculous that two reports were written about the Beijing Olympics. The report of the Irish Sports Council cost €30,000, while the Olympic Council of Ireland told me it had spent €6,231 and stated: “This was paid from our own resources and not from Government funded money.” It was reassuring to hear the money was not from Government sources. However, the Irish Sports Council gives the Olympic Council of Ireland a grant of €518,000 and I do not know which part can be chopped off and designated not as Government money but as somebody else’s money.

**Deputy Martin Cullen:** I agree with the Deputy.

**Deputy Mary Upton:** I ask the Minister to knock heads together. Is there some way to bring these two organisations together so they can co-operate? We would not then have this totally unnecessary duplication. Each organisation engaged a highly reputable consultant but, reading the two reports produced, one would think they were about two different sets of games as there was much discrepancy between them. We are talking about the spending of public money on internal sports politics. The Minister will agree with me that this House is the place for politics and out there is the place for sport. Can the Minister knock their heads together?

**Deputy Martin Cullen:** The Deputy and I are *ad idem* on this. I find it quite distressing, to be honest. The fractious relationship between the Olympic Council of Ireland and the Irish Sports Council is unfortunate for sport. However, it is a matter for both governing bodies how they conduct their affairs. I do not have a role in the commissioning of reports. What struck me about the two reports in question is that each blamed the other organisation for the per-

ceived ills in the system. Therefore, I am not sure whether either report made a rounded and mature contribution to the issues that must be tackled.

In this context, I have been engaged with discussions with representatives of a range of national governing bodies. I considered this the best way to obtain an understanding of the issues and, following from that, I am intent on implementing several changes in the future. Only yesterday evening, I attended the annual general meeting of the Federation of Irish Sports, which represents all the various sporting bodies. I was pleased to accept the invitation to speak at this very well attended event. I have spoken to representatives of the federation about the issue the Deputy has raised and it is well versed in this regard.

I agree with the Deputy that problems have arisen because we have two substantial competing bodies peopled with large personalities. That is part of the difficulty. My mission, which is shared by all Deputies in this House, is to ensure the best outcome for Irish athletes.

**Deputy Mary Upton:** I thank the Minister for his reply. I have calculated that more than €36,000 was spent in producing these two reports, yet one is little wiser after reading either of them. How are we to know which is the substantive report that spells the situation out as it really is? The Minister knows better than I that this €36,000, for which we can deduce that little value has been obtained, could have been well spent in supporting sporting activities in constituencies throughout the State. With the next Olympic Games in London getting ever closer, a continuation of this faction fighting will be of no benefit to Irish sport and Irish athletes.

**Deputy Martin Cullen:** I am sure we are all agreed that it was proper for a review to take place. The difficulty is that the two bodies concerned did not come together and co-operate in this review. The bottom line is that they must work together for the betterment of the athletes they purport to represent. It is regrettable that this did not happen. As the Deputy rightly pointed out, we did not achieve the required outcome. We must ensure that the two bodies work in close harmony in the future to achieve the best outcomes for Irish athletes.

### **Tourism Promotion.**

78. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism if he has had representations from a group (details supplied) seeking his support for a food tourism initiative; and if he will make a statement on the matter. [16471/09]

**Deputy Martin Cullen:** To date, I have not received such representations from the group in question. However, I am available to meet with the new president and chief executive of the group and will be glad to receive details of any specific initiative from them. Any initiative that is received will be examined and considered.

I understand the group has made a written submission to the tourism renewal group. This submission will be considered in the context of the group's work. The tourism development unit in the Department has already agreed to meet with the group and is awaiting further contact from its chief executive so that the meeting can be arranged.

**Deputy Olivia Mitchell:** It is great to discover the type of activity that can be generated by a parliamentary question. Before I submitted this question, there was no indication that the meeting to which the Minister referred was likely to take place. Nevertheless, I am pleased that some progress is being made in this area.

As I have said before in this House, the old methods of promoting tourism are no longer effective. Dining is a leisure activity in its own right and many people choose holidays based on their interest in food. For visitors to France and Tuscany, for example, a great part of the

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attraction is the food and wine. Some of our brands, such as Clonakilty sausages and Dairygold butter, already enjoy wide recognition internationally. We must work to develop the potential of the dairy and beef industries. Irish beef is more highly regarded outside Ireland than it is at home. There is the potential to build a food tourism sector but there must be investment. Will any money be available from the product development fund to bring together the elements of the industry, including food festivals, food trails, cookery schools and so on, in a more comprehensive way in order to sell Ireland as a food destination? If we are to differentiate our product from that of every other country, we must develop this type of niche offering.

**Deputy Martin Cullen:** Good Food Ireland has received significant support in recent years. For example, representatives have travelled to the various destinations with the Volvo Around the World Race, where I understand they enjoyed enormous success, with funding from Fáilte Ireland and Tourism Ireland. I attended a dinner last night at which some 300 foreign travel groupings were represented and some 280 from the island. Everybody was blown away by the quality of the food and by the presentation made by Good Food Ireland. I agree with the Deputy that it is important to continue to improve the image of Ireland in terms of the quality of food now available. That product development has been led from the front and a huge internationalisation effort has taken place in the past 12 months which is strongly supported by the agencies. The feedback I am receiving from people who have visited target countries is that the campaign has worked extremely well.

**Deputy Olivia Mitchell:** I have already raised with the Minister the decision of the Dublin Institute of Technology to break up the faculty of food and tourism at Cathal Brugha Street. The Minister has dismissed this development as unimportant. However, it is considered of immense importance by all those involved in the food and dining industries, including the Restaurant Association of Ireland. I accept that the Minister is not responsible for education, but I urge him to recognise the significance of this in terms of its implications for tourism. As far as I can see, the only reason for breaking up the faculty is to suit the timetabling requirements of the college.

**Deputy Martin Cullen:** I have tried to get some answers on this issue. Tourism Ireland is in discussions with the Dublin Institute of Technology on the restructuring. I have not had a detailed response but the information I have received is that the Tourism Ireland representatives are satisfied there is no diminution in the quality and organisation of the courses offered by the institute. There is nothing further I can do as this is not my area of responsibility. However, I will take up the Deputy's point if she still has concerns in this regard. Tourism Ireland considers the food and tourism courses offered by the Dublin Institute of Technology as very important and would not wish to see any diminution of quality.

**Deputy Olivia Mitchell:** My point is that while the tourism industry in general is fragmented, this was one faculty that brought all the elements of tourism together. It seems this decision is being taken merely to facilitate laboratory availability.

**Deputy Martin Cullen:** The bottom line is that quality and access for students are as good as they ever were and will, hopefully, get even better.

**Deputy Olivia Mitchell:** My point is not about access but about retaining a single facility.

**Deputy Martin Cullen:** Yes, I understand the Deputy's point about retaining a single facility. It is my understanding that the Dublin Institute of Technology is moving its tourism courses more into the business sector. I will get back to the Deputy on this issue.



### Grant Payments.

79. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism when he will make an announcement regarding the payment of grants to inter-county GAA players for 2009; and if he will make a statement on the matter. [16552/09]

**Deputy Martin Cullen:** The funding of the Gaelic players grant schemes is a matter for the Irish Sports Council, ISC, in the context of the distribution of its budget for 2009. In the agreement reached in November 2007 between my Department, the ISC, the GAA and the Gaelic Players Association, provision was made for the introduction of two schemes through the ISC to recognise the outstanding contribution of senior inter-county players to our indigenous sport by meeting additional costs associated with elite team performance and to encourage aspiring teams and players to reach the highest levels of sporting endeavour.

It was agreed that the schemes would be funded through the ISC and that the implementation of the schemes was a matter for the ISC and the GAA. An amount of €3.5 million was provided to the ISC in 2008 to fund the schemes. The ISC has statutory responsibility for encouraging the promotion, development and co-ordination of competitive sport and for increasing participation in recreational sport. The council provides annual funding through the national governing bodies of sport and the local sports partnerships for programmes and initiatives aimed at achieving these objectives.

In addressing the public finances, all areas of expenditure have been examined. Following this process, the budget for sport, like all areas, has been impacted. Nevertheless the huge social and economic benefits of sport are acknowledged by this Government and are reflected in the unprecedented level of Government funding for sport over the last number of years.

In light of the current economic constraints and the reduction in the ISC's allocation of funding in the 2009 Estimates, I am having discussions with the council on optimum funding options, in order to maintain its existing programmes while building on recent progress. The future funding of the Gaelic players' schemes is being considered in that context and a final decision on the matter will be made shortly by the Irish Sports Council when it will finalise its budget allocations in the context of the recent publication of the Annual Estimates for 2009.

**Deputy John O'Mahony:** I was hoping the Minister would say the grants would be funded or even reduced by a certain percentage. I thank the Minister for his assurance that the Irish Sports Council will make a decision shortly. Is that correct?

**Deputy Martin Cullen:** It is the council's call. It will decide how to distribute the budget.

**Deputy John O'Mahony:** I think the Minister will agree that the grants were instituted by his predecessor, who saw the need for them. Gaelic players have spoken to Deputies and other people who are involved. They are anxious but very reasonable in their approach. They would be willing to accept cuts similar to those applying in other areas of sport. High performance athletes are losing their jobs or are unable to work flexible hours because of their commitment to Gaelic games. No one would suggest that this scheme would keep them from emigrating but it would be another support structure.

Given the circumstances the Minister has outlined, would he like to see the grants retained?

**Deputy Martin Cullen:** I would like to fund everybody. Unfortunately, budgets have contracted somewhat. It is a matter for the Irish Sports Council to provide funding to as many bodies as it can.



[Deputy Martin Cullen.]

The taxpayer has, rightly, provided huge resources to the three major sporting bodies, particularly in Croke Park, Lansdowne Road and Thomond Park. That has allowed those bodies to generate enormous profits. They have the ability to generate substantial sums of money while many other organisations do not have that facility. I pose this question. As the generosity of the taxpayer has provided so much money to those bodies, could they, perhaps, look to this matter? The GAA, for example, has stated publicly that it is, and wishes to remain, primarily responsible for player welfare. As Deputy O'Mahony has said, this is a very important issue of player welfare. There is a challenge here for the organisation to respond to the extraordinarily different economic circumstances in which we find ourselves.

**Deputy John O'Mahony:** Is the Minister suggesting that the GAA should fund these grants because of the revenue these players generate?

**Deputy Martin Cullen:** The taxpayer cannot continue to pick up the entire cost of this scheme in drastically changed economic circumstances. I am trying to be fair and I am not saying "No". However, I am clearly signalling that the resources required to continue the scheme at the level previously anticipated are not there. I place that in juxtaposition with the huge earning capacity of the three major sporting organisations, which the taxpayer helped to fund, and I ask who has the primary responsibility in this area.

### **Olympic Games.**

80. **Deputy John O'Mahony** asked the Minister for Arts, Sport and Tourism the progress made in attracting Olympic teams from other countries to use the Republic of Ireland as a training venue for the London Olympics 2012; the countries with which discussions have been held; and if he will make a statement on the matter. [16236/09]

**Deputy Martin Cullen:** The London 2012 Olympics and Paralympics task force was established in August 2006 to ensure Ireland can identify and maximise the complete range of opportunities arising from our proximity to the Olympic and Paralympic Games in London 2012. The task force included experts from the sport, tourism, cultural and business sectors and was supported by staff within my Department.

The recently published task force report, which is available on the website of my Department, makes a number of recommendations arising from an audit carried out of high quality sports facilities in Ireland and the findings of a report by Indecon International Economic Consultants on the economic evaluation of the benefit to the island of Ireland of the London 2012 Olympic and Paralympic games. It highlights the opportunities for Ireland from the London 2012 games in the sport, tourism, cultural and business sectors.

In this regard, I understand that Enterprise Ireland has been proactive in ensuring that Irish businesses are aware of the opportunities for benefiting from the business opportunities which London 2012 will provide. A dedicated website has been established to assist Irish business to avail of these opportunities. The tourism agencies have committed themselves to an energetic approach to the marketing of Ireland particularly in the lead up to and during the games while the artistic and cultural agencies stand ready to organise events which will showcase Ireland to the world. Work is also going on in that area.

On the sporting side, the task force report puts forward proposals for investment in sports facilities which would increase our attractiveness as a training destination for Olympic teams in the lead up and during the games. However, we must be realistic in this area particularly given the current economic conditions.

My Department is engaging with the relevant sporting, tourism and cultural agencies on how best to promote Ireland internationally in the lead-up to the London 2012 games. These discussions are taking account of the current economic situation, the findings of the London 2012 task force report and my recent meetings to identify the challenges which must be met in the preparation of our team for the London games.

**Deputy John O'Mahony:** I take it from the Minister's reply that most of the potential is in the tourism and cultural area rather than in the provision of training facilities for teams.

**Deputy Martin Cullen:** That has always been the case.

**Deputy John O'Mahony:** The focus of my question was on the availability of sports facilities in Ireland. We have the National Aquatic Centre, but teams who train there do not have campus style accommodation as they might find in other centres. I am reminded of an answer given by the Minister last year on the development of sports facilities at Abbotstown. Can we take it that high performance facilities will not be developed there in time for the teams to prepare for the London Olympics? What facilities will be available in Limerick, for example? Swimming facilities are clearly available. What can be provided for other sports?

**Deputy Martin Cullen:** The Australian team found the diving and swimming facilities at the National Aquatic Centre superb. They are looking at the centre and I am sure other countries' teams will also be interested in it. The facilities in UCD are much admired and will be used. Limerick is already an international facility, as we know from the world renowned athletes who are using it at present. The All Blacks rugby team used the Limerick facilities and said they were second to none. Team members told me they were in the top two training facilities in the world, which was a great compliment to Limerick.

I would like to do more at Abbotstown in advance of the 2012 games but that is unlikely. Phase 1 is being completed at present. All the design work has been done and it must then go to planning. That will be done shortly so that we will be ready if resources can be provided in the future. I would not like to suggest that there will be massive expenditure or substantial facilities built in advance of 2012.

The indications are that teams will not come *en masse* to Ireland. Elite athletes no longer do that. We are more likely to see specific aspects of teams or countries with smaller teams. That is what sporting people have indicated to me.

### Other Questions.

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### Sports Funding.

81. **Deputy Róisín Shortall** asked the Minister for Arts, Sport and Tourism his views on the Gaelic players grant scheme and on whether it is appropriate that ring-fenced funding was available in 2008, yet in 2009 he is not supporting this programme with ring-fenced funding; and if he will make a statement on the matter. [16355/09]

**Deputy Martin Cullen:** I refer the Deputy to Priority Question No. 79 which I have answered earlier today.

**Deputy Mary Upton:** I wish to raise a number of points on this issue. The Minister's predecessor, the late Mr. Séamus Brennan, stated that the issue has been debated and discussed for several years and that as the Minister with responsibility for sport, he took the view that it was

[Deputy Mary Upton.]

important to end the continuing uncertainty and to bring finality to the matter. Everyone was pleased there was what we believed to be finality at the time. Subsequently money was ring-fenced within the Irish Sports Council for this grant in 2008 in the amount of €3.5 million. That provided the council with dedicated extra funding which has not been provided this year. Last year, the Irish Sports Council had a dedicated fund for the GPA which has been effectively dispensed with this year. What is it supposed to do in terms of providing funding? Why is the funding not ring-fenced again this year as it was in the previous year?

**Deputy Martin Cullen:** The funding was not specifically ring-fenced. An extra allocation was made if I recall correctly, although I was not responsible for the matter at the time. I am being perfectly frank with the Deputy. We are in very different and difficult circumstances and while I would be very pleased to allocate €3.5 million for the GAA players and would have no difficulty with that, the difficulty is that the budget, as with all other budgets, has been reduced and people are trying to find a balance in respect of where the resources should be allocated.

There are sporting areas in which we could improve. We are aware of these and are trying to support very small organisations on relatively small budgets. However, those budgets make a substantial difference in getting some of the raw athletes up to elite level. Cutting such budgets would not contribute much to the €3.5 million required. One must consider the bigger picture which I suggested in response to Deputy O'Mahony's question. I am not saying these players are not deserving of it, but others could and should step up to the plate. I do not believe the entire responsibility should be on the taxpayer. Unfortunately, we are in very different economic circumstances and I simply do not have the resources which were available in the past, nor does any other Minister.

*4 o'clock*

**Deputy Mary Upton:** The GPA has been in touch with all of us. It makes the point that it would agree to take a proportionate cut similar to any other organisation and it has no difficulty with that. Does the Minister not believe it is somewhat unfair that last year it had money guaranteed and now it would appear the players are in total limbo again and there is no commitment from anyone that they will be given the money? They need clarity on the matter soon.

**Deputy Martin Cullen:** I hope clarity may be brought to the matter as soon as possible. I am simply setting out the parameters and a decision must be made within those parameters. I accept that people do not wish to be in limbo. Grants were paid out at the very end of the season last year. I am unsure of Deputy O'Mahony's view generally speaking rather than on the politics of the issue. He is at the coal face as a practitioner. This is a difficult issue with which to deal.

**Deputy John O'Mahony:** The principle of the grants should be maintained. As Deputy Upton stated, whatever percentage cut comes with other areas should be applied. My understanding was that it was not ring-fenced but that there was an instruction from the Minister's predecessor, Mr. Brennan, to find the money within the budget. The reason I put the question today is to urge the Minister to do the same within the current budget.

**Deputy Martin Cullen:** Perhaps I am not putting it across very well, but the point is there are myriad non-governmental bodies and national sporting bodies which receive small grants which barely keep such organisations going. Such bodies are nonetheless important to try to sustain a given sport. There simply is no room to take money out of such allocations and one would not find €3.5 million in any case. If one examines the difference in the size of the Irish Sports Council grant from last year, some obvious conclusions may be drawn. We either stop

funding many small sports altogether to maintain what everyone on the Opposition seeks or we do not. This is the challenge we now face. The State and the taxpayer has rightly provided substantial resources for capital projects which are now generating substantial returns. This will continue for the other bodies when the Lansdowne Road project is completed. Where does the responsibility for player welfare lie? In some respects the national body, the GAA, would say it is directly responsible for player welfare, but it cannot be both.

**Deputy Mary Upton:** There was a protracted and difficult process before a resolution was reached but we arrived at a resolution. The Irish Sports Council did not ask to be the agency to deliver the money. It did not volunteer to do so, but that role was foisted upon it. In 2007, the Department of Arts, Sport and Tourism stated that an amount of €3.5 million would be provided in 2008 to fund such schemes. We simply cannot turn back the clock now, leave the players high and dry, say it is over and that they may go and sing for their supper because the money is no longer there.

**Deputy Martin Cullen:** I would apply that to a range of areas in many different Departments; it is not exclusive to my Department. I understand the bona fides of the point made by the Deputy, but the reality of Government is that one must make choices which are sometimes very difficult. We are also criticised for not reducing public expenditure substantially. One cannot have it both ways. It is either one or the other and one tries to find a balance. I realise it is a luxury of Opposition to suggest that we should maintain it but I am setting out what the parameters are in an honest way. Hopefully, we will come to a conclusion and that is the reason the Irish Sports Council is there.

### **Tourism Industry.**

82. **Deputy David Stanton** asked the Minister for Arts, Sport and Tourism his recent policy and initiatives to stimulate tourism nationally; and if he will make a statement on the matter. [16514/09]

88. **Deputy John Perry** asked the Minister for Arts, Sport and Tourism his views on whether the most recent tourism figures indicate a continuation in the downward trend in overseas visitors here, particularly from Britain; and if he will make a statement on the matter. [16495/09]

94. **Deputy Tom Hayes** asked the Minister for Arts, Sport and Tourism his views on whether Fáilte Ireland will find it difficult to fulfil its purpose in view of the current economic situation; and if he will make a statement on the matter. [16511/09]

102. **Deputy Jim O’Keeffe** asked the Minister for Arts, Sport and Tourism his views on the opinion that a focused emphasis on tourism could have a positive impact on tackling economic problems; and his proposals in this regard to encourage same. [16243/09]

108. **Deputy Willie Penrose** asked the Minister for Arts, Sport and Tourism the progress on the Mid Term Review on the New Horizons in Irish Tourism; when this review will be published; and if he will make a statement on the matter. [16359/09]

324. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he proposes to take specific steps to support the tourism industry in 2009; and if he will make a statement on the matter. [16785/09]

325. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he intends to introduce policy changes with the objective of assisting the tourism sector in 2009; and if he will make a statement on the matter. [16786/09]

326. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he will introduce specific incentives to assist the tourism sector in 2009; and if he will make a statement on the matter. [16787/09]

327. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he intends to take special initiatives to facilitate cost cutting in the tourism sector; and if he will make a statement on the matter. [16788/09]

**Deputy Martin Cullen:** I propose to take Questions Nos. 82, 88, 94, 102, 108 and 324 to 327, inclusive, together.

**Deputy Olivia Mitchell:** I may ask any question I wish.

**Deputy Martin Cullen:** I am sure the Leas-Cheann Comhairle will permit it.

**An Leas-Cheann Comhairle:** We will run out of time if the question is not answered.

**Deputy Martin Cullen:** I will go through the answer because it is substantial given the magnitude and importance of the question.

**Deputy Olivia Mitchell:** I am sure it is.

**Deputy Martin Cullen:** The latest figures from the Central Statistics Office show that there was a reduction of 4.3% in the number of overseas visitors to Ireland for the first two months of 2009 compared with the corresponding period of 2008. Overseas visitor numbers for 2008 as a whole were down by 2.2% on the numbers experienced in 2007.

While any reduction in the numbers of overseas visitors is disappointing, the figures must be seen in context. Ireland enjoyed a number of years of successive growth in visitor numbers reaching a record level of just more than 8 million visitors in 2007. Tourism worldwide saw a significant downturn in the second half of 2008 due to the global economic slowdown and loss of consumer confidence. Great Britain was especially affected by this slowdown with the euro to Sterling exchange rate making it very challenging to attract visitors to euro zone destinations.

There is general consensus that 2009 will also be a very difficult one for tourism globally. Nevertheless, the most pessimistic targets set by Tourism Ireland mean that we will still welcome more than 7 million overseas visitors in 2009 with a highly significant benefit to the Irish economy. The industry and the tourism agencies are fighting hard for every bit of tourism business to maximise our share in the months ahead.

In addition to attractive air and sea access fares, there is very good value for money available in tourist accommodation and restaurants at present and bed capacity has increased very significantly in recent years. While our businesses are responding positively to current challenges, it is just as important that the strategic framework for tourism development responds to the changing environment. On 2 December last, I announced the establishment of the Tourism Renewal Group. This high-level group has been tasked with reviewing and, where appropriate, renewing the current tourism strategy, to ensure that the strategy is focused for the short term and, looking further ahead, that the tourist industry is well placed to benefit from the upturn when it comes. I have asked the Tourism Renewal Group to report by the middle of 2009 with recommendations in the form of a framework for action for the period to 2013. I am advised



that the Tourism Renewal Group is following an agreed work programme to meet this challenging timetable, commencing with an assessment of the current position and broadly-based consultations, including face-to-face meetings and consideration of written submissions. I understand that the group has held four meetings to date in addition to two full days of consultation meetings with key actors in the tourism and related sectors.

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

The importance of the tourism sector is recognised and reflected in the Government's policy document, *Building Ireland's Smart Economy: A Framework for Sustainable Economic Renewal*, which makes specific reference to the work of the tourism renewal group and the potential of the tourism sector. It also highlights a range of other areas where there are synergies between tourism and the Government's vision for sustainable economic renewal, including the development of cultural tourism and improving trade, investment and tourism links with new and developing markets.

To assist the tourism sector through this current difficult period an extensive range of marketing, product development, training and business supports are being rolled out by the tourism State agencies under the tourism services budget of the Department. For example, the tourism marketing fund for this year will amount to over €47 million.

In addition, a programme of enterprise support is being delivered which includes helping businesses achieve savings in their cost base. Fáilte Ireland is also working closely with tourism enterprises and the Environmental Protection Agency on initiatives such as the green hospitality award, which aims to reduce energy, waste and water costs for hotel operators. I am satisfied that the initiatives being taken in these areas together with the funding provided to Fáilte Ireland and the other tourism agencies in 2009 are adequate to allow the agencies to fulfil their mandates.

Furthermore, one of my priorities as Minister is to ensure that the tourism agenda is accommodated in all the relevant policies and programmes that impact on tourism. This is being put into practice by my Department and the tourism agencies through engagement with the relevant Departments and agencies on their policies and programmes.

I am confident that the tourism sector here has the capacity to manage the current cyclical slowdown and that the mid-term review will help the sector to manage the challenges now facing the industry so that it will return to sustainable growth in the medium term.

**Deputy David Stanton:** Is it true that the Tourism Ireland revised forecasts, to which the Minister referred in his reply, are quite bleak in that they indicate a worst-case scenario of a fall of 15% in revenue and 9% in visitor numbers? Will the Minister agree that this is a time for an imaginative and innovative response to this issue? Will he further agree that we need something urgently, that waiting for the middle of this year for a report before doing anything is a case of too little, too late? Has he any proposals now, as the season is about to start?

**Deputy Martin Cullen:** I agree with the Deputy that any actions now to solve the problem this year would be very late. All the decisions with regard to this year have already been taken. There has been significant reorientation within the budgets for marketing expenditure, focusing on the different markets and the type of holidays being promoted. The Deputy is probably familiar with the new campaign on television, being broadcast throughout the world, which shows why people should visit Ireland. We have maintained the full tourism marketing spend and there is a significant focus on the UK market because it is likely many UK residents will holiday within the UK and it is hoped they will also come on holiday to Ireland this year. There has also been specific targeting within the US market. The renewal group is studying



[Deputy Martin Cullen.]

the strategy for the period up to 2013. Mr. Maurice Pratt is the chair of this group and I commend him on the amount of time he has given to it. He has impressed me greatly because of his commitment of his personal time and effort from which we will all benefit.

The Deputy is correct in that one could not expect a change this year. They have presented a picture of the worst-case scenario which is the figure of 9% and based on significant research carried out in recent times in other markets. The problem is that the other markets are experiencing the same sort of economic situations, in some cases even worse economic situations. We are trying to maximise the number of tourists coming to Ireland. I have said it will be more than 7 million visitors as this was the record only three or four years ago. If we can maintain it over that figure, we will certainly be in a position to win the battle as regards tourism spend in Europe this year.

**Deputy Olivia Mitchell:** The Minister has correctly stated that access fares have been coming down in many cases. However, overall access ability, the capacity to access Ireland, has decreased. There has been a significant diversion of flights out of Ireland in particular. This morning, Aer Lingus announced it will be cancelling its Airbus orders which means there will not be growth in the long haul trips to America, upon which so much hope had been placed, for the foreseeable future and we all know how long it takes to deliver an order for a long haul Airbus.

Shannon Airport will have the advantage of providing pre-clearance facilities for US entry, unlike any other city in Europe. Is there anybody out there promoting this advantage to other carriers? If our carriers are not going to be bringing people to America in the numbers we had hoped, then we have to hope that other carriers will land in Shannon and avail of that facility and perhaps bring visitors to Ireland in both directions. Is this the responsibility of the Minister and, if not, whose responsibility is it? It is a once-off opportunity.

**Deputy Mary Upton:** One of the big complaints still being made relates to the cost of eating out and other cost factors in Ireland. These are having a negative impact on people. What initiatives are in place to ensure those costs are reduced and to encourage more tourists, local and international?

**Deputy Denis Naughten:** Will the ban on recruitment in the public service have implications for the hiring by the Office of Public Works of seasonal staff to man OPW facilities around the country?

**Deputy Martin Cullen:** In reply to Deputy Mitchell, as a matter of interest I met with Continental Airlines representatives when I was in Houston which is its main hub. This was one of the reasons for my visit to America for the St. Patrick's day festivities. The airline is very robust in its attitude to Ireland. It is confident about the current number of its flights and sees great potential for expansion. It is very aware of the Shannon pre-clearance proposals and the facilities at Dublin and these are regarded as a great boost to the use of Shannon Airport. I confirm that the airlines are acutely aware of this proposal. It is under the remit of the Minister for Transport but the process is now being finalised with the US State Department and discussions are ongoing. These facilities are staffed from the US as opposed to this country.

In reply to Deputy Upton, there has been a natural and substantial decline in costs which is having a positive effect and there has been significant discounting in the tourism sector, both in hotel accommodation and in restaurants. I know that in Dublin the level of discounting has been up to about 20% which is rebalancing the competitiveness of Ireland. One of the benefits of the current economic scenario is that our tourism sector is becoming more competitive when

compared with some of our international competitors. This is to our advantage when marketing Irish tourism, within the US and the UK and throughout continental Europe.

On the OPW, it is hoped that issues will be resolved. I understand the point made by Deputy Naughten. It is important to have the maximum number of facilities open for as long as possible over the weekends and at bank holidays. Improvements in opening hours were made last year but there are certain financial constraints which we hope can be overcome.

*Written answers follow Adjournment Debate.*

### **Adjournment Debate Matters.**

**An Leas-Cheann Comhairle:** I wish to advise the House that 13 Deputies have submitted matters under Standing Order 21: (1) Deputy Michael Ring — to ask the Minister for Education and Science to make a full statement on the up-to-date position regarding the construction of a new school building for a gaelscoil in County Mayo; (2) Deputy James Bannon — the need for the Minister for Arts, Sport and Tourism to explain why applications forms for funding under the national lottery sports grants for 2009 are not yet available and when he envisages such grants will be paid; (3) Deputy Tom Sheahan — the ongoing provision of funds for An Moncaí Ocrach in Dingle; (4) Deputy Mary Alexandra White — the need, in light of a recent report in the *Kilkenny People* about alleged toxic heavy metals, including cadmium, on a farm in north County Kilkenny, for the Minister for Agriculture, Fisheries and Food to publish immediately the pending report of his Department's investigation into the farm; (5) Deputy Pat Rabbitte — the need to provide corrective surgery at Our Lady's Hospital, Crumlin, Dublin, for two leaving certificate students who suffer from scoliosis; (6) Deputy Kathleen Lynch — the need to discuss the paediatric diabetes services at Cork University Hospital and in particular the decision not to appoint a replacement for the paediatric dietitian who is due to go on maternity leave shortly; (7) Deputy Catherine Byrne — the withdrawal of funding by Pobal to the KWCDT partnership, Dublin 12; (8) Deputy David Stanton — the need for the provision of support services to school leavers suffering from autism, special educational needs or other disabilities; (9) Deputy Thomas McEllistrim — the need for the Minister for Enterprise, Trade and Employment to move quickly to ensure that jobs lost due to the closure of the Amann plant are replaced quickly and that every opportunity for retraining and upskilling be afforded to those affected so that they may re-enter the workforce as soon as possible; (10) Deputy Paul Kehoe — the need to discuss the fact that the Department of the Environment, Heritage and Local Government, is not in a position to sanction the recruitment by county councils of lifeguards for beaches on coastal counties around the country. If funding is not made available through the Department of Finance for these temporary positions, the inability of county councils to recruit lifeguards will have a detrimental effect on our tourism industry, at a time when the industry can least afford it; (11) Deputy John Perry — the need for the Minister for Health and Children to address the serious concern of citizens. The World Health Organisation has said the outbreak of a new multi-strain swine flu in Mexico and the US is a public health emergency of international concern. As part of the world-wide mobilisation of resources to fight the threatened epidemic, the Irish Government must support the immediate granting by the World Health Assembly of observer status to Taiwan; (12) Deputy Aengus Ó Snodaigh — the need to provide an effective regeneration strategy for Dolphin's Barn, Dublin; and (13) Deputy Joe McHugh — the need for the Minister for Health and Children to deliver the BreastCheck programme to Letterkenny General Hospital and to Donegal 13 years after it was first rolled out in other parts of the country, on foot of this week's announcement by the chief executive officer of BreastCheck that the programme will not be rolled out in Donegal in 2009 because of the public sector recruitment freeze.

[An Leas-Cheann Comhairle.]

The matters raised by Deputies Pat Rabbitte, David Stanton, Catherine Byrne and Aengus Ó Snodaigh have been selected for discussion.

### Leaders' Questions.

**Deputy Enda Kenny:** I wish to raise with the Taoiseach the matter of people being able to get to work. People are under serious pressure with 1,000 jobs a day being lost, some houses being repossessed, families under pressure with mortgages and fears about jobs being lost. These pressures are added to the normal pressures of society. The Taoiseach will be aware that in November 2007, a total of 60,000 commuters in north Dublin were stranded for a week without public transport and they could not get to work. Today, a total of 150,000 commuters were left stranded because of the unofficial and wildcat dispute at the Harristown bus depot, which spread to two other depots but which has now been retracted somewhat. The CIE group does not appear to be able to change with the times and even the most minor of changes cause absolute mayhem.

I met a woman this morning who had driven from County Cavan for an appointment in the Mater hospital. She had no bus transport and eventually got a taxi in order to get to her appointment. The pressure on people and on society as a consequence of this wildcat dispute is indicative of the way the Government has been unable to manage the affairs of the nation which in a broader sense has brought about a collapse in so many areas. The people of Dublin deserve better than this.

**Deputies:** Hear, hear.

**Deputy Enda Kenny:** We should not be in a position in 2009 where because of a monopoly situation, 150,000 commuters were stranded this morning. It is a case of “your own way to work”. Governments have given €4.7 billion to Bus Éireann and this group in the past ten years — €2 billion in capital and €2.7 billion for running routes. Yet this morning because of this unofficial dispute, not supported by unions, 150,000 people are left stranded. We have reports of intimidation, of rocks being thrown at buses as drivers attempted to take them out of the depot and of one female driver who was so intimidated she had to return to the depot. This is not good enough. The people of Dublin deserve better.

Has the Government reviewed this with a view to opening it up to real competition? It is more than ten years since the late Minister, Seamus Brennan, produced his document on opening up competition for Dublin Bus. Will the Government examine the possibility of opening it up to competition and what does the Taoiseach intend to do about the 150,000 people who are stranded and do not know what will happen tomorrow?

**The Taoiseach:** I join with everybody in the House in deeply regretting the fact that unofficial action took place, which meant major inconvenience for many loyal commuters of Bus Átha Cliath during the past couple of days. It is very much regretted that this was the case. It is not fair on commuters or on the bus drivers who want to get back to work. Everybody agrees that early implementation of Dublin Bus's cost recovery plan is urgently required in order that the company can avoid a projected operating deficit of more than €30 million for this year. It is accepted that Dublin Bus must take action to secure operational efficiencies and to reduce costs in order to maintain services at the highest level possible while stabilising its financial position. Failure to implement that plan would give rise to very serious financial losses for the company.

Dublin Bus's cost recovery plan was accepted following a labour court recommendation comprising a pay pause, reduction of 120 buses, changes to travelling time, reallocation of

duties, schedule redesign and changes, limits on compensation and disturbance allowances, changes to paid breaks and overtime arrangements and reduction in support staff and trainers. The changes were signalled and discussed at local level. The most recent update on the issue is that drivers are returning to work at Harristown and that buses are leaving the depot with full service expected tomorrow.

I accept that it is greatly to be regretted that there was any disruption of services. The well-established industrial relations procedures need to be adhered to. Where Labour Court recommendations are brought forward in such circumstances it is important in the interests of best industrial practice that the recommendations are followed and that the spirit and content of those recommendations are respected. That did not happen uniformly in this case and subsequently it was an action that took wider consequences in the past 36 hours.

Deputy Kenny makes a point with which we would all agree. It is important that industrial relations procedures are such that inconvenience is avoided, particularly given the important public service that is being provided for many commuters who are going to work or conducting their daily business. To do so without notice undermines the efforts of many to ensure the necessary cost-recovery plans are put in place. That lesson needs to be learned in the interests of the company and everybody who works in it.

**Deputy Enda Kenny:** I am sure it is a coincidence that since the Taoiseach and I stood up here the action has been called off and I welcome that. The fact remains that 150,000 people were stranded this morning. It is difficult for Ministers, who have been driven by State transport for the past decade, to appreciate the pressure people are under.

**Deputy Martin Mansergh:** Some of us catch the bus.

**Deputy Enda Kenny:** The commuter does not mind what colour the bus is provided it is efficient, safe, reliable and economical. Dublin Bus loses a substantial amount of money every week. The Government is supposed to be in charge. Social partnership has been a valuable entity in the past number of years but this was a wild-cat action leaving 150,000 stranded. Has anybody examined a document in the files of the Department, produced by one of the Taoiseach's predecessors, Michael O'Kennedy, on strike procedures for essential services? This goes back a long way. Does the Government have a view on this? Does it believe there should be a no-strike clause for essential services? Does it believe a moratorium should be applied where a dispute will arise that could be dealt with in an intervening period to ensure the public are not disrupted in getting to and from work?

If CIE is unable to supply a proper service for the commuters of Dublin, should operators which can provide a service be brought in? Many private operators throughout the country would be more than willing to tender for consideration for new routes and provide real competition for Dublin Bus and benefit the consumer. Has the Government considered the famous O'Kennedy document, updated by the documents of the late Jim Mitchell and the late Seamus Brennan, on transport for Dublin? Has the Government considered real competition? What is the Government's view on a no-strike clause for essential services? When does it expect real competition will be provided on this route to ensure 150,000 consumers and commuters will not be stranded again?

Is it not indicative of the failure of this, the worst Government of 50 years, that it failed to put in place a procedure that allows for people to get to and from work? Harassed and pressurised though they are, they are still willing to turn up and do their duty, but the State has failed to provide a mechanism whereby essential services are protected from disruption by wild-cat strikes. That responsibility rests with the Government and I would like to hear the Taoiseach's views on how he intends to sort it out.

**Deputies:** Hear, hear.

**The Taoiseach:** It is important to say we should not have unofficial action, but it is also important not to characterise all trade union activity on the basis that there was unofficial action. The unofficial action is atypical of the reaction of organised workers to such issues. Unofficial action should be avoided at all costs and in all circumstances. There is competition on commercial routes. It is intended that any new PSO routes from December onwards will be open to competition in a regulated, sensible way which will maintain quality and access to services for people, provide choice and will not put at risk the significant investment in public transport services. This investment has improved the product and provision of services to bus and train passengers. That is the approach that must be taken.

I hold no brief for unofficial action. It is unfair on commuters and on those who wish to attend for work, to get on with their business in accordance with the established procedures and who follow their unions' position on acceptance and implementation of a labour court recommendation. This recommendation is about resolving an important financial problem to the tune of more than €30 million in deficit for that company were that Labour Court recommendation not implemented. Let us make a differentiation. Those who were involved in unofficial action were wrong. It is not the way to proceed. It causes great inconvenience to commuters and is not in line with best industrial practice. It undermines the purpose and reason there should be active engagement between workers and their representatives and management. It should not be categorised as a generality, although I agree it has consequences way beyond what was merited in the first instance and should not have occurred. We are in the process of ensuring we bring forward competition on routes in a way that will enhance the service for the commuter in a regulated and sensible manner.

**Deputy Eamon Gilmore:** I welcome that the industrial action of unofficial stoppage in Dublin Bus has ended. I echo the statement issued yesterday by the Labour Party spokesperson on transport, Deputy Broughan, who promptly called for a return to work and I hope there will not be a repetition of the kind of unofficial action we have seen which has caused so much disruption to commuters and people in Dublin.

This was one of the many issues raised with me during recent days since we met in the House last Thursday. People are also worried about their jobs and fear losing them. I have come across business people and self-employed people who complain they cannot get any assistance from State agencies in these difficult times. They are concerned there is a continuing problem with the banks and that they are not able to get credit. I have met people who are concerned about new reports in respect of cancer services, this time in Waterford. More recently, people are concerned about the possibility of a flu epidemic. They wonder what action the Government is taking to deal with the cases that have emerged and the tests being undertaken. They are worried there might be a spread of this flu.

In these circumstances, people want a sense there is a Government which is in charge of such matters and is on top of them. Over the course of the weekend what we heard was a series of reports telling us this Fianna Fáil Government is riven with division. It is understandable that a Minister of State who was dropped from office will express disappointment but by the normal standards of disappointment the statements made by the former Minister of State at the Department of Enterprise, Trade and Employment are extraordinary. The former Minister of State, Deputy John McGuinness, tells us there is now paralysis within the Fianna Fáil Government.

**Deputy James Bannon:** We already knew that.



**Deputy Eamon Gilmore:** He says he has no confidence in the Fianna Fáil Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan.

**Deputy Seymour Crawford:** Nor have we.

**Deputy Eamon Gilmore:** He says she is not up to the job. He says, “she is not equipped to deal with the complex issues facing her Department and neither is her Department”. When the Tánaiste issued a statement denying he had said he had no confidence in her, in a further statement Deputy McGuinness claimed he said to her face at a meeting on 11 March that he had no confidence in her. He went on to say, “she has heard nothing and acted on nothing that business leaders have been telling her since her appointment”.

If Deputy Kenny or I said any of that in the House in respect of the Tánaiste I know the kind of response the Taoiseach would give us. Today I want to know what is the Taoiseach’s response to Deputy McGuinness and to the other members of his party who, in thinly disguised anonymity in the Sunday newspapers, have repeated virtually the same story.

**The Taoiseach:** I reject those criticisms of the Tánaiste. I believe she has been hardworking, as any Minister concerned with employment in the present circumstances must be, having to contend with the most severe international recession this country has seen or any Minister in her position in any other Government has seen. On all occasions, and even as we speak today, she is working with Irish entrepreneurs and employers trying to get more business for this country. She is working well and those who work with her and have seen her representing the country in that capacity have had nothing but praise for her efforts.

I do not deal with anonymity in any guise, whether it is thinly or thickly veiled. This Government has the support of the majority of this House to continue with a consistent policy framework which is difficult and is making an imposition on people, involving hardship for them. However, we are committed to it because we believe it is in the long-term and short-term interests of the country. Of course the Opposition has many opportunities to tell the House what is wrong and what is right and all the rest of it. The bottom line is that this Government is committed to continuing the work it is doing and the Tánaiste has my full support and that of those who support the Government.

**Deputy James Bannon:** She is like a prisoner in the Cabinet.

**Deputy Paul Kehoe:** And the Fianna Fáil people?

**Deputy David Stanton:** God help us all.

**Deputy Eamon Gilmore:** I remind the Taoiseach that these criticisms come not from the Opposition but from his own side of the House. As far as I and the Labour Party are concerned the Tánaiste has our support in the work she is doing today. We want her mission abroad to succeed. These are comments that have come from a Minister of State appointed originally by the Taoiseach’s predecessor and reappointed by the Taoiseach. He was the Tánaiste’s deputy in that Department for the course of the past year since the Taoiseach appointed Deputy Coughlan as Tánaiste and Minister for Enterprise, Trade and Employment. Whatever divisions, uisce-fé-thalamh and machinations are going on behind the Taoiseach’s back are a matter for him and his party. The concern they are to the rest of us and to the wider public is that the Taoiseach and his leadership team are spending their time now and for the next number of months looking over their shoulders and behind them, looking for little conspiracies and for people stabbing them in the back, for more Ministers and more backbenchers making this type of comment. Some of these comments are about the Taoiseach. For example, “paralysis” was



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the term used in respect of him and his leadership of the Government. As long as that continues, the Taoiseach and his team will not be focused on the problems the people of the country want them to address. That is the problem.

**Deputies:** Hear, hear.

**Deputy Eamon Gilmore:** The Taoiseach gave a very half-hearted reply. If either Deputy Kenny or I made those types of criticisms about the Tánaiste or about any of his other Ministers, he would be fit to be tied to his seat in terms of the response he would give us.

**Deputy David Stanton:** That is a fair role.

**Deputy Eamon Gilmore:** I can only contrast that with the response he has given today which is muted and half-hearted, particularly by the Taoiseach's own standards.

**The Taoiseach:** It is not muted or half-hearted. It is measured, calm and proportionate.

*(Interruptions).*

**Deputy Paul Kehoe:** Did the Taoiseach view "The Late Late Show"?

**The Taoiseach:** My response is measured, calm and proportionate. I have given full support to my Tánaiste, as I would to every member of this Government in respect of the work they do——

**Deputy James Reilly:** Except the lads he fired.

**The Taoiseach:** ——because we are all collectively responsible for decisions. I have not been equivocal in any way in my rejection of the criticisms by Deputy McGuinness in respect of how he views the Tánaiste is doing her job. I refrained from engaging in any further criticism because I do not believe it is of any help or use to anybody. I believe I did a job that had to be done with regard to my responsibilities. I do not take any great pleasure in doing these things but it had to be done. It is no reflection on the competence or capabilities of anybody concerned. I had to get on with my job. The Deputy has to do this himself, from time to time. I am sure the changing round of responsibilities, or whatever, is one of the more difficult aspects of his job.

People are entitled to express opinions in certain respects but I do not accept for one moment criticisms that would suggest the Tánaiste is anything less than competent and diligent in the discharge of her responsibilities. Quite the contrary. Those who work with her and who have seen her in action doing the job the Deputy mentioned, either this week or any other, have given only praise to me in respect of the efforts she has made and the professionalism with which she has discharged her responsibilities. I do not wish to get involved in any criticism of any other individual only to say that we should all work conscientiously and together, in full solidarity, in the interests of the country.

Regarding the idea there is any paralysis in the Government the situation is quite the contrary. This Government has been involved for the past 12 months against the onslaught of the financial crisis. This would otherwise have been the case, had there been no changes to our policy, and each and every one of them has been rejected by the Opposition.

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

**An Ceann Comhairle:** Anois, iarratais chun tairisceana a dhéanamh an Dáil a chur ar athló faoi Bhuan Ordú 32. Before coming to the Order of Business, I propose to deal with a number

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

**Deputy Catherine Byrne:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the recent decision by Pobal to withdraw funding from the KWCDT partnerships in Dublin 12. The local community will suffer greatly as result of this decision to cease funding and effectively close down the partnership, where more than 50 jobs will be lost through local community employment schemes, local action groups, women's groups and crèches in the area. I want the Minister to intervene in this decision by Pobal and to ensure that these vital services will continue to operate and serve those most in need in the Kimmage, Walkinstown, Crumlin, Drimnagh and Terenure areas.

**Deputy Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the need for an emergency response to the siege of Dolphin's Barn by criminals, culminating in the appalling events of the last two nights, which included the targeted vandalism of up to 30 cars, the planting of a suspect device in an attempt to subvert the community meeting and riots into the early hours of the morning. This is on top of the escalation of open drug dealing and the recent targeting of community activists.

There is a need to recognise that this is a direct challenge by drug dealers to the role of the law, to which An Garda Síochána must respond effectively. It must be recognised that this situation is the product of years of neglect of the area by successive Governments and of the collapse of regeneration prospects. There is a need for a meeting to be convened before the situation further escalates involving the Minister for Justice, Equality and Law Reform, the Garda, Dublin City Council and the community to agree a solution to the current crisis and for all available powers to be employed to restore normality to this community and protect those individuals, in particular, who have been targeted. Such an initiative must include the seeking of emergency exclusion orders against the dealers involved and swift enforcement against any subsequent breach of same.

**Deputy James Bannon:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the danger posed to rural communities by the Government's reduction of Garda numbers in order to centralise personnel to fight urban gangland crime rather than providing the promised extra gardaí. This is now particularly relevant, given the recessionary influence on criminal activity. The shortage of personnel is leading to increased violence, crime and vandalism in country areas, as evidenced by the theft of a car transporter last weekend in County Westmeath and the wanton destruction of nine top of the range cars, which highlights the invitation to crime from reducing visible Garda numbers in rural areas.

**Deputy Dan Neville:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of urgent national importance, namely, the recent third annual report of the independent monitoring group on the progress of the implementation of the recommendations contained in A Vision for Change, the report of the expert group on mental health; and in particular the concerns contained in the report to the effect that after three years a comprehensive implementation plan is still not in place. The group is very disappointed at the slow rate of progress and there is a need for the Minister for Health and Children to respond to its strong recommendation that the HSE should immediately appoint a leader of a national health service directorate to drive the implementation of the recommendations contained in A Vision for Change.

**Deputy Thomas P. Broughan:** I have tried to raise this on the Adjournment Debate but, in any event, I seek the adjournment of the Dáil under Standing Order 32 to ask that the Minister for Transport urgently report to Dáil Éireann on what steps he is taking to effect the immediate resolution of the current industrial relations dispute which is causing chaos for commuters across Dublin, especially on the north and west sides of the city where there is a great dearth of public transport. I call on him to outline what initiatives he is taking to utilise all of the industrial relations machinery of the State to bring about an urgent end to the dispute, given that the current deplorable bus crisis ultimately resulted from the savage cutback in services, including the loss of almost 300 buses and 600 jobs, imposed on Dublin Bus and Bus Éireann by the Minister for Transport, Deputy Noel Dempsey.

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

### Order of Business.

**The Taoiseach:** It is proposed to take No. 9, Social Welfare Bill 2009 — with financial resolutions Nos. 1 and 2 to be moved together and decided without debate by one question which shall be put from the Chair; No. 10, Social Welfare Bill 2009 — motion to instruct the committee, the proceedings on which, if not previously concluded, to be brought to a conclusion after 65 minutes and the following arrangements to apply: the speeches of a Minister or Minister of State and the main spokespersons for Fine Gael and the Labour Party, in that order, not to exceed 15 minutes and those of other Members not to exceed five minutes, Members may share time and the Minister or Minister's speech in reply not to exceed five minutes; No. 20, Social Welfare Bill 2009 — Committee and Remaining Stages, the proceedings on which, if not previously concluded, to be brought to a conclusion at midnight by one question from the Chair and which shall include only those amendments set down or accepted by the Minister for Social and Family Affairs; and No. 11, motion re by-election for Dublin South, to be taken with No. 12, motion re by-election for Dublin Central, at 7 p.m. with the proceedings thereon, if not previously concluded, to be brought to a conclusion after 30 minutes by one question from the Chair, with the following arrangements to apply: speeches to be confined to the main spokespersons for Fine Gael and the Labour Party and to a Minister or Minister of State and Members may share time, with speeches not exceeding ten minutes.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and business shall be interrupted not later than midnight. Private Members' business shall be No. 68, motion re infrastructural stimulus package, which shall be taken for 90 minutes at 7 p.m. or on the conclusion of No. 11 and No. 12, whichever is the later.

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

**Deputy Róisín Shortall:** It is not agreed. The Labour Party is opposed to the proposal to sit late tonight. The purpose of the late sitting is to extend the scope of the Social Welfare Bill to enable the Government to ram through very significant changes to pension law. The Labour Party is not prepared to go along with this proposal. Yesterday, we were circulated with 11 pages of amendments in relation to pension legislation. This legislation was cobbled together in a rush at the weekend and it has very far-reaching implications for the 250,000 people in defined benefit pension schemes. We are not prepared to deal with it in this rushed manner.

Essentially, the Government is expecting us to consider this legislation, debate it and possibly amend it in the space of four hours. That is simply not possible because it is very important

legislation. Some of the most complex legislation that comes before the House is pension related. Certainly, these amendments are extremely complex and Members on this side have a right to reasonable time to consider significant amendments. We also need an opportunity to consult on those proposals. It is a very specialised area and we need to consult and obtain expert advice if we are to do our job properly.

As late as 20 minutes ago, we got more pages from the Department. These included amendments to the Minister's amendments of yesterday, which would indicate that this is all happening on the hoof. We are not prepared to go along with this rushed job——

**Deputy Pat Rabbitte:** Hear, hear.

**Deputy Róisín Shortall:** ——in the very important area of pensions, particularly when they include provisions that impact on so many people.

**Deputy Pat Rabbitte:** Hear, hear.

**Deputy Brendan Howlin:** Hear, hear.

**Deputy Róisín Shortall:** We have contacted the Chief Whip's office and we recognise the urgency of dealing with the Social Welfare Bill. We are more than happy to facilitate the passage of that this evening. However, the important provisions in relation to pensions should not be rushed through or form part of the Social Welfare Bill. Given that the legislation has been drafted, why not make it a separate Bill? We will facilitate the Government in taking it in a week or two when we have had time to consider it. It is not, however, unreasonable for us to expect the Taoiseach would allow us time to have an input into this legislation and to give it the kind of consideration and oversight it requires.

*5 o'clock*

We propose the Government hold off on the provisions in regard to pensions and produce those provisions as a separate pensions Bill which could be taken in the next couple of weeks. This is no way to conduct parliamentary business. It shows utter disrespect for the House, members of the Opposition and the spokespersons and it is bad law-making. As we have seen with previous efforts by this Government to rush through legislation in a short period of time, we must revisit it because, inevitably, it is bad legislation when it is rushed.

I put it to the Taoiseach to be reasonable and responsible about this and to allow reasonable time for us to consider the proposals and to deal with them in a separate Bill in the near future.

**Deputy Caoimhghín Ó Caoláin:** The Sinn Féin Members are opposed to facilitating the Social Welfare Bill and the pensions insolvency payments scheme included therein which most certainly should be taken as separate legislation and not incorporated in the Social Welfare Bill. We are not prepared to support the measures included in the Social Welfare Bill or to facilitate its passage. I would be surprised if other voices on the Opposition benches did not take that view.

The whole proposition contained in No. 1, in terms of the time up to midnight, is only an accommodation in regard to what is proposed in No. 4 which is to guillotine the Final Stages of the Social Welfare Bill. The Sinn Féin Members are absolutely and vehemently opposed to what is incorporated in these propositions.

In adding our voice to the appeal to separate the pensions insolvency payment scheme out into separate legislation and to address the Social Welfare Bill and all its elements as stand alone, we strongly oppose the notion of a guillotine and ask for full opportunity and participation, given the enormity of what is involved in this legislation.

**The Taoiseach:** Workers are being affected by the winding down of pensions and pensions rights in insolvent companies. It is to try to assist workers in that circumstance, which could be happening as we speak, that this legislation has been brought forward. It has not been cobbled together over a weekend — in fact, it has been worked on for some time. We hoped to have it at the time of the publication of the Social Welfare Bill but because of its complexity and involvement, that was not possible. This legislation needs to be enacted on the basis that it will be of assistance to workers in those circumstances——

**Deputy Róisín Shortall:** There was no Second Stage.

**The Taoiseach:** ——rather than to their disadvantage.

**Deputy Róisín Shortall:** What is the reason for the urgency?

Question put: “That the Dáil shall sit later than 8.30 p.m.”

The Dáil divided: Tá, 80; Níl, 66.

Tá

Ahern, Bertie.  
 Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Cowen, Brian.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gormley, John.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Harney, Mary.  
 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.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O’Brien, Darragh.  
 O’Connor, Charlie.  
 O’Dea, Willie.  
 O’Flynn, Noel.  
 O’Hanlon, Rory.  
 O’Keeffe, Batt.  
 O’Rourke, Mary.  
 O’Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 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.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.

Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheehan, P.J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.

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

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 9, Financial Resolutions re Social Welfare Bill 2009, without debate, agreed? Agreed. Is the proposal for dealing with No. 10, motion to instruct the committee re Social Welfare Bill 2009, agreed?

**Deputy Olwyn Enright:** It is not agreed. We learned this afternoon that there will be a brief Second Stage-type debate, lasting 65 minutes, on the motion to instruct the committee. During that time, we will be expected to discuss all the pension provisions contained in the Social Welfare Bill 2009. We have had 12 years of Fianna Fáil Government——

**Deputy Pádraic McCormack:** We have had almost 25 years of it.

**Deputy Olwyn Enright:** ——but no progress has been made with State pensions policy over that period.

**Deputy James Reilly:** Hear, hear.

**Deputy Olwyn Enright:** The most we got was the Green Paper on Pensions. The Government is proposing to make significant changes tonight. I take the Taoiseach's point that there is a need for urgency because some companies are in difficulty at the moment. However, I remind

[Deputy Olwyn Enright.]

him that the need for urgency did not develop over the last 48 hours. We need more time if we are to have a proper opportunity to discuss this issue.

**Deputy Olivia Mitchell:** Hear, hear.

**Deputy Olwyn Enright:** I am sure Deputies on all sides of the House would like to contribute to the debate on these significant changes, some of which do not go far enough. The short amount of time that is being provided will not give Members an opportunity to outline their concerns about these proposals. It is unacceptable that the Government intends to have all of this rushed through by midnight tonight. We have been given more amendments in recent hours, after the briefing we were given by the Department this morning. It is no way to do business. It will lead to bad pensions policy. The proposed White Paper has not yet been published. We do not know what the Government's overall policy is. The manner in which the Government is proceeding is wrong and will probably cause more difficulty. Fine Gael objects to the taking of this legislation in this way.

**Deputies:** Hear, hear.

**Deputy Róisín Shortall:** This legislation was cobbled together over the weekend. It is clear, given that a further amendment has been published within the last hour, that it is a work in progress. The Minister has not completed her thinking on this. It is clear she has not had an opportunity to get adequate advice on it. The same applies to members of the Opposition. We got the Bill yesterday and we are expected to deal with it today. It is not acceptable. We need consultation and expert advice on this. I would like the Taoiseach to explain the reason for the hurry with this legislation. I have indicated that the Labour Party will be more than happy to facilitate the Government in two weeks' time. We could deal with this Bill properly, as we are supposed to do, at that stage. Why is the Government ramming it through today? Can the Taoiseach give us an adequate explanation? It is a most unusual way of taking legislation. It is a bad way to deal with legislation. There is a responsibility on the Taoiseach to explain to us the urgency of these provisions. The limited time of four hours available to us this evening will be dominated by the pensions issue but there is a range of other issues of concern in respect of the social welfare provisions that need to be adequately debated and voted on. By dealing with this first in the debate means that we will not consider the social welfare provisions. That is completely unacceptable. Will the Taoiseach explain the urgency in this matter?

**Deputy Arthur Morgan:** I too object to taking this Bill in a rushed fashion this evening. It has far-reaching implications for people depending on welfare payments and it is completely unacceptable that it should be rushed through late in the evening. There is no reason not to make time to deal adequately with this business tomorrow. It is all right for some people in this House who will retire on three pensions from the public sector but unfortunately the people outside the House applying for social welfare do not have such luxury and we should have an opportunity to debate the matter fully.

**Deputy Charles Flanagan:** The Minister for the Environment, Heritage and Local Government, Deputy Gormley, had something to say about that last week.

**The Taoiseach:** This issue brings some improvement to the position of workers who find themselves in an ongoing difficulty for which we need to enact legislation as quickly as possible. It was intended to have it ready on publication of the Social Welfare Bill but that was not possible. It has been brought forward for a Committee Stage amendment now. I accept that this is a complex area. It does not encompass the fully comprehensive framework for the future

of pensions to which Deputy Enright referred. That is an ongoing process that is under discussion and poses a significant challenge for the future. This brings in some improvements, in limited circumstances, for workers whose pension rights have run into difficulty.

**Deputy Róisín Shortall:** But not the pensioners?

Question put: "That the proposal for dealing with No. 10 be agreed to."

The Dáil divided: Tá, 81; Níl, 66.

Tá

Ahern, Bertie.  
 Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Cowen, Brian.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 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.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghail, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keeffe, Batt.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 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.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.

Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.

Níl—*continued*

Feighan, Frank.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Naughten, Denis.  
 Neville, Dan.

Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheehan, P.J.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.

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

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 20, Committee and Remaining Stages of the Social Welfare Bill 2009, agreed to?

**Deputy Róisín Shortall:** It is not agreed. I must ask the Taoiseach yet again to please tell the House what is the reason for the urgency in ramming through this legislation?

**A Deputy:** Deputy McGuinness is here today but he may not be here tomorrow.

**Deputy Róisín Shortall:** We are more than happy to facilitate the Government in dealing with this legislation in a reasonable manner. Can he tell us if there is a reason for rushing it through by midnight tonight, either here publically or in a private briefing? He has provided no reason for dealing with this legislation in this manner. It is not acceptable to us. Unless he can provide a reason for dealing with it like this we cannot accept the proposal. We have made a reasonable proposal to the Taoiseach for dealing with this situation within the next week or two. Why will he not accept that proposal? Will he please tell us if there is a reason for rushing it through? There is no question but that we will regret this move this evening to rush through complex legislation and we will rue the day that we do that.

**Deputy Olwyn Enright:** I want to make a point in objection to this proposal. The Taoiseach has referred to the urgency of this matter, but the Minister for Finance still has to make regulations under some amendments, particularly the one dealing with the new issues that are being proposed today. Therefore, it is not as if this is something that will be enacted into law once it is completed in the Seanad. Regulations have to be made anyway, and logically we should have more time in this House to discuss it because the Minister still does not have all the work done to put it into action.

**Deputy Caoimhghín Ó Caoláin:** This legislation has been already guillotined on Second Stage, which severely restricted the opportunity for Members to participate properly in that debate.

*(Interruptions).*

**An Ceann Comhairle:** There is a kind of hum and it does not sound like a song.

**Deputy Michael Creed:** There is a kind of hush.

**An Ceann Comhairle:** I ask Deputy Ó Caoláin to carry on.

**Deputy Caoimhghín Ó Caoláin:** We are faced with a guillotine applying at midnight tonight on Committee, Report and Final Stages. The content of this legislation is not reasonable by any yardstick. The consequences of the passage of this legislation will not be reasonable in terms of the reality it will spell out for ordinary people who are currently struggling to make ends meet. The passage of this legislation will significantly deepen the difficulties such people have to face. If the Taoiseach agrees, we will have an opportunity to extend the period of time for debating this legislation so that more Members can participate and the spotlight can be placed on what is entailed in the Bill. It should not become subsumed in terms of the new elements that have now been introduced, thereby creating a distraction from the real intent of the Bill from the outset and all the consequences that means for people. The guillotine is absolutely unacceptable and we are making a last appeal to have it lifted to let the debate continue.

**An Ceann Comhairle:** An Taoiseach arís.

**The Taoiseach:** The reality is that were we in a situation where pension funds were not in the difficulties they are, and we know the real issues of the crisis that has hit the pension industry generally——

**Deputy Róisín Shortall:** Two weeks does not make a difference.

**The Taoiseach:** It would make a difference if anything happened in the interim. If anything were to happen, although I am not on notice of any specific issue, these are matters of importance which affect pension rights and the conditions upon which——

**Deputy Róisín Shortall:** Is there a reason?

**The Taoiseach:** I have explained the policy reason, which is that it improves the lot of those workers who could find themselves in such a situation.

**Deputy Róisín Shortall:** We do not know that.

**An Ceann Comhairle:** The Deputy cannot interfere.

**The Taoiseach:** I am sorry but we do know it. That is the reason we have introduced it. I have sought to introduce these changes to assist workers who find themselves in such a precarious position. That is why we are putting it forward.

**Deputy Olwyn Enright:** Is that all the Taoiseach is worried about?

Question put: “That the proposal for dealing with No. 20 be agreed to.”



## The Dáil divided: Tá, 81; Níl, 66.

## Tá

Ahern, Bertie.  
 Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Cowen, Brian.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 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.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J..  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 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.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J..  
 Costello, Joe.  
 Coveney, Simon.  
 Crawford, Seymour.  
 Creed, Michael.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J..  
 English, Damien.

Enright, Olwyn.  
 Feighan, Frank.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D..  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.

Níl—*continued*

Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 Penrose, Willie.  
 Perry, John.

Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheehan, P.J..  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.

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

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 11, motion re bye-election for Dublin South, and No. 12, motion re bye-election for Dublin Central, agreed? Agreed.

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

I call Deputy Kenny on the Order of Business.

**Deputy Enda Kenny:** In view of the announcement by the World Health Organisation that it has raised the level of awareness in respect of current swine fever difficulties, will the Taoiseach indicate whether the Minister for Health and Children will keep the House and country informed of developments? I am sure she will do so. This matter must be considered and whatever actions the Government has to take will have the full support of the House.

In respect of No. 47 on the legislative programme, the public transport regulation Bill, which is to provide regulations for the provision of public transport, the legislation is to be published some time later this year. When will we have sight of it? Perhaps the Taoiseach has a clearer fix on the matter.

No. 31, the restructuring of the inland fisheries sector Bill, is due for publication in late 2009. A number of difficulties arise from the legislation. No. 55, the fisheries consolidation Bill, is not due until 2010. Is it intended to take these two Bills together? It would appear to make more sense to do so given that they both deal with inland fisheries and the consolidation of that sector?

**The Taoiseach:** The consolidation Bill is on a different timeline from the original Bill, No. 31. Consolidation, by definition, simply involves bringing together the existing legislative base, whereas the other Bill breaks some new ground. The latter legislation is due in late 2009 and presumably the consolidation Bill, which will be introduced in 2010, can take account of the new legislation and everything can be brought in under one omnibus Bill. Perhaps that is the thinking behind it. I will have the matter checked out.

The other two Bills about which the Deputy asked are due to be taken in late 2009. When considered at this remove I do not believe it is possible there will be an improvement in the timeline given the level of demands placed on the Office of the Attorney General at the moment.

On the Deputy's question regarding the World Health Organisation's view of the swine flu, which has the potential to become a pandemic, the WHO has raised its alert level to four. I understand there are six levels. The Minister for Health and Children has indicated that her

[The Taoiseach.]

Department will keep a watching brief. Its officials are interacting with international agencies on this matter at all times and keeping themselves informed of developments. They are also, in a considered manner, providing public information as required and as relevant.

**Deputy Eamon Gilmore:** It is important that the House and members of the public are kept informed by the Minister for Health and Children of up-to-date information on the spread of the swine flu, as it is known. There is considerable public worry about this issue. People get information about developments on matters of this nature through the media and on international websites, blogs and so on. It is very important, therefore, that the fullest information is made available to members of the public. Will the Taoiseach indicate whether the Minister for Health and Children will take an opportunity to make a statement in the House and take questions on the issue?

I note that No. 12 on the legislative programme, the twenty-eighth amendment of the Constitution Bill, which is to enable the State to ratify the Lisbon treaty, is to be published in this session. As I understand the position, it was the Government's intention to bring to finality at the June summit discussions with our European partners on the various declarations and issues which have arisen from the previous referendum, with a view to having a referendum some time in the autumn. Is it intended that this Bill, the purpose of which is to enable a referendum to take place, will be published before the House rises for the summer? Is that the reason it is on the list?

I thank the Taoiseach for writing to me arising from a question I raised last Wednesday concerning the transfer of questions relating to referenda and agreeing in that correspondence to take questions on referenda in future, as has been the practice in the past.

**The Taoiseach:** On the question of the evolution of relevant information for the public regarding the swine flu scare, a meeting of the interdepartmental committee on public health and emergency planning, which is chaired by the Department of Health and Children, has been taking place today with the office of emergency planning in attendance. The intention is to ensure that those qualified in this area provide the public information. The director of public health in the Department, Dr. Holohan, has proven himself to be adept and able in this area. It is important that people see medical experts being able to articulate whatever developments arise.

It is a matter for the House at any time to have the Minister come before it when a significant development takes place. Having listened this morning to the Deputy, I point out that issues will arise which do not raise serious public concern but are a reaction that takes place when people show some symptom or whatever. In that case, tests would take place. It is intended that relevant information is available and is updated and the media and House are kept informed in a way that does not defeat the purpose, namely, to ensure people do not take a disproportionate view of the matter. Clearly there is no room for complacency in matters such as this. One has to take it day by day and week by week to see how it develops. As I stated, national responses are in place and people will be kept updated accordingly.

On the Deputy's question on legislation, we have made a contingency, on the basis of a successful referendum outcome, to seek to ensure that the Bill to which the Deputy refers will be prepared thereafter in a way that is consistent with whatever conclusions arise. It would be a matter of priority for the Government to try to provide for the Bill's preparation in the aftermath of the June Council meeting.

On the correspondence to which the Deputy referred, on the basis that the Government has not made a formal decision to hold a referendum, I have indicated my willingness to answer

questions on these matters. It was pointed out in the correspondence that once decisions are taken, they are often passed on to the line Ministers concerned. If, for example, we made a decision to have a constitutional amendment on children's rights, the matter would move on to the Minister concerned in respect of updating what is the exact situation at that point. As I say, I am prepared to answer in whatever capacity I can and to provide whatever information I can.

**Deputy Paul Kehoe:** I ask the Ceann Comhairle to be patient with me. Under the public sector recruitment ban, county councils across the country are unable to recruit lifeguards. This will have major consequences for the tourism industry.

**An Ceann Comhairle:** We cannot discuss lifeguards on the Order of Business.

**Deputy Paul Kehoe:** While I understand the Ceann Comhairle's position, the matter is of such importance that it must be raised.

**An Ceann Comhairle:** The Deputy may not do so on the Order of Business.

**Deputy Paul Kehoe:** I understand officials from the Department of the Environment, Heritage and Local Government will meet officials from the Department of Finance.

**An Ceann Comhairle:** We cannot get into that now. We must move on.

**Deputy Paul Kehoe:** I ask him to urge the Minister for Finance, Deputy Brian Lenihan, to lift the ban so that county councils are able to recoup losses and if at all possible——

**An Ceann Comhairle:** It is completely out of order. It is not fair on the Chair.

**A Deputy:** He would want to recruit a few lifeguards for himself.

**An Ceann Comhairle:** Whatever about that, we cannot discuss it now.

**Deputy Paul Kehoe:** It is too important an issue not to raise it in the House.

**An Ceann Comhairle:** We cannot discuss lifeguards on the Order of Business.

**Deputy Paul Kehoe:** Can I table it as an Adjournment Debate matter? Will the Ceann Comhairle consider it for the Adjournment?

**An Ceann Comhairle:** The Deputy can do so. That is what should have happened in the first instance.

**Deputy Paul Kehoe:** I did apply.

**An Ceann Comhairle:** The Deputy should apply again.

**Deputy Seán Barrett:** Will the Taoiseach tell me the status of the draft Bill on offshore renewable energy development, which was produced months ago by an all-party committee comprising Members of the Seanad and Dáil? It seems to have been lost although we sent it to the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan. Having looked at the list, I note he is not over-burdened with proposed legislation.

Is the Taoiseach really serious about encouraging committees to do sound, sensible work and to work in co-operation with the Government where possible on issues such as this, which are of tremendous importance in terms of future investment in this country? We should take

[Deputy Seán Barrett.]

all-party committees, which are not acting in a party political manner but are trying to do something positive and constructive, seriously. The least we can do is show some sort of respect. The minimum would be for a Minister to write back and tell us he or she is not interested in the committee, but leaving us hanging makes a joke of the committee system. I ask the Taoiseach to take this matter very seriously.

The Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, is not over-burdened with legislation at present. Unfortunately, he is not here to listen to me.

**Deputy Joan Burton:** He is never here.

**Deputy Bernard J. Durkan:** He is the invisible man.

**Deputy Seán Barrett:** It is a terrible shame that committees, which genuinely try to do positive things, are not encouraged by the Government. I thought the Green Party, which emphasised the fact that it had an input into the establishment of the committee in question, would see to it that when a committee did positive work, it would make it its business to encourage us even further.

**The Taoiseach:** I understand that when the Chairman, on behalf of the committee, forwarded the legislative proposal in question in December, it was acknowledged and an indication was given by the Minister at the time that, in line with the committee's thinking, there was a need for a consultative process to be undertaken. I understand Sustainable Energy Ireland and other stakeholders are being consulted by the Minister.

The Department of the Environment, Heritage and Local Government is also involved with foreshore licensing. The Minister, Deputy Eamon Ryan, indicated, in correspondence with the committee, his preparedness to engage with it over the coming period on its proposals as well as on how best to progress necessary legislative change, with its own proposals being part of that consideration. An invitation to the Minister to return to the committee and see what the current situation is would be helpful to the committee.

**Deputy Seán Barrett:** We did that. We have not heard anything since.

**The Taoiseach:** I am sure as soon as that is conducted we can talk to the Minister about it.

**Deputy Bernard J. Durkan:** The public expects a high quality of service delivered everywhere, particularly in the health services, but people are, unfortunately, being disappointed on a regular basis. I refer particularly to a recent disclosure to the effect that a particular centre of excellence was no longer a centre of excellence. I cannot understand how one can have a centre of excellence which is not a centre of excellence.

**An Ceann Comhairle:** The Deputy will have to revert to a thesaurus because he cannot raise the matter here.

**Deputy Bernard J. Durkan:** Regarding promised legislation, will the Taoiseach bring before the House the eligibility for health and personal social services Bill? It would enable a debate to take place where Members of the House could have an input into what the public are entitled to in terms of their rights and services in the health area.

Now that the electronic voting machines have been consigned to the deep, would it be possible to introduce the necessary legislation to give them a decent burial? Perhaps the environment (miscellaneous provisions) Bill would be the appropriate legislation to use to consign them to whatever place they will go. Hopefully they will not be buried at sea.



**The Taoiseach:** I understand the environment (miscellaneous provisions) Bill is due before the House this session. There is no date for the previous Bill mentioned by the Deputy. His opening remarks on it concerned a baseline study to establish what work was required to create a centre of excellence in that location and in seven others. Previously, there were no centres of excellence in 41 different locations. I am glad to say that those who are directing operations have indicated that this should be the case by the end of the year. It is not a question of it being a centre of excellence or not, but of identifying in a baseline study what would be required to reach the standard and now being in the process of creating it. It is called reform in the health service. We cannot have it every way.

**Deputy Bernard J. Durkan:** All centres should be centres of excellence, as should all health facilities.

**The Taoiseach:** We cannot have it every way.

**Deputy Denis Naughten:** I wish to ask the Taoiseach about two pieces of legislation, one a primary piece and the other secondary. The secondary legislation refers to an issue I have raised on a number of occasions and concerns the ban on below cost selling of alcohol, which facilitates promotions such as “buy one, get one free” regarding the sale of alcopops to young people. I understand the European Commission has given its approval to the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, to proceed with that secondary legislation. When will it come before the House? It was promised some 12 months ago.

Regarding primary legislation, when will the national monuments (amendment) Bill come before the House? Will the Taoiseach intervene directly regarding the freeze on the recruitment of seasonal guides in the Office of Public Works for facilities such as Clonmacnoise and many other fine facilities around the country? It is important to promote these facilities and that they are available to tourists. I am sure the Taoiseach wants to comment on that issue.

**The Taoiseach:** I understand the second Bill is due to come before the House at the end of the year.

**Deputy Denis Naughten:** What about the seasonal guides?

**The Taoiseach:** I do not know if they are mentioned in the national monuments (amendment) Bill but I never regard a seasonal guide as a national monument.

**Deputy Denis Naughten:** Will we have them?

**Deputy Bernard J. Durkan:** They are national treasures.

**The Taoiseach:** By definition.

**Deputy Denis Naughten:** Will we have them in Clonmacnoise?

**An Ceann Comhairle:** We will not create them.

**Deputy Denis Naughten:** It is a very important issue in the Taoiseach’s constituency.

**The Taoiseach:** I will have to revert to the Deputy on the question of below cost selling.

**Deputy Ruairí Quinn:** I draw the Taoiseach’s attention to three legislative matters in the Department of Education and Science. His colleague beside him is a former Minister for Education and Science and should be familiar with some of them. This Department does not

[Deputy Ruairí Quinn.]

produce much legislation but it probably takes longer than any other to move from “A” to “Z” in delivering it.

The education (patronage) Bill provides the legal basis for VECs to be patrons at primary school level. It is a two section Bill. We have already sent a full draft to the Taoiseach and the Minister for Education and Science, Deputy Batt O’Keeffe, and publication is still expected in 2009. A school is acting illegally, or is at risk of a legal charge, in north country Dublin.

The George Mitchell Scholarship Fund Act must be amended. It is not a controversial measure. However, there is a reception in the US ambassador’s residence this Friday at which the reluctance in the Department of Education and Science and the question of why we are using the name of Senator George Mitchell in such a cavalier manner and not putting our money where our mouth is will be raised.

I draw the Taoiseach’s attention to the fact that the Student Support Bill, the purpose of which has nothing to do with the reintroduction of fees but rather to modernise the existing grant applications scheme, was passed by this House 11 months ago. The amendments which are due still have not been brought before the committee, despite requests from it. Will the Taoiseach, in his capacity, throw his eye over the management and political stewardship of the Department of Education and Science regarding legislation? It is a D minus at present.

**The Taoiseach:** I would not agree.

The heads of the first Bill are being prepared but are not ready yet. The George J. Mitchell scholarship will be dealt with later this year. The Student Support Bill is awaiting Committee Stage. I will check up on the current position and ask to be contacted in this regard.

**Deputy Eamon Gilmore:** It would not have happened under the previous regime.

**The Taoiseach:** Who?

**Deputy Eamon Gilmore:** It would not have happened under Deputy Hanafin.

**Deputy Caoimhghín Ó Caoláin:** I thank the Department of Health and Children officials for their briefing earlier today on the swine flu threat. A briefing such as this is always useful. However, there are grave and justifiable concerns, particularly given that primary care services will be the front line of address and we currently have a very low GP to population ratio and a poor and uneven roll-out of primary care services. Would the Taoiseach consider, given the importance of the issue and the alarm that exists——

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

**Deputy Caoimhghín Ó Caoláin:** ——requesting the Minister to come to the House to deal with this?

**An Ceann Comhairle:** We cannot have questions on that. I allowed statements during Leaders’ Questions earlier.

**Deputy Caoimhghín Ó Caoláin:** I ask the Government to provide time to address this issue here——

**An Ceann Comhairle:** We are not going on with that. Leaders made short statements on this issue earlier and I will not go into it again.

**Deputy Caoimhghín Ó Caoláin:** —in open forum in the Dáil so that we can properly inform not only ourselves but the wider public of the dangers of—

**An Ceann Comhairle:** Does the Deputy understand that we cannot go into this now?

**Deputy Caoimhghín Ó Caoláin:** I am asking about the ordering of business.

**An Ceann Comhairle:** The Deputy cannot ask a question about that now because it is not in order. Standing Orders are quite specific about it.

**Deputy Caoimhghín Ó Caoláin:** My understanding is that it has been addressed in myriad ways.

**An Ceann Comhairle:** A brief statement was made by the party leaders and the Taoiseach responded—

**Deputy Caoimhghín Ó Caoláin:** I was not aware that I was named under Standing Orders so that I cannot raise it but other people can.

**An Ceann Comhairle:** —but the Deputy is not allowed to ask questions about this. I was going to allow the Deputy to make a brief statement like everybody else, but that was it. I cannot allow questions on it. It is just not on.

**Deputy Caoimhghín Ó Caoláin:** Well, there it is.

**An Ceann Comhairle:** The Deputy must understand my position.

**Deputy Caoimhghín Ó Caoláin:** I will conclude on that point and go on to my second point.

**An Ceann Comhairle:** Do, please.

**Deputy Caoimhghín Ó Caoláin:** I ask the Taoiseach to give attention to my request on this serious issue.

On the list of legislation promised by the Department of Health and Children is the nurses and midwives Bill. There is currently concern with regard to the embargo on recruitment and the potential for the further loss of some 700 nurses—

**An Ceann Comhairle:** I cannot allow a speech on this now. I must move on to the next business.

**Deputy Caoimhghín Ó Caoláin:** —currently within the service who may not be replaced.

**An Ceann Comhairle:** The Taoiseach on the legislation.

**Deputy Caoimhghín Ó Caoláin:** Will the Taoiseach note that the nurses and midwives Bill has been on the list of promised legislation, as best I can establish, from as far back as 2002? That is a full seven years.

**An Ceann Comhairle:** That is it. The Taoiseach on the nurses and midwives Bill.

**Deputy Caoimhghín Ó Caoláin:** Does the Taoiseach not accept that there is something seriously amiss within the Department when legislation of this importance can be—

**An Ceann Comhairle:** The Deputy has made his point.

**Deputy Caoimhghín Ó Caoláin:** —set aside year after year?

**The Taoiseach:** I understand it is due next year. I agree it has had a gestation period longer than that with which midwives would normally be acquainted.

**Deputy Caoimhghín Ó Caoláin:** What about the issue of swine flu?

**Deputy James Bannon:** My colleague Deputy Naughten, who is from my neighbouring constituency, raised a few moments ago the issue of the national monuments Bill, which seems destined to remain a hidden treasure. Last autumn we were told we could expect publication in the spring of this year. In the spring of this year we were told to expect publication in the autumn. The Taoiseach told us today that it will probably come in the latter half of this year, but I see in the summer schedule that it is now promised some time in 2010. This raises the question being asked by many of my constituents and others around the country — would this country have been better off over the last 12 months if we had not had a Taoiseach *in situ*?

**Deputy Enda Kenny:** There is now the opportunity to excavate that Bill.

**An Ceann Comhairle:** Do not mind that. On the national monuments Bill, tá sé ag teacht, I think.

**The Taoiseach:** I am well aware that in the towns of County Longford they speak of nothing else.

**Deputy Enda Kenny:** Now, now.

**The Taoiseach:** The national monuments Bill has become——

**Deputy James Bannon:** The Taoiseach tried to bully before and he did not get away with it.

**Deputy Eamon Gilmore:** It is like the Ardagh chalice.

**The Taoiseach:** The national monuments Bill is an issue that is close to everyone's heart in that part of the midlands.

**Deputy Enda Kenny:** The Government closed down the barracks in Longford.

**The Taoiseach:** I assure the Deputy the Bill will have the highest possible priority and will be brought forward as soon as possible, which will probably be some time in the future.

**Deputy Enda Kenny:** Now that is a positive answer.

**Deputy James Bannon:** I thank the Taoiseach and I hope he will intervene.

**Deputy Enda Kenny:** The Minister of State, Deputy Carey has taken note.

**Deputy Michael Creed:** The Taoiseach may possibly be aware that the former Minister of State at the Department of Enterprise, Trade and Employment, Deputy McGuinness, informed the House in an Adjournment debate in early April that proposals would be going to Cabinet later this month on the issue of export credit insurance, which is no longer available to many companies exporting goods. This is particularly of concern to companies in the dairy industry, which are facing considerable difficulties at the moment.

**An Ceann Comhairle:** That is a matter for the Minister for Enterprise, Trade and Employment.

**Deputy Michael Creed:** Will this issue, which is of major concern to companies that are exporting goods and sustaining employment in the community, be addressed in the Finance Bill, which is expected shortly?

**An Ceann Comhairle:** All the Taoiseach can do is to tell the Deputy when the publication of the Finance Bill is expected. We cannot go further than that.

**Deputy Michael Creed:** I know Deputy McGuinness is no longer a Minister of State, but the issue is not gone.

**An Ceann Comhairle:** Do not mind that.

**Deputy Michael Creed:** I hope that was not the cause of the schism between the Deputy and his senior Minister in the Department.

**An Ceann Comhairle:** Whatever about that, I must obey Standing Orders.

**Deputy Michael Creed:** It is a critical issue, and I hope the Tánaiste will not renege on this commitment.

**An Ceann Comhairle:** I cannot go into that now.

**Deputy Michael Creed:** The Taoiseach may wish to comment on the issue in the context of the Finance Bill.

**An Ceann Comhairle:** He can only tell the Deputy when the Finance Bill will be published. That is all he can do.

**Deputy Michael Creed:** He might——

**An Ceann Comhairle:** He cannot discuss the detail of the Finance Bill on the Order of Business, for goodness sake.

**Deputy Michael Creed:** He might tell us specifically whether the issue will be addressed in the Bill.

**An Ceann Comhairle:** No, he cannot.

**Deputy Michael Creed:** There are proposals going to Cabinet.

**An Ceann Comhairle:** Deputy McHugh is next.

**Deputy Michael Creed:** We have not had any response from the Taoiseach. I am asking a legitimate question about the Finance Bill.

**An Ceann Comhairle:** The Deputy cannot ask about the detail of the Finance Bill on the Order of Business.

**Deputy Michael Creed:** Will the Taoiseach tell us when the Finance Bill will be introduced?

**An Ceann Comhairle:** When is the Finance Bill due? That is the only thing with which the Taoiseach can help the Deputy.

**The Taoiseach:** It should be published on 7 May.

**Deputy Michael Creed:** Is the Tánaiste aware of the issue of export credit insurance?



**An Ceann Comhairle:** Do not mind about that. I call Deputy McHugh.

**Deputy Michael Creed:** Silence. Bring back Deputy McGuinness.

**The Taoiseach:** That is a smart-ass comment.

**Deputy Michael Creed:** For a smart-ass Taoiseach.

**Deputy Joe McHugh:** This time yesterday this House and, in particular, members of the Taoiseach's own parliamentary party were under the impression that BreastCheck would be rolled out in Donegal—

**An Ceann Comhairle:** We cannot have a debate on health now.

**Deputy Joe McHugh:** Hold on a minute, a Cheann Comhairle. I have not even finished my first sentence. Where is the equity in representation here? I ask the Ceann Comhairle to let me finish my first sentence.

**An Ceann Comhairle:** I will, but I ask the Deputy to come within order.

**Deputy Joe McHugh:** As of yesterday, Members of this House and the Taoiseach's parliamentary party were under the impression that BreastCheck would be rolled out in Donegal in 2009. This morning, a spokesperson from the HSE announced that it would not be rolled out and that the timeframe would be indefinite.

**An Ceann Comhairle:** The Deputy will have to raise that on the Adjournment or submit a question.

**Deputy Joe McHugh:** My question is to do with the health information Bill. There is an information deficit between the Government and the HSE. This raises the question of who is actually in charge. The health information Bill should be introduced sooner rather than later.

**An Ceann Comhairle:** The Taoiseach on the health information Bill.

**The Taoiseach:** We do not have a date for the publication of the Bill but we should have the heads of the Bill in May.

### **Social Welfare Bill 2009: Financial Resolutions.**

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I move:

1. THAT provision be made to amend the Financial Emergency Measures in the Public Interest Act 2009 (No. 5 of 2009) in respect of the deduction from the remuneration of certain public servants who are members of certain occupational pension schemes or entitled to benefit under such a scheme or receive a payment in lieu of membership in such a scheme—

(a) by revising, in section 2 of that Act in respect of certain periods, the various rates of deduction,

(b) by providing for the amounts of remuneration to which each of those rates relate, and

(c) by providing for the circumstances in respect of which those rates and amounts of remuneration concerned shall apply,

in the manner and to the extent specified in the Act giving effect to this Resolution.

2. THAT provision be made—

(a) for an increase in the rates at which health contributions are deducted from reckonable earnings, reckonable emoluments and reckonable income in accordance with the Health Contributions Act 1979 (No. 4 of 1979) from 1 May 2009,

(b) for a reduction, from 1 May 2009, in the threshold at which the higher rate of health contributions are deducted from reckonable earnings, reckonable emoluments and reckonable income in accordance with the Health Contributions Act 1979, and

(c) for an *ex-gratia* payment to an individual made, on the occasion of the redundancy of that individual on or before 30 April 2009, to have health contributions deducted at the rate in operation at 30 April 2009,

in the manner and to the extent specified in the Act giving effect to this Resolution.

Question put and agreed to.

**Social Welfare Bill 2009: Instruction to Committee.**

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I move:

That, pursuant to Standing Order 172, Standing Order 127 is modified to permit an instruction to the Committee on the Social Welfare Bill 2009, that it has power to make provision in the Bill to alter the provisions of the Social Welfare Bill 2009 in relation to—

1. amending the Pensions Act 1990—

(a) by amending section 48 of the Pensions Act to modify how the assets of a scheme in wind-up are prioritised,

(b) by amending section 50 of the Pensions Act to:

- extend the categories of members and benefits to which a restructure of a defined benefit pension scheme benefits can be applied;
- extend the conditions under which a defined benefit pension scheme can be restructured;
- provide that the scheme members must be given an opportunity to make representations to the trustees of the scheme before any amendment to the scheme is made,

(c) by providing the courts with the power to relieve a trustee in whole or in part from liability for breach of trust where the court is satisfied that the trustee acted honestly and reasonably and having regard to all of the circumstances of the case,

(d) by amending section 3 of the Pensions Act to strengthen the regulatory provisions in relation to the obligation on employers to submit pension contributions to the trustees of a pension scheme,

2. providing that—

(a) the Minister for Finance may, after consultation with the Minister for Social and Family Affairs, make a scheme, to be known as the ‘Pensions Insolvency Payment Scheme’, and

[Deputy Mary Hanafin.]

(b) an amendment be made to the National Treasury Management Agency Act 1990 to provide that certain functions in respect of the scheme may be delegated to the National Treasury Management Agency,

3. amending the Financial Emergency Measures in the Public Interest Act 2009 to ameliorate the impact of the pension related deduction on lower paid public servants with a partial off-set by an increase on earnings above €60,000, by introducing new rates and bands, and

4. changing the Title of the Bill to take account of these provisions.

This motion is put forward to permit the committee to alter the provisions of the Social Welfare Bill 2009 in regard to amending the Pensions Act 1990, provide that the Minister for Finance may make a scheme known as the pensions insolvency payment scheme, amend the National Treasury Management Agency Act 1990, amend the Financial Emergency Measure in the Public Interest Act 2009 and change the Title of the Bill to take account of these provisions.

Members are aware that defined benefit, DB, pension schemes are experiencing problems. It is important that they be given every possible assistance by the Government. Moreover, such measures must be introduced as quickly as possible to ensure that those companies in gravest difficulty can benefit from the proposed changes. I appreciate that this legislation is being brought forward at short notice and that the measures contained therein are difficult and complex. The reality is that insolvent companies with pension funds are winding up as we speak. The aim of the legislation is to provide some additional protection to the workers concerned. It was hoped that these measures would be ready at the time of publication of the Bill but the changes being proposed took considerable time to prepare. However, notwithstanding the delay, I am satisfied these changes are urgent and necessary and I would appreciate the co-operation of the House.

The proposed amendments to the Bill will build on the short-term measures already introduced to assist pension schemes and will support the trustees of these schemes in meeting current challenges, while also providing greater flexibility to schemes and regulatory support to assist the affordability and viability of defined benefit pension schemes. In short, I propose amending the Pensions Act to change the order in which liabilities are calculated on the wind-up of a defined benefit pension scheme. I am also proposing an amendment to allow greater flexibility for schemes to restructure benefits in the event of underfunding. The legislation also provides for a strengthening of the role of the Pensions Board in its pursuit of employers who fail to remit pension contributions that were deducted from the wages and salaries of its employees. Furthermore, I am announcing the introduction of a pensions insolvency payments scheme whereby if a defined benefit scheme is in deficit and the sponsoring employer becomes insolvent, the trustees of the scheme may apply to the Minister for Finance to purchase pension payments for its retired members at a lower cost than that available on the open market.

The Government has been working since the publication of the Green Paper on pensions to bring forward proposals to assist the pensions industry. With the recent economic downturn and the huge losses in equities markets in the past 18 months, it was important to put together a package of measures to underpin pensions provision in Ireland. The Government's initiative began in December with the announcement of several short-term measures aimed at reducing the pressure on underfunded defined benefit schemes by allowing greater flexibility and time to recover funding positions. These measures included the granting of additional time for the preparation of funding proposals; an undertaking that the Pensions Board would deal as flexibly as possible with applications for approval of funding plans, allow longer periods for recovery

plans in appropriate circumstances and allow the term of a replacement recovery plan to be extended beyond the end date of the original plan; the taking into account of voluntary employer guarantees in approving recovery plans; and that the Pensions Board would reject recovery plans that fail to demonstrate an appropriate investment approach.

In acknowledging the likelihood that some defined benefit schemes will wind up due to the current economic situation, the measures I am announcing today are a timely next step in our response to the crisis. Furthermore, I expect to follow this in the near future by announcing details of the Government's national pensions framework, which will include a response on the issue of the sustainability of the pensions industry. While I am not yet in a position to advise the House of what will be included in the framework, I can identify the key issues it should address.

Much of this is familiar to Deputies but it is worth stating again some of the many issues that face us in preparing a sustainable pensions policy. The population aged 65 and over will increase by 59% by 2021 and by a further 142% by 2061. There will be a relatively rapid and severe decline in the pensioner support ratio, that is, the ratio of people of working age to those over pension age, from approximately 6:1 at present to less than 2:1 in 2061. In the years ahead, the State faces an additional bill for pensions which amounts to some €8 billion in today's terms. The pension coverage rate for people at work has been hovering between 50% and 55% despite vastly improved awareness of pension issues and the need for people to provide for their retirement. Even where people are contributing to pension schemes, those contributions may not be adequate to meet their expectations in retirement.

These figures indicate the scale of the challenge ahead but they tell us little about the tangible human impact of pension problems on ordinary people. People should be confident and secure about their retirement expectations. They should not arrive at pension age only to find that their incomes well below what was promised to them. Our system must provide surety so that we all can look forward to retirement, confident that our pensions are safe.

The Government is very conscious of the difficulties the global financial crisis is causing for Irish pension funds and the challenge this is presenting for the trustees of pension schemes. It is estimated that in excess of 90% of defined benefit schemes are currently in deficit, with estimates suggesting a shortfall of up to €30 billion. The Government is very much aware of the threat the current financial environment is presenting for some defined benefit schemes where the employer becomes insolvent leading to a wind-up of the scheme. The amendments I am introducing today are the next logical step in the Government's approach to pensions provision. These amendments will help to support the job of the trustees in addressing the challenges they face at this time.

Insolvency invariably leads to the wind-up of the pension scheme. This means that some, if not many, pension scheme members who have yet to retire will face a shortfall in their pension. This is of particular concern for those close to retirement who have few options in terms of making alternative provision for their future. For this reason, I am bringing forward an amendment to enable the Minister for Finance to provide for a pensions insolvency payment scheme, PIPS. Currently, if a defined benefit scheme is in deficit and the sponsoring employer becomes insolvent, the trustees must first provide pensions for the retired members of the scheme, usually by purchasing annuities. Whatever is left is apportioned among the active and deferred members of the scheme. The more expensive the annuities, the less money available for those yet to retire. Annuities provided on the open market are priced to include certain costs such as commissions and expenses as well as a profit margin. Crucially, annuity providers must hold reserves to back up their annuity commitments, a cost which can add significantly to the final annuity price.

[Deputy Mary Hanafin.]

The PIPS will provide an alternative for trustees of defined benefit schemes in deficit with an insolvent employer. In simple terms, trustees of participating schemes would pay to the Exchequer the amount necessary to cover the cost of providing pensions to retired members. With commissions, expenses, and the cost of capital distilled from the equation, the PIPS should be able to provide these payments at less expense to the trustees. This should then free up additional money to go towards the pensions of those yet to retire.

It is important to be clear on this issue. The PIPS is not a bail out of pension schemes in deficit and has been carefully designed to ensure that it will be cost neutral from an Exchequer point of view. We must be careful that our attempt to assist those in need is not misrepresented. Many people will want to know the bottom line on this and the difference it will make to their pension. The simple answer is that it depends on the scheme in question. Each scheme involved will have to be actuarially assessed and the costs and savings will depend on the age profile of the scheme, the prevailing interest rate and other relevant factors. The intention is that this technical calculation will be carried out by the National Treasury Management Agency so as to make the PIPS cost neutral to the Exchequer. The PIPS will operate on a pilot basis and will be reviewed within three years of its establishment. The amendment I am introducing today will set out the necessary enabling provisions to allow the Minister for Finance to introduce the scheme and to provide for the detailed arrangements to be set out in regulations, in which I will have a consultative role. The PIPS can commence once those regulations are in place.

As I have said, employer insolvency may invariably lead to the wind-up of the pension scheme. In the event of such a wind-up, the Pensions Act stipulates the order in which the resources of the scheme must be disbursed. It gives priority to the liabilities accruing to pensioners before it distributes the remaining assets to those who are still in employment and those former employees who have not yet retired. The calculation of the liabilities includes provision for post-retirement increases in the third of schemes that provide for such increases.

With increases in pension costs, the liability for post-retirement increases can be substantial, and in a situation where a severely underfunded scheme is wound up, the allocation of assets for pensioners in payment can significantly reduce the assets available for other scheme members. In this regard and in order to achieve a greater equity in the distribution of scheme assets on wind-up of the scheme, I am bringing forward an amendment to reorder the wind-up priorities by moving the provision for post-retirement increase to a lower priority. This change will not impact on the current pension payment to pensioners but it will enhance the level of resources available to other scheme members. Once the basic pension entitlements of all scheme members are covered, the distribution of scheme assets for post-retirement increases will then be applied. This is an important change in the priority order and will, without impacting on the pensions of those already retired, improve the situation of other scheme members.

It is desirable to ensure that pension legislation supports the viability of current pension schemes and that nothing in current legislation could be considered restrictive in the ongoing maintenance and sustainability of a pension scheme. In this regard, I am bringing forward an amendment to the scope of the Pensions Act in respect of the existing provision in the Act for the restructuring of a pension scheme. Current legislation provides for the restructuring of a defined benefit pension scheme but only to the extent that it affects the benefits of those currently employed by the employer sponsoring the scheme. This restructuring does not extend to the accrued benefits of scheme members who are no longer employed in the company or to post-retirement increases in benefits. This limitation in restructuring a scheme could give the trustee no option but to wind up the scheme.



The proposed amendment to the Pension Act will broaden the scope of a scheme restructuring to include those currently in employment, those who have ceased employment with the current employer and the provision of post-retirement increases for all scheme members including pensioners. It must be stressed that this change will not impact on the pension currently in payment to pensioners. The purpose of this amendment is to help trustees secure the viability of the pension scheme by extending the elements of the scheme which may be considered in any restructuring of a scheme. This will help the trustees to maintain the ongoing viability of the pension scheme and hopefully avoiding the scenario of a scheme wind-up. It is important to point out that the measures I have outlined will retain the current priority given to pensions in payment which means that employees who have retired, and those who have reached normal retirement age, will not see any diminution of their entitlement to a pension.

Deputies will agree that it is crucially important that any monies deducted from an employee for pension purposes are remitted to the trustees of the pension scheme. Difficulties are currently being experienced by the Pension Regulator in bringing successful prosecutions against employers who fail to remit employee contributions to the trustees of a pension scheme. This is due mainly to the standard of proof required based on oral evidence, often required to be given by an employee of the employer in question. In practice, it is understandable that such employees may be unwilling to testify against their employer, for fear of the impact on their future careers. In response to this situation, I am bringing forward an amendment to the Pensions Act to strengthen the role of the Pensions Regulator in this regard by establishing a separate offence for such a breach of the Act and by enhancing the admissibility of documentary evidence.

While the main focus of the amendments I am bringing forward are to do with supporting the work of the trustees in situations which threaten the future of a pension scheme, it is important to ensure that the legislation is strong where an employer fails to remit pension contributions to the trustees of a scheme. I must acknowledge that the vast majority of employers comply with this requirement. We must, however, ensure that those who fail to comply are pursued.

Finally, I introduce an amendment to provide a court with the power to relieve a trustee from liability for a breach of trust. This proposal is aimed at protecting trustees who have acted honestly and reasonably in the performance of their duties.

The amendments I am presenting to the House this evening are aimed at supporting workers in defined benefit schemes and assisting trustees in securing the future of pension schemes. I am also aware that there are many other challenges facing pension policy and provision in Ireland. These include issues such as pensions coverage and the adequacy and sustainability of our pensions system generally, all of which were set out and discussed in the Green Paper on pensions.

A good, robust pensions system is costly no matter how it is organised. The challenge faced by the Government is to strike the appropriate balance between those involved, including employers, people in employment and the State. Our objective must be a pension system which will deliver an adequate retirement income for all which is at the same time affordable and sustainable for the State and those who sponsor and provide occupational pensions systems. Discussions with my Government colleagues on the final framework are ongoing, and I expect that the framework will be published in the near future.

For now, I move to alter the provisions of the Social Welfare Bill 2009. I appreciate that this is a difficult and complex issue but the measure is designed to give extra rights to workers in companies which are insolvent or about to become insolvent and whose pension funds are in deficit.



**Deputy Olwyn Enright:** This is the first time I have participated in a second debate on Second Stage of a Bill. The Fine Gael Party and I object in the strongest possible terms to the way the Government is ordering the business of the House and bringing legislation before it.

The Minister says she appreciates the complexity of the legislation. This gives no recognition to the fact that advisers from her own Department and the Department Finance have drawn up this legislation on her behalf. It was presented to Deputy Shortall and me at 10 o'clock this morning. A briefing was offered yesterday but the amendments were not ready then. Had I taken up the offer of the briefing, which I could not because I was in my constituency, the measure would not have been ready for consideration. If Members are to do the job for which we are elected and paid, we must have an opportunity to consult and engage with people to gain their views on what we are doing and to get expert opinion on legislation.

This legislation is complex, both in what is put before us and in what is left out. I have not had sufficient opportunity to speak to experts in this area and to decide whether or not Fine Gael and I should be for or against the proposal. There is merit in some of what the Minister is suggesting and I have difficulty with other aspects of it. Opposition parties are being asked to vote on the proposals tonight. We will be condemned at some future date for refusing to co-operate with necessary legislation but we are not given time to make informed decisions. This is serious legislation with profound implications for workers and for those who are already retired. The implications are even more profound for those workers not covered by the measure. It should not be decided by gut instinct, but it will go through on a nod and a wink.

I did not know until I came to the House this afternoon that this Second Stage debate was to be held. My party Whip was informed of it only this afternoon. This is not the right way to do business and will not lead to good legislation.

I have lost count of the times I heard the Minister and her predecessors, Deputy Cullen and the late Deputy Séamus Brennan, promise a proper pensions policy. I have heard all three of them, in countless interviews on "Morning Ireland", saying it was on the way. We have had 12 years of Fianna Fáil led Government in which difficulties in our pensions structure have built up, although I accept that the difficulties have been more extreme in recent years. We have had 12 years of inaction in this regard. I attended the Minister's press conference when the Green Paper on pensions was published in October 2007. From what was said on that occasion, we expected to see progress. Today, we are told we will see progress shortly. How soon is shortly? When will we see an overall, comprehensive pensions policy? That is what people need.

Piecemeal action is the least effective way to do things. I accept the present urgency in dealing with the companies covered by this measure but it is a pity the Taoiseach did not answer the question posed to him today. Is there a specific problem which demands that this measure be rushed through tonight?

**Deputy Mary Hanafin:** No.

**Deputy Olwyn Enright:** There is an inherent contradiction in rushing this business. The Minister said the Minister for Finance will be required to make regulations. Will he make those regulations on Thursday or Friday when the measure has been passed by the Seanad or will we wait even further? While he and his Department are making those regulations, surely Members could have been given a few days to consider the measure. I would not have objected to coming back on Friday to deal with this matter properly, following consultation with experts and having made an informed decision.

I do not oppose the Government for the sake of doing so. I am happy to agree with Government measures and to say so if that is appropriate. I do not like speaking on the hoof. I like

to make informed contributions. However, I will be obliged to debate this measure later this evening while not knowing all I should know about it. That will be a dereliction of my duty, through no fault of my own.

I hope the Minister will consider these reservations, although it is clear that she and her party have not done so. Had they done so, we would not be having this debate but would be discussing the Social Welfare Bill as originally presented.

I have a concern regarding the timing of this evening's business and the fact that these amendments will be taken at the very end of the three and a half hour debate on Committee Stage. I am concerned that we may not even reach them or discuss them individually. It will be a disgrace if we do not discuss these amendments and pass legislation of this importance with no effective debate and with no contributions from other members of Fine Gael, the Labour Party or Sinn Féin. I accept and agree with the changes in the order of priority to protect existing employees. However, I refer to certain exclusions. The Minister has included companies which are insolvent as well as their pension schemes and companies which are winding up.

My colleague, Deputy James Reilly and my party leader, Deputy Enda Kenny received an e-mail this evening from staff in SR Technics. Those concerned and the wider public are only now becoming aware of the proposals. As responsible citizens, they are concerned that legislation is being rushed through and they have heard rumours. It is unacceptable that such people, who have been through the mill in recent weeks, are relying on rumours to the effect that SR Technics will not be eligible for the scheme. I thank the Minister's officials for this morning's briefing, which was helpful even if it was arranged at the last minute. The staff in SR Technics are concerned that they will not be included in the scheme. There are many other examples of those not included, such as those from Bord na Móna, the ESB and so on. I would have preferred an opportunity to tease out in greater detail the reasons for the exclusions and whether there could be a possibility of tabling amendments such that such companies could be included. They are not included on the basis of the Minister's current decision on the matter but we should have had the opportunity to tease out the matter in greater detail.

I have concerns regarding the overall approach of the Minister in terms of post-retirement increases. I agree with it, but concerns remain related to the consequences of a period of high inflation which we do not have currently, but which will arise again. If inflation increases rapidly there is an effect in terms of people's pensions and there may be difficulties in this regard. We have seen how the dramatic increase in costs in recent years presents difficulties.

I will raise the matter if I have the opportunity on Committee Stage but I have concerns related to the overall policy and to why the Minister did not consider a cap on the priority of pensions for existing and deferred workers. Let us consider the situation of the pension of a bank chief executive in the region of €250,000. It is not beyond the bounds of possibility that it could be a good deal more but if such a bank were to wind up that chief executive would receive his pension. A teller in the same bank might be in receipt of a pension of €15,000 or €20,000. Given the Bill in its current form if the pension scheme of such a bank was de-funded by 50% the chief executive would receive €125,000 but the teller would receive a pension of only €7,500. The equity of such issues should have been considered in the legislation and should have been discussed by Members. Such situations are very unfair and powers should have been given to the trustees or, at least, to the Pensions Board, to examine the higher end of the scale in cases involving the winding up of a company.

I am also concerned about restructuring. What would constitute a substantial deficit and how will this matter be decided? I refer to the reduction in benefit. Will this apply on a *pro rata* basis only? The Minister could have legislated for such provisions under the restructuring

[Deputy Olwyn Enright.]

section such that it would take place on the basis of a proportion of a person's income. I trust the Minister has considered the matter but when she did so, did any legal impediment arise in respect of proceeding in this way? Was the decision to proceed on a *pro rata* basis rather than on proportional income one of principle, policy or legality?

I accept the measures in respect of trustees making decisions in good faith. I am trying to include everything in case we do not reach these matters later on. It is important such measures are included but we must examine the differentiation between types of trustees. It is possible for a board of trustees of a pension fund to have an ordinary person appointed to it from the company. Usually, an associated trade union would have an appointee on the board of trustees also. Such people are likely to be regular employees of the company not expert in the whole areas of trustee law, investments and related matters. Usually, there would also be someone on such a board who is a professional trustee and works in that capacity for a living. Do the courts have the power to differentiate between the two such types? A professional person would be making informed decisions whereas an ordinary trustee — I use that term although such people may not wish for me to do so — would come from a different perspective and rely on expert information. It is possible to have a professional trustee who is honest and acting in good faith but who is negligent. I wish to ensure the court has the power to differentiate between such cases because negligence is not a issue which the courts should have the power to brush away because actions were taken in good faith. There have been examples in recent times where such changes have taken place for the right reasons.

I refer to payroll evidence. From a legal perspective I am unsure if an employee's name could still be given to a company. I imagine there could be difficulties if it were not given to such a company upon request. To some extent that could have the same effect as an employee appearing on a witness stand. Such a case would be less intimidating for the employee but the Minister indicated the possibility of an employer punishing an employee and if a name is on a payroll slip this difficulty would remain. Through discovery, the name would have to be given but I am unsure. Will the Minister clarify the matter?

I refer to the issue of annuities. I have several questions on this issue which I will attempt to put. How many schemes currently qualify under the new conditions? I presume such information is available at this stage. What is the value of assets in such schemes? How will the State account for the money and what will it do upon its receipt? Where will it go? It is possible that in the coming three years there could be a significant amount of money coming in which in theory, should be used to buy annuities, but some of which will not have to be paid out for a long period? Will such money be put in the Exchequer pot, which would be of great concern? Would such money be put in the National Pensions Reserve Fund, probably the best option, to prepare for future liabilities? It is important to receive clarity on such issues.

I have concerns regarding the restrictive nature of the scheme and those excluded from the perspective of annuities. What legal advice did the Minister receive in respect of EU competition law and State aid legislation? Did the Minister receive advice from the Attorney General? Has the Attorney General examined the vulnerability of the legislation and possible challenges on grounds of unfair State subsidies? Some companies may be in that position and others may not. Some companies may be in less of a position to go against the Government at this stage in terms of the bank schemes. When will the scheme be set up?

I refer to proposed amendments to the Bill. I object in strong terms to the ruling out of order of two amendments because they could involve a potential charge on the Revenue. I was told of this only ten minutes before the Minister spoke on the Order of Business. I realise the Ceann Comhairle receives advice from the Department before amendments are ruled out of order. However, amendments Nos. 6 and 9 refer to the jobseeker's allowance. I simply seek

information and have asked the Minister to ensure sufficient courses are available to relevant people aged between 18 and 19 years and to ensure transport to such courses is available. If commitments were made by the Minister for Social and Family Affairs and the Minister for Finance in the Budget Statement concerning available alternatives then there is no potential charge to the Exchequer because such matters have already been set up and are in place. My amendments should not have been ruled out of order on that basis. I will oppose the relevant Stages of the Bill on the basis that if I cannot access the information I cannot support the legislation. It would be wrong of me to do so. I believe neither of my amendments should have been ruled out of order. At least we should know the courses such young people will attend and the arrangements in place for them.

I have grave reservations in respect of how this matter has been handled, I will express these at various stages in the course of the evening and I will vote against some of the proposals.

**Deputy Róisín Shortall:** I put on record my complete dissatisfaction with the manner in which the Minister is dealing with this important legislation. The legislation is very complex, but we did not even have time to read it. There was a 30 minute briefing this morning, which was highly unsatisfactory. That is no reflection on the officials but there was only a window of 30 minutes this morning when Opposition spokespersons were available. That is simply not acceptable. The Minister owes the Opposition some explanation regarding why she is dealing with the legislation in this manner. It has all the signs of a rushed job. As I said earlier, we will rue the day in this House that we did this. It is complex legislation which is rushed, which has not been given adequate or appropriate consideration and undoubtedly we will be back here in the future amending what will amount to bad legislation.

The Minister has a bit of a nerve coming into the House and asking for co-operation on this legislation. We fully recognise the urgency associated with the Social Welfare Bill and we have facilitated the Minister in that regard. We would like to have had more time to discuss the various cuts which the Bill contains but we were prepared to deal with it tonight. However, we are not prepared to deal with a huge new and totally unrelated additional section dealing with pensions. For that reason the Minister will have no co-operation from the Labour Party in this or, indeed, for the foreseeable future in taking any legislation or dealing with matters in this House because she has shown utter disrespect for us by forcing this measure through the House today.

The Minister has not provided any explanation whatsoever of her reasons for doing so. We all accept there are situations where emergency legislation is required to be dealt with very quickly in a matter of hours. However, she has not provided any explanation. There are rumours around that some big scheme is about to collapse. I do not know whether there is anything in those rumours. If there is, the Minister should at least have given us an off-the-record briefing and explained the situation. If there is not some pressing reason, there is no justification for rushing this Bill through the House.

As I suggested to the Minister and the Chief Whip, this issue should have been taken as a separate pensions Bill. I had offered the co-operation of the Labour Party in the taking of such a Bill within the next fortnight. There must be some reason the Minister was not prepared to deal with it in that manner. I do not think it was bad-mindedness on the part of the Minister. She should have explained to Opposition spokespersons why she was not prepared to do that. Given her failure to do so and her disregard for the position in which we find ourselves, I can assure her that she will not have any co-operation from these benches. Having waited ten years for pension reform, she really has a nerve to come into the House and ram through proposals in the space of four hours. If we could wait ten years for these changes, why can we not wait another week or two and at least give this legislation the kind of consideration it requires?

[Deputy Róisín Shortall.]

Bringing forward this rushed legislation will not let the Minister off the hook with regard to the Robins case and I hope she does not for a moment think it will. She has bluffed her way through the implications of the Robins case when it comes to the implications for many different companies here where defined benefit schemes are in difficulties and the companies go bust. I refer in particular to Waterford Crystal. That case is proceeding apace. The Minister was given adequate warning and notice about it. As I said to her, sooner or later we are going to find ourselves before the European Court of Justice, on the basis of her failure to provide adequate pension cover for Waterford Crystal workers. She had an opportunity to do something about that. Not only was she given adequate notice about those problems and what she was supposed to have done following the Robins case, but the workers brought forward a viable proposal which the Minister could have accepted with regard to how the existing pension fund could have been dealt with and how that could have assisted for the capitalisation of a financial institution. They were given some sort of hearing from the Department of Finance. Unfortunately, for whatever reason, the Department, or certain people in the Department of Social and Family Affairs at the most senior level, did not quite follow what the proposal was, but there was a proposal put to the Minister for solving the problem at Waterford Crystal which she rejected. The Waterford Crystal people are in a difficulty and they will have to pursue the case themselves through the courts here and the European Court of Justice. One of the most regrettable aspects is that there is every likelihood that the Minister, through her inaction, will expose the Irish taxpayer to a considerable claim as a result of her failure to tackle the Waterford Crystal issue.

The most accurate way of describing what the Minister proposes is that it is like using a packet of sticking plasters on some of the aspects of our existing pension policy and pension law. These are minor changes and no excuse for not having a proper policy in place. Those minor changes will benefit some people but they have negative implications for others. In certain situations there will be pensioners who currently have the pension they understood they were entitled to and they receive their periodic cost of living increases. They left their company and were awarded a pension on certain terms and conditions. These proposals will change those terms and conditions for those pensioners.

There are a couple of issues involved. Those pensioners were given their pension on certain terms and conditions and there are big question marks over whether the Minister or anyone else has the legal authority to change those terms and conditions. We had a public debate about former Ministers and their pension entitlements and the view that a person's pension could not be touched as it is regarded as sacrosanct. It has been ruled in the courts that a pension constitutes property and we know that property rights are very well protected in the Constitution. Why do the same arguments not apply to defined benefit pensioners who will be affected? There must be legal issues with regard to anybody's right to interfere with a person's existing and established pension entitlements and this is of concern to me. An issue of equity is also involved and I note that this evening Age Action has urged the Government to revise these proposals to deal with insolvent private pension funds in order to protect pensioners within those schemes who are on the lowest incomes.

The Minister had options available to her for dealing with this issue but she did not choose them. Some form of cap should have been put on pensions because we will now have a situation where people on very small pensions will lose out on the cost of living increases, yet people on very big pensions continue to enjoy those pensions. There is no equity between pensioners, given that some are on huge pensions and some on very small pensions.

I ask the Minister to clarify whether these new provisions will apply to SR Technics and Waterford Crystal. A late amendment was a rushed job and was not thought through. It is



proposed in an amendment that the provisions relating to the change in priorities will apply to recently wound-up schemes and this is welcome. What is not clear is the State annuity scheme, the PIPS scheme and whether or not SR Technics will be able to avail of that scheme, as one of the conditions of the State annuity scheme as set down in the legislation is that the company must be insolvent. We know that SR Technics is not insolvent. They are seeking to walk away and leave liabilities behind them, but it is a profitable company. They are just moving to an alternative location. Will the Minister clarify whether SR Technics employees will be able to avail of the State annuity scheme? Will Waterford Crystal workers also qualify? We deserve that explanation tonight.

What happens at the end of the three-year pilot? Can the Minister withdraw from it if it is not a satisfactory scheme and does not work out as planned? What will happen then? Can these provisions be applied to existing pensioners who already have an increasing pension? While they may not lose anything in the pension there are questions over the cost of living increases. These provisions still allow companies to walk away and leave pension liabilities behind them and that is at the nub of the matter. The Minister is tinkering at the edges, as she did in December. The fundamental point that there is no legal responsibility on companies to ensure there is adequate pension provision is not dealt with. That is very regrettable.

While I welcome the State annuity scheme for insolvent companies, it should be extended to SR Technics and offered to other schemes. There are very strong arguments for having a State annuity scheme and I argued for such a scheme recently during Question Time. Why can there not be an extension to incorporate such a scheme? Why must the company be insolvent? Why are State annuities not generally available? I do not necessarily accept the arguments put forward by officials from the Minister's Department this morning. There is an element of political decision on this. There is a very strong case for making State annuities generally available. We know the costs of the middle-men in the industry are very high and it makes a lot of sense to provide access to better value annuities that are less expensive than commercial ones.

I welcome the better regulation proposed on companies that do not pass on the pension contributions and the changes in terms of evidence. That is a good move. It probably still will not be possible to prevent a court case against the State because this does nothing about guaranteeing an over 50% provision. We will revisit that in the not too distant future.

What, if any, consultation has taken place with representatives of older people? It is all very well for the Minister to say she is under pressure from the unions in the national talks and wants a greater spread in terms of entitlements. These have serious implications for existing pensioners. Did the Minister consult with anybody on that? There should have been adequate consultation. Was the Pensions Ombudsman consulted on these proposals?

To which pensioners will the proposals apply? How many pensioners will lose a cost of living increment? What information will be made available to pensioners on the possible impact on them? From when will the new changes apply? If a pensioner already has a cost of living increase from this year will that be clawed back? How will it work? What notice must a pension fund give a pensioner before it cancels a cost of living increase? I can see no requirement in the Bill for pension funds to write or otherwise notify or inform existing pensioners. What happens if inflation reaches 10% again? There is no provision in the Bill to deal with that for existing pensioners.

Overall I am very disappointed with the Minister's approach to this and it leaves a large number of unanswered questions which will have to be revisited.



**Deputy Arthur Morgan:** I thank the Minister and her Department for her offer of a briefing on this legislation. I very much regret that I could not attend it at the very short notice. That is most unfortunate for all of us. In a way I welcome the fact that something is being done on this pensions issue but I am very disappointed at how little is being done and particularly at the manner in which it is being done. We have had seriously inadequate time to research and explore the implications of this proposed legislation and that has implications for its passage through this House. I acknowledge the need for a steady pension ship but I also acknowledge the need for a steady legislative process which will give us adequate time to allow us to research and debate these matters and all their implications comprehensively.

The Government's admission that workers' pension schemes need protecting is undoubtedly good news, but the bad news is that the proposed scheme is so limited. For example, the scheme does not acknowledge the insecurity of the market upon which pension provision relies or the fact that a significant number of workers have no pension provision at all. We need fundamental reform of the pension system and quickly.

Two years ago, in 2007, I proposed increasing and universalising the State pension which would be augmented by a social insurance earnings-related pension. This is the type of reform not addressed by the Government's Green Paper on pensions, which sought instead to privatise pension provision. The form proposed by my party was progressive and, more importantly, equitable and sustainable. I have persistently called for the abolition of the PRSI ceiling and the standardising of tax reliefs, which currently benefit those on higher incomes. The public purse would have been better off by approximately €1 billion if tax relief on pensions were standardised. Why was this not done in this month's emergency budget? Surely that €1 billion would have been appreciated in the coffers, although it has been claimed that the proposal before us today is cost neutral. I also called for a PRSI increase of 1% on all workers to boost the social insurance fund, which is at risk of running out. In a full year this increase and the abolition of the PRSI ceiling would have put an extra €950 million into the country's coffers. Again, why did the Government not undertake this measure?

Two important principles need to be attached to any pension scheme, namely adequacy of financial provision for people to live out their retirement years in some level of comfort and reasonableness, and equity or fairness across the board on all these matters. Will this scheme impact on people who have recently become unemployed who had been contributing to a pension scheme but are not in a position to do so while unemployed? What is the likely impact on them? They can no longer subscribe to the pension scheme to which they had subscribed. Others made the point on the pension schemes for workers at Waterford Crystal and SR Technics. I would appreciate if any clarification could be brought to bear on whether those people will be included in this scheme.

**Deputy Mary Hanafin:** Again, these measures have not been introduced for any one company. It is not about any particular emergency situation that is about to arise. There are all kinds of media speculation and comments, but that is not the reason. Schemes all over the country are winding up because those companies are insolvent and we want to ensure the workers in those companies can benefit from this. That is the only motivation in bringing this forward. I appreciate that it is difficult and it is a very short time in which to do it.

**Deputy Róisín Shortall:** Why cannot we wait one week?

**Deputy Mary Hanafin:** It is because there are companies winding up as we speak. It is important we act now. With regard to the long-term measures——

**Deputy Róisín Shortall:** That is nonsense.

**An Leas-Cheann Comhairle:** Allow the Minister reply.

**Deputy Mary Hanafin:** The long-term measures are also crucial. We will bring that proposal forward within the coming weeks. I know Deputies will say they have heard that before.

A number of key questions were asked which I would like to address and I have only a few minutes to speak. Deputy Enright asked about imposing an income limit. Bearing in mind that scheme members have paid into the scheme according to their salary obviously those who pay more into it will receive only the proportion of the benefit to which they are entitled. If a scheme is in deficit those on higher salaries will take a greater overall loss of money. Most of the schemes are quite separate. The higher executives have their own scheme and the workers a separate one so a limit would not necessarily have any great impact.

What is to happen the money and what will the Department of Finance do with it? There will not be a separate fund for it. Money will be absorbed into the Exchequer but the pensions will be paid on a pay-as-you-go basis for the pensioners.

Is there a definition of deficit? Any scheme in deficit will qualify so there is no particular definition as to how much one has to be in deficit.

**Deputy Olwyn Enright:** What is the difference between substantial deficit and deficit?

**Deputy Mary Hanafin:** Any scheme in deficit will qualify for this.

I shall take questions in the order in which they came. I was asked if an employee's name will feature. The very situation we are trying to avoid—

**Deputy Róisín Shortall:** Is this for any scheme in deficit?

**Deputy Mary Hanafin:** Where the company is insolvent.

**Deputy Róisín Shortall:** Where the company is insolvent.

**Deputy Mary Hanafin:** Those are the two criteria.

**Deputy Róisín Shortall:** Is that in respect of the PIPS?

**Deputy Mary Hanafin:** Yes.

On whether an employee would be identifiable, the Pensions Board will take the case and the employee will not be implicated as the whistleblower because the Pensions Board would have the evidence to bring the case. That is allowed by this proposal.

Which companies are in and which are out? Obviously there is a process through which every company must go. Companies that need to get certification must go through a legal process. It is not for me to say who is in and who is out but there is a well-known company that is in receivership, for example, and its pension scheme is in deficit. If it goes through all the requirements for winding up obviously the measure would apply to that company.

Who else will qualify, how much will people get and from what will they benefit? Again, that depends on the scheme. It will depend on—

**Deputy Olwyn Enright:** I asked about assets in respect of companies the Minister expects to avail of this. What level of assets will they have coming into the scheme?

**Deputy Mary Hanafin:** Again, that will depend on the scheme because it will depend on the level of assets the scheme has and also on the number of pensioners, the age of the pensioners, and so on.

**Deputy Olwyn Enright:** Has the Minister done research into this? Does she know this to be the case?

**Deputy Mary Hanafin:** It is not possible at this stage to say which companies will qualify. We are in a very fluid situation economically and to know which companies are going to wind up——

**Deputy Olwyn Enright:** The Minister must have some idea if she brought forward the legislation.

**An Leas-Cheann Comhairle:** The Minister has only one minute left.

**Deputy Mary Hanafin:** I wish to make clear that when we are talking about the PIPS we are talking only about those schemes which are insolvent and where pension schemes are in deficit.

**Deputy Róisín Shortall:** Then SR Technics will not qualify.

**Deputy Mary Hanafin:** Each individual company and scheme is different so it is not for me to say which one is in or out because they would have to qualify under those dual requirements.

**Deputy Róisín Shortall:** The company must be insolvent.

**Deputy Mary Hanafin:** There is an important question to answer with regard to the post-retirement increases. In total, only a third of schemes actually guarantee post-retirement increases and because this measure applies then only to those companies that are restructuring because of their difficulties or that are winding up and are insolvent, it will apply only to a small number of that third which have guaranteed the post-retirement increases.

Legal advice on competition law, EU law and all of that was sought and the Attorney General is satisfied in that regard. I was satisfied it does not raise any questions in respect of EU state aid about which the Deputy asked because it is such a confined scheme and because of the insolvent companies and the pension funds in deficit.

The Department of Finance is working on the regulations and it is intended to bring them before the House very shortly.

On why this is a three-year scheme, it is an important scheme and it is equally important to see if it works properly or whether it needs to be tweaked.

**Deputy Róisín Shortall:** I asked what happened after that. What are the Minister's obligations after that?

**Deputy Mary Hanafin:** We can see how well it is working. It is impossible to say at this stage how we will review a scheme when we have not even set it up. It is our intention to set it up now and see how it works. The intention behind it is to try to give some extra benefits for the workers.

**Deputy Olwyn Enright:** Fingers crossed.

**Deputy Mary Hanafin:** That is what it is all about and that is what this legislation will do.

**Deputy Róisín Shortall:** What about the other questions?

**An Leas-Cheann Comhairle:** I must put the question now.

**Deputy Róisín Shortall:** What about the other questions the Minister was asked?

**An Leas-Cheann Comhairle:** The question is: “That the motion be agreed to.”

**Deputy Róisín Shortall:** We are entitled to answers.

**Deputy Mary Hanafin:** I had only five minutes.

**Deputy Róisín Shortall:** Why is the Minister dealing with it in this way? Why did she not allow us adequate opportunity to consider it?

Question put.

The Dáil divided: Tá, 81; Níl, 69.

Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Andrews, Chris.  
 Ardagh, Seán.  
 Aylward, Bobby.  
 Blaney, Niall.  
 Brady, Áine.  
 Brady, Cyprian.  
 Brady, Johnny.  
 Browne, John.  
 Byrne, Thomas.  
 Calleary, Dara.  
 Carey, Pat.  
 Collins, Niall.  
 Conlon, Margaret.  
 Connick, Seán.  
 Cowen, Brian.  
 Cregan, John.  
 Cuffe, Ciarán.  
 Cullen, Martin.  
 Curran, John.  
 Dempsey, Noel.  
 Devins, Jimmy.  
 Dooley, Timmy.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Michael.  
 Fleming, Seán.  
 Flynn, Beverley.  
 Gallagher, Pat The Cope.  
 Gogarty, Paul.  
 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.  
 McEllistram, Thomas.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 Mansergh, Martin.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Brien, Darragh.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Flynn, Noel.  
 O'Hanlon, Rory.  
 O'Keefe, Batt.  
 O'Rourke, Mary.  
 O'Sullivan, Christy.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Ryan, Eamon.  
 Sargent, Trevor.  
 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.  
 Carey, Joe.  
 Clune, Deirdre.  
 Connaughton, Paul.  
 Coonan, Noel J.  
 Costello, Joe.  
 Coveney, Simon.

Níl—*continued*

Crawford, Seymour.  
 Creed, Michael.  
 D'Arcy, Michael.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Feighan, Frank.  
 Ferris, Martin.  
 Flanagan, Charles.  
 Flanagan, Terence.  
 Gilmore, Eamon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 Kenny, Enda.  
 McCormack, Pádraic.  
 McEntee, Shane.  
 McGinley, Dinny.  
 McGrath, Finian.  
 McHugh, Joe.  
 McManus, Liz.  
 Mitchell, Olivia.  
 Morgan, Arthur.

Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Donnell, Kieran.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Mahony, John.  
 O'Shea, Brian.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Shatter, Alan.  
 Sheahan, Tom.  
 Sheehan, P.J.  
 Sherlock, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Tuffy, Joanna.  
 Upton, Mary.  
 Varadkar, Leo.

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

Question declared carried.

### Business of the Dáil.

**An Ceann Comhairle:** Before Calling on Deputy Kenny to move the motions re by-election writs in Dublin South and Dublin Central, I wish to make a brief statement about the application of the repeat rule and motions to issue by-election writs. Members will be aware that a similar motion in respect of the Dublin South vacancy was defeated in the Dáil on 3 February last, 12 weeks ago to the day. Under Standing Order 56, the six-month repeat rule does not apply to a motion to issue a by-election writ, and I have a discretion to apply a shorter period in accordance with established practice. This is a 2.5-month period or ten weeks, as was applied in 1964 and November 1981. However, due to the fact the waiving of the six month repeat rule is in Standing Orders since 1995, I have had to examine these precedents in light of a similar motion being moved again today. I take the view that the motion to issue the by-election writ for Dublin South is in order at this time and that, generally, the two and a half month precedent is reasonable and could be applied in the future unless there has been a significant change in events in the interim which would warrant the moving of such a motion within a shorter timeframe. Therefore, as it stands, it would be possible to move these motions again should they be defeated today in two and a half months, or ten weeks', time.

**Deputy Finian McGrath:** On a point of order, why are Independent Deputies excluded from speaking on the Dublin Central by-election given the seat was held by the late Tony Gregory? It is very unfair and unjust that Independent Members are not allowed to speak given the seat was held by an Independent Member of this House. It is a disgrace that the major political parties made that decision.

**An Ceann Comhairle:** The Chair is bound by an order of the House which was made on this day. That specifies who the speakers may be. I have no discretion in the matter.

**Issue of Writ: Dublin South.**

**Deputy Enda Kenny:** I move:

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

I wish to share my time with Deputies Shatter and Mitchell.

Deputy Séamus Brennan passed away on 9 July last year, almost one year ago, and Deputy Tony Gregory passed away on 2 January of this year, four months ago. The country will go to the polls on 5 June next. We live in very difficult times and we see politics back at centre stage and political issues being debated in a robust, forthright and very direct manner.

No more than the citizens of any other constituency, the people of Dublin South and Dublin Central are constitutionally entitled to full representation in this House. One need only look at the achievements of the late Deputies Séamus Brennan and Tony Gregory in representing their constituencies and their people to see what can be achieved by individual Deputies.

Article 16.4.7 of Bunreacht na hÉireann outlines the process by which vacancies in the House may be filled. In an era of restricted public expenditure, it would be ludicrous not to hold these by-elections on 5 June when both constituencies will go to the polls. The Ceann Comhairle has outlined his clarification in respect of the repeat ruling. The procedure that follows a Dáil motion is that the Clerk of the Dáil, if the motion is passed, informs the returning officer in the relevant constituency or constituencies. Under electoral law, the returning officer must apply that law, unless it is amended, to hold the by-election or by-elections not less than 18 days and not more than 25 days following his or her being in receipt of the writ having been sent by the Clerk of the Dáil. That would exclude Sundays and bank holidays which, according to electoral law, could leave the by-election on 19 May or 26 May. That could be amended to 5 June with the consent of the House.

The ruling in 1964 to which the Ceann Comhairle referred was again endorsed in 1981 when the late John Wilson attempted to move a by-election writ during the time of the hunger strikers and following the decision of the Dáil on 3 February this year.

The Dáil is entitled to pass a motion directing the Ceann Comhairle to instruct the Clerk of the Dáil to issue a writ to fill any casual vacancy which may or may not occur. Standing Order 55(2)(c) states, “a motion directing the Ceann Comhairle to direct the Clerk of the Dáil to issue his or her Writ for the election of a Member to fill any vacancy that may occur from time to time”. If the House votes down these writs and the Ceann Comhairle decides they cannot be moved again for ten weeks or a two and a half month period, the Government and the Dáil are entitled to set aside the Standing Order and the decision of the Ceann Comhairle and his predecessors in this matter and issue a motion directing the Ceann Comhairle to instruct the Clerk of the Dáil to issue the writ to the returning officer for the constituency or constituencies referred to.

This is a test of courage for the Government. The Opposition parties cannot remove the numbers from the seats opposite because they are welded together. This is a case of their way or no way. The people have not had the chance to voice their opinion, in an Oireachtas sense, on this Government. They will have an opportunity to vote in the local and European elections, which the Government cannot prevent. It will suffer the consequences. However, in the case



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of the by-elections to fill the seats of the late Séamus Brennan and Tony Gregory, it is the filling of Oireachtas vacancies where the people of Dublin South and Dublin Central can have an opportunity to vent their opinion on the way this Government has handled and mishandled their affairs.

From that perspective, I would like the Minister for the Environment, Heritage and Local Government or the Chief Whip to confirm that these two by-elections will be held on 5 June. Let the people have their say, voice their opinion and pass judgment on a Government which has been already convicted.

**Deputy Alan Shatter:** The premature and tragic deaths of my constituency colleague, Séamus Brennan, and Tony Gregory have created the vacancies in the Dublin South and Dublin Central constituencies. In the context of the time that has elapsed, it is only reasonable, right and proper that the electorate in those constituencies has the opportunity to have full representation in this House and use the by-elections, which need to take place, as an opportunity to express their view on the competence of the Government and the manner in which it is handling the economic crisis and its responsibility for the extent of the economic crisis it has inflicted on this country.

If this were a Government with any sense of courage and which recognised the importance of political accountability, we would not be having two by-elections on 5 June but a general election because the country is calling out for one and is demanding that this Government go. It is clear that the Government, which substantially contributed to the crisis in which we find ourselves, is not the Government which can get us out of that crisis.

All the hand-wringing in the world from the Green Party disclaiming responsibility for where we now find ourselves lacks any shred of credibility. The Green Party has been part and parcel of this incompetent Administration for almost two years. It was party to the profligate budget of December 2007, the failed financial initiatives taken in July 2008 and the appallingly incompetent and foolish decision to enter a new social partnership agreement in August 2008. This Government composed of Fianna Fáil, the Green Party and the remnants of the Progressive Democrats shares responsibility for our disastrous economic plight and the growing lines of the unemployed.

In recent weeks there have been mutterings from the Government that these two by-elections will not take place on 5 June. There have been mutterings to the media, unattributable to anyone in particular, suggesting they will be postponed until October. If this motion does nothing other than force the Government into recognising the essential constitutional obligation to move the writs to enable these two by-elections to be held, it will at least have achieved something. This Government should recognise the need to give the electorate an opportunity to voice its view on its performance and to give the people in Dublin South and Dublin Central an opportunity to have full representation in this House.

**Deputy Olivia Mitchell:** Séamus Brennan was a much respected Deputy in Dublin South and it was right, both out of respect to him and to his family, that a reasonable period of time was left before a by-election was held to replace him. However, that time has passed, and nobody more than Séamus would want an election to take place and the people of Dublin South to be properly represented. The people want that and are entitled to representation. Whatever the Constitution may say — it seems to be silent on this matter — the spirit of the Constitution is that people should have full representation.

I also believe there are other reasons to have a by-election at this time. Local and European issues will be discussed during the local and European election campaigns. The holding of the

two by-elections would represent an opportunity to meet the huge need for a general election-type debate. Since this House returned from its summer recess last September, Deputies have discussed the financial crisis, the Exchequer finances and the jobs crisis, but we have not discussed the human consequences of the recession to any great extent. We are dealing with certain aspects of the recession, but we are not dealing with its human consequences. We need to debate the myriad of such issues, all of which are reflected in my constituency. Now that we are all out canvassing, we are meeting old people whose savings and pensions have been eroded and whose homes have been completely devalued. The plans of those who have spent their lives saving and making sacrifices have gone to nothing. They had great hopes for the Fair Deal, which seems to have disappeared. What will happen to the Fair Deal?

When we talk about the property crisis, we only refer to its effects on developers. What about young people who cannot get out of fixed-rate mortgages? What about those who are living in half-built apartment blocks that will probably never be finished? When young people who live in half-inhabited apartment blocks go home each evening, they worry that squatters will have moved in next door to them. What will happen to all of those people? These issues have to be dealt with. They cannot wait while we work ourselves out of the recession. In my constituency, some 17 schools are waiting interminably for funding to enable them to replace their prefabs. The debate on these issues, which need to be thrashed out and discussed, cannot be postponed until the recession is over. For that reason alone, I support the motion proposing that the by-elections be held immediately.

**Deputy Ruairí Quinn:** I propose to share time with Deputies Costello and Ó Snodaigh.

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

**Deputy Ruairí Quinn:** I welcome the comments made by the Ceann Comhairle before this debate started. The remarks that he clearly put on the record will guide future Cinn Comhairlí. On behalf of the Labour Party, I thank him for making the position clear. I do not doubt that other Members of the House share my gratitude.

It is always a sad occasion when one is forced to move the writ for a by-election. It is even more difficult, in some respects, to support a motion calling for the writ to be moved following the death of someone who was not a member of one's party. As Deputy Mitchell said, almost nine months have elapsed since the death of Séamus Brennan and almost four months have elapsed since Tony Gregory passed away. The other House lost Tony Kett last week, of course. When a similar motion, relating solely to Dublin South, was moved in the House on 3 February last, the Government Chief Whip, Deputy Pat Carey, who is in the Chamber at present, said "I would like to confirm that the Government intends to run the by-election for Dublin South on the same day" as the European and local elections — 5 June 2009. I hope the rumours that have been circulating in Dublin South and, particularly, Dublin Central, over recent weeks are not true. The clear and honourable commitment that was given by the Minister of State in this House almost three months ago should not be overturned.

This country needs a new Government with a new mandate. I understand that the Minister for the Environment, Heritage and Local Government, who is present in the Chamber, has said it does not matter who is in government, as the same problems would confront any Government and the same decisions would have to be made. While I agree that a new Government would face the same set of problems, I do not agree that it does not matter who is in government. If my party were in government, it would deal with these problems far differently. If the opportunity presented itself, we would get a mandate to address the various issues in a more effective, creative and courageous manner. As recently as this afternoon, the Taoiseach said during Leaders' Questions that the Government has been dealing with these problems for the

[Deputy Ruairí Quinn.]

last 12 months, but that is simply not the case. As recently as last June, the Government asked what the problem was. It told people to wake up and smell the coffee, rather than continuing to talk down the Irish economy. In August of last year, Ministers disappeared to play golf, go birdwatching or do whatever else they were doing in those days. When they came back, they announced in a mood of shock and horror that a budget was needed. We said at the time that such a stunt would backfire in its face. Every move the Government has taken has been confronted and contested. Its measures have not worked or have not worked effectively. The one great thing that has happened is that this Government, by means of its blundering and its incompetence, has taken away the hope of the Irish people. As Deputy McGuinness has said, it is simply not up to the job.

**Deputy Joe Costello:** I thank Deputy Quinn for sharing time with me. The legislation setting out the present practices in respect of by-elections is totally unsatisfactory. The Ceann Comhairle opened this debate by making it clear that he was using his discretion to allow the by-election writs to be moved again after a ten-week period. His remarks indicate that there are no hard and fast rules when it comes to by-elections, which is a pity. The Electoral Act 1992 empowers Dáil Éireann to initiate the process of filling any vacancy that might arise during the term of a Dáil. The procedure is controlled by the Government of the day, which can vote down every attempt by the Opposition to move a motion providing for the filling of a vacancy. It is particularly unsatisfactory that the political representation of the people of a constituency, which is an important issue, can become a political football. That should not be happening.

In February of this year, the Labour Party moved a motion in this House to seek to have the vacancy in the Dublin South constituency filled. It was reasonable to do so at that time, as six months had passed since the death of Séamus Brennan. The motion provided for a generous period of respect for the deceased, as a former Minister and much-admired Member of this House over many years. At the same time, it reflected the need to fill the vacancy and to ensure that the people of Dublin South were not left without their full quota of public representation for an unduly long period of time. The death of Tony Gregory, who represented my constituency of Dublin Central, occurred in January of this year, which is almost four months ago. Mr. Gregory was also a highly respected Member of this House. While the timescale is not nearly so great in this instance, it is worth pointing out that by 5 June, Dublin Central will have been under-represented in this House for almost five months. As Tony Gregory was an Independent Member, no political party in the Dáil can express the wishes of his supporters about the timing of the by-election at which his successor will be chosen. As his supporters have chosen a candidate to contest the by-election, however, it may be deduced that they believe a reasonable period of time has elapsed and it is time to choose a new Deputy in the constituency.

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

**Deputy Joe Costello:** The Government of the day should acknowledge the wishes of Mr. Gregory's supporters in this regard. I suggest that there should be a legislative or constitutional imperative to hold a by-election within a certain specified period of time after a casual vacancy arises. It should not matter that such a vacancy has arisen as a result of a Deputy's death, retirement or resignation. Such a system would be the only way to remove the uncertainty that exists at present, to ensure that the memory of the former Member of the Oireachtas is respected and to ensure that the citizens of the relevant constituency maintain the proper political representation to which they are entitled.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom buíochas a ghabháil le Phairtí an Lucht Oibre as ucht am a roinnt liom. I urge the Government to accept these motions and to move the writs triggering by-elections in Dublin South and Dublin Central. Furthermore, I call on the Government to prepare legislation or, if appropriate, a constitutional amendment to provide that future by-elections are triggered within three months of the death of a Deputy. We should not end up in this situation time and time again. It would be appropriate to provide for a three-month timeframe, thereby reassuring people that their constituencies will be represented by a full quota of Deputies in the future.

Fianna Fáil has been suggesting that the reason for the delay in arranging the Dublin Central by-election is the need to show respect for the late Tony Gregory. I do not agree that a by-election in the constituency in the near future would be too soon after Mr. Gregory's death. My former teacher would be rolling over in his grave if he could hear that. Tony Gregory would be the first person to demand that the seat be contested as soon as possible to ensure that the people of his area are not under-represented. Now is the time to move the writ. Fianna Fáil should be ashamed of itself for abusing Tony Gregory's name in this way. If it really cared about honouring his memory, it would call a by-election in Dublin Central immediately. This is a time of severe economic depression and it is essential that all of the people are properly represented in full in the Dáil. Thousands of families in each of these constituencies face an uncertain future of unemployment or negative equity or are on social housing lists. Many of those who have been recently made unemployed have waited months to get their social welfare payments and some are incurring massive debts while waiting. Meanwhile, this Government has done nothing to stimulate jobs which would help people in crisis. The views of those people need to be reflected fully in this Chamber. That is as true of Dublin South and Dublin Central as of every other constituency but is not the case in the two constituencies under discussion here because they do not have their full quota of Members in the House. I appeal to the Government to ensure it moves the writs for these by-elections at the earliest possible time and holds the elections. It has been given the opportunity to do this here today. The public already has an opportunity to go to the polls on 5 June. Rather than have two stand-alone by-elections which would cost the taxpayer a fortune, the Government has an opportunity to do the logical thing and hold both by-elections on the same day as council and European elections. Fianna Fáil's current popularity problems should not be taken into account. It is appropriate that these by-elections be held now. The time has lapsed for the writs to be moved.

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The timing of the European Parliament elections is determined by the EU Council of Ministers by reference to the period corresponding to the first direct elections in 1979. Accordingly, they are held within a specified four day period in June every five years subsequent to 1979. The Council announced that the 2009 European Parliament elections would take place between Thursday 4 and Sunday 7 June 2009. In the context of this timeframe and having considered various factors, the Government decided to hold the European Parliament poll on Friday 5 June. I intend to make a polling day order to this effect very shortly and I will also appoint the chief returning officer.

Polling at local elections has been held in conjunction with the European Parliament elections since 1994 to facilitate voter turnout and to minimise disruption to the voting public and to others affected, such as schools etc. In line with this established practice, I made a polling day order on 31 March which fixed Friday 5 June as the polling day for the local elections. The order was made at this early stage solely to implement the new local election spending limits. To allow as many people as possible an opportunity to vote, and taking account of commuting patterns etc., the polls will be open for 15 hours between 7 a.m. and 10 p.m. I hope this will accommodate all voters.

[Deputy John Gormley.]

I wish now to address specifically the motion before the House whereby Fine Gael seeks to move the writ for the holding of by-elections in Dublin South and Dublin Central. Electoral law does not specify a period for the holding of a by-election. The Dáil decides the timing. Section 39(2) of the Electoral Act 1992 provides for the issue of a writ by the Clerk of the Dáil to the returning officer on direction of the Dáil. The motion for the issue of a by-election writ is traditionally moved by the party to which the previous holder of the seat belonged. The writ is usually moved by way of motion requiring four days' notice. Once the writ has been issued, the Minister for the Environment, Heritage and Local Government makes an order appointing the day and hours of polling.

Section 96 of the Electoral Act 1992 provides that a poll will be taken on a day appointed by the Minister, by order, being a day which is not earlier than the 18th day or not later than the 25th day following the day on which the writ for the by-election is issued. Therefore, if the writs were moved now, the two by-elections in question would, in accordance with the law, have to be held just a week or two before the European and local elections. However, if the Opposition intended that the by-elections be held in conjunction with the European and local elections on 5 June, the writs should be moved between 6 and 14 May.

**Deputy Alan Shatter:** If we had not moved this now the Minister would have postponed the whole thing.

**Deputy John Gormley:** Moving the writ now makes no sense in terms of electoral efficiency or administration. It takes no account of costs and the state of the public finances or of the disruption and inconvenience to voters. There is no real logic behind the Fine Gael motion and I fundamentally disagree with its timing on this occasion.

**Deputy Enda Kenny:** The Minister should skip to the back page.

**Deputy Olivia Mitchell:** The Minister will get to it on the third paragraph on the next page.

**Deputy Enda Kenny:** The Minister will understand the logic——

**Deputy John Gormley:** I do not know if Fine Gael really wants to hold by-elections at least a week ahead of the local and European elections. I find it difficult to believe it wants to expose the taxpayer to the extra expense and disruption involved in holding the polls on two separate days within such a short period of time.

**Deputy Alan Shatter:** What about the thousands of voting machines——

**Deputy Enda Kenny:** The motion put down by the Fine Gael Party states that they should be held on 5 June to accommodate any amendment to the Act on that basis.

**Deputy John Gormley:** The most charitable interpretation is that Fine Gael was simply ignorant of the legislation in this regard, although I take it from Deputy Kenny's earlier comments that it has since been enlightened.

**Deputy Enda Kenny:** The Minister just wants to stay there until he gets his pension.

**Deputy James Bannon:** The Government will get its answer on 5 June when the people turn on it.

**Deputy John Gormley:** The party now finds itself in the unusual position of proposing a motion it must desperately hope will not be passed.



**Deputy Alan Shatter:** The Green shoots are withering.

**A Deputy:** The Minister is being childish.

**Deputy Alan Shatter:** He will grow up one day.

**Deputy John Gormley:** In February the Labour Party sought to move the writ in respect of the Dublin South by-election. Obviously its proposal at that time was to have that poll well in advance of the local and European elections. In responding to the motion, however, the Chief Whip confirmed to the House that the Government intends to run the by-election for Dublin South on 5 June, the same day as the European and local polls.

**Deputy Enda Kenny:** That is the purpose of our motion.

**Deputy John Gormley:** At the time the Minister of State, Deputy Pat Carey, said, “On a day such as this, when stark economic decisions have had to be taken, Deputies from all sides will understand the sense in minimising the cost to the Exchequer in running elections. The Government believes this is the prudent approach.”

**Deputy Enda Kenny:** Excellent.

**Deputy John Gormley:** Deputy Carey did not refer to the Dublin Central by-election on that occasion, as it was not relevant to the motion proposed. The same logic applies, however, and I can inform the House that the Government intends that both by elections be held in conjunction with the European and local elections on 5 June.

**Deputy Olivia Mitchell:** Thank you.

**Deputy John Gormley:** The Taoiseach will move the writs on a suitable day within the appropriate period. For clarity, I should point out that the by-elections will be held on the basis of the constituency boundaries that operated for the 2007 general election.

**Deputy Enda Kenny:** The Minister has been forced into the light.

**Deputy John Gormley:** Therefore, there will be a total of 264 polls held on 5 June, comprising four polls to elect 12 members to the European Parliament, 258 polls to elect 1,627 councillors in 114 local authorities and two polls to elect two Dáil Deputies.

**Deputy Alan Shatter:** Why does the Minister not go the whole way and hold a general election?

**Deputy John Gormley:** There will be four European constituency returning officers for the North West, Dublin, East and South constituencies. The 28 European local returning officers will be the county registrars and in the case of Dublin and Cork, the city and county sheriffs. There also will be separate local authority returning officers for the local elections. Dublin South and Dublin Central will each have a Dáil returning officer responsible for the by-election polls. The duties and responsibilities of each cohort of returning officers and the necessary interaction between them will be underpinned in regulations which I will make before polling day. These will sort out the practical arrangements for the combined polls and avoid unnecessary duplication or overlap.

I wish to join with the other Deputies who have paid tribute to the late Séamus Brennan and Tony Gregory.



[Deputy John Gormley.]

Finally, I take this opportunity to briefly remind the House of the legislative change I introduced earlier this year, which clarified the period during which election posters may be erected. Candidates in the local and European elections may erect posters only from 30 days before the polling date of 5 June, and this requirement will apply equally to candidates in any by-elections. This means posters for any election held on 5 June may not be erected earlier than 6 May. The requirement for candidates to remove all posters within seven days of the poll still remains and all posters must be down by 12 June. I trust all candidates and all parties will abide by these rules.

**Deputy Aengus Ó Snodaigh:** I hope the Green Party abides by them.

**Deputy John Gormley:** Failure to do so would constitute an offence under the Litter Acts, and local authorities are entitled to issue on-the-spot fines for posters which breach the time limits.

**Deputy Alan Shatter:** The Minister is more concerned about litter than about the economy.

**Deputy Fergus O'Dowd:** The litterati.

**Deputy Enda Kenny:** Having compelled the Government reluctantly to confirm that the by-elections will be held on 5 June, it is not necessary to have a vote on the motion before the House. The Government has confirmed the intent of the writ that the by-elections be held on 5 June. I welcome that and have no doubt the Government will get its answer.

**Deputy Michael Creed:** Game, set and match.

**Deputies:** Hear, hear.

**Deputy Finian McGrath:** The family and supporters of the late Deputy Tony Gregory will be very satisfied with that decision.

**An Ceann Comhairle:** Is it agreed that the motions be withdrawn? Agreed.

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

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### **Infrastructure Stimulus Package: Motion.**

**An Ceann Comhairle:** I call Deputy Simon Coveney to move the motion. He has 40 minutes.

**Deputy Simon Coveney:** I was somewhat taken by surprise there, as I thought there may be a vote. I apologise to the House for the delay. I wish to share time with Deputies Leo Varadkar, James Bannon, Michael Ring and Jimmy Deenihan.

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

**Deputy Simon Coveney:** I move:

That Dáil Éireann:

- welcomes the publication of ambitious, radical and achievable proposals from the opposition for investment in key infrastructure needed for future economic growth

and job creation, achieved through a new and restructured portfolio of State companies;

- recognises that the State faces an extremely difficult economic future and that immediate action is required to stabilise the national finances, restore competitiveness and to create new employment;
- recognises that Ireland requires urgent and unprecedented investment in new infrastructure in the areas of communications, energy, transport and water services to restore Irish competitiveness and to create a new economy that is capable of thriving in the 21st century;
- acknowledges that an economic stimulus package is needed not only to create immediate short-term jobs, but to lay the foundations for future sustainable employment; and
- recognises also the dire current financial position of the national Exchequer and the need for creative new ways to raise finance for the investment required to fund the substantial stimulus programme needed for economic development;

calls on the Government to:

- implement a multi-billion euro modern infrastructure stimulus package and building programme to drive investment in areas of critical national importance such as next generation broadband, renewable and bio-energy projects, electric grid construction, water treatment and supply and electric transport infrastructure;
- drive this investment through the creation of new and existing State companies;
- create a new State industrial holding company, the New Economy and Recovery Authority, NewERA, to co-ordinate, restructure and finance new and existing State companies in the best strategic interests of the Irish people in order to develop the most competitive economy in Europe;
- finance this investment programme through funding from the National Pensions Reserve Fund, borrowings from the European Investment Bank and a public bond, with a possibility of non-critical State assets being sold at a future date to replenish the National Pensions Reserve Fund;
- reduce current and future State borrowing by moving planned infrastructural investment expenditure away from direct Government expenditure and into State companies that will seek a commercial rate of return through competitive charges for the use of new infrastructure;
- implement this investment programme and create up to 100,000 construction, engineering, project management and planning and research jobs over the next four years in addition to creating the conditions for future employment and economic growth; and
- immediately open a real and constructive dialogue with the Opposition on how best to proceed with developing the Irish economy via investment in much needed new infrastructure.

[Deputy Simon Coveney.]

Fine Gael is moving this motion in an attempt to be constructive and to invite the Government to debate the concepts behind our recently launched policy document, Rebuilding Ireland. We deliberately avoided the temptation to put down a motion to kick-start another Punch and Judy show in here with insults being traded across the House. This motion avoids taking the opportunity to kick the Government for its incompetence in managing the economy which, God knows, is not too difficult. Unfortunately, the Government's response is a disappointment to say the least; it is an insult to the efforts that we have shown to be constructive, and to the House generally.

The motion proposes an €18 billion stimulus package over a four-year period through restructuring and reforming existing State companies and creating new State companies. The Government's response is to clap itself on the back for what it has done in the past and for some of the things it plans to do in the future. The Government has yet again shown itself to be arrogant and totally unwilling to listen to Opposition suggestions, proposals and constructive criticism.

A few weeks ago the Taoiseach welcomed our policy document as a basis for discussion and debate. He went on to say he had some difficulties with elements of it, but that it would be appropriate to have a more detailed debate on the proposals, perhaps through Private Members' time. What a load of nonsense that is in light of the Government's response which, I understand, was drafted by the Department of Finance this evening.

The Government is in such a state of paralysis that it cannot even respond intelligently to a serious and constructive motion. The Labour Party may not agree with all that we are proposing, but it is engaging seriously in creating new structures to deliver investment in an economy that is starved of capital and investment. I welcome its amendment to our proposal, even though I do not agree with all of it. However, I agree with the Labour Party's assessment of our current infrastructural deficit and the negative impact on competitiveness, but the Government cannot bring itself to recognise even that much. It is no wonder that people have given up on the ability of certain Ministers to lead. Even people in the Minister of State's own party have done so.

Ireland needs a Government that is open to new thinking and a new approach to solving problems. I want to look briefly at the Government's response to our new thinking. It is summed up in the final section of the Government's amendment which states:

invites the Government to continue to invest as planned in those infrastructure priorities that will ensure economic recovery far better than other untested, un-costed and undeveloped proposals.

The whole purpose of a debate like this is to develop new proposals and listen to new ideas that have been costed and examined in detail. They have been launched and we stand over them, but they are dismissed by the Government in favour of putting the head down and keeping on as we are. These are the failed policies that result in the kind of economic reporting that we will get tomorrow in future predictions for the economy in the short and medium terms.

The Government congratulates itself on the planned €600 million investment by Eirgrid in a new east-west electricity interconnector. Many people would say, however, that it is €200 million more expensive than it should be. The Government also congratulates itself on a memorandum of understanding signed with Renault, Nissan and the ESB to provide electricity infrastructure in Ireland. We welcome these things, but they have nothing to do directly with the motion before the House.

Fine Gael is about reform because that is what Ireland needs. We have proposed reform in our health service through fair care proposals, and have also proposed reform in third level education by providing a funding mechanism so that people can avoid third level fees while in college. We have been proposing public sector reform for four years, as well as reform of the way this House does its work.

This evening's debate is about reforming the way in which publicly owned companies can deliver for the economy in times of recession. We are proposing doing that by amalgamating some companies, creating new ones in new areas and potentially getting rid of some that are no longer necessary. However, the Government will not even entertain that concept for debate, never mind for consideration. That is pathetic in the context of the challenges our country currently faces and the reform agenda that is required.

The emphasis of what Fine Gael is proposing is quite straightforward. In the Rebuilding Ireland document — or New Era document as it is now being called — we are concentrating on how to get investment into the economy at a time when the Government cannot borrow any more money. We are concentrating on key labour intensive areas that require investment, so we can start employing more people in new areas. Most importantly, however, we are concentrating on areas that will be the basis for a new economy, so that in three, four or five years time when Ireland starts to recover we will have rapid growth. We will also have the arteries upon which that rapid growth can feed through new technology and new infrastructure in areas such as telecommunications, energy, water and transport. Telecommunications infrastructure in Ireland will be just as important as the motorways we have built over the past ten years. We are examining new ways in which we can invest capital in these key arteries for development which can feed future growth in a way that will not increase Government debt or the borrowing requirement. We propose to do this through the establishment of new State companies and, more important, we propose that the process should be managed by an organisation entitled the New Economy and Recovery Authority. Essentially, it will be an industrial holding company which will manage and own State companies and through which we can invest money.

People have misread what the Fine Gael Party is trying to achieve in this document when they argue that off-government balance sheet borrowing is a sleight of hand or that there is no difference between increasing the debt to which the State is exposed through commercial State companies and borrowing and spending through agencies. There is a vast difference between these two funding models. Our proposal is not the same as investing money in energy, telecommunications or water infrastructure through local authorities or State agencies, which the State cannot afford to do, but involves the establishment of a commercial State-owned company to borrow money and raise capital on the basis of making a commercial return over time. The experience of infrastructural projects is that they attract private pension fund money. They are, therefore, a good investment for the National Pension Reserve Fund because they represent an investment in the future of the economy and by and large provide a commercial return on the basis of a regulated return. For this reason, they are not exposed to the potential difficulties of a market in recession.

In short, the Fine Gael Party proposes to establish a holding company, whether known as "NewERA" or another name, which will drive efficiencies and change in the State's portfolio of companies. For the first time in history, we will start to manage our State-owned companies as a portfolio of companies which can deliver on an overall strategic plan for the country rather than allowing them to develop little empires, as is currently the case. While the latter approach works for certain functions, it does not deliver in other areas.

[Deputy Simon Coveney.]

I will give an example of what we propose. One of the areas on which we want to focus investment is telecommunications and broadband infrastructure. While Ireland has a considerable amount of State-owned backbone telecommunications infrastructure, it is not handled or managed in a strategic manner on behalf of the State. Iarnród Éireann, Bord Gáis and the ESB own such infrastructure and the State has spent more than €100 million on having fibre for metropolitan area networks put into the ground. All this infrastructure is managed in a disjointed fashion. A formerly State-owned company, Eircom, which is now in private hands, is dying on its feet because its parent company is broke and has gone into administration in Australia and New Zealand. The company is now up for sale and is in danger of being purchased by a new set of venture capitalists seeking to make another quick buck by turning it over and selling it in a few years, thus making a personal fortune on the back of raising more and more debt for the company. In the meantime, Ireland will not get the capital investment in broadband infrastructure which it needs.

We must establish a State-owned company which can purchase back, on behalf of the State, the infrastructure owned by Eircom. It must manage this infrastructure and all other State-owned broadband assets we have in the ground in a strategic fashion so that we can provide a web of broadband backbone infrastructure based on fibre that will provide wholesale infrastructure on which the private sector can operate and offer businesses and households an attractive and competitive commercial retail product. In doing this, we could employ tens of thousands of people. Instead, however, the Government continues with its approach towards broadband which is failing to deliver next generation infrastructure.

I have offered only one example but one can make a similar case for change in Government policy in the energy infrastructure area in which we need to facilitate energy storage and micro-generation on farms, small businesses and households so that they can sell energy back to the grid and make money in the process. We need to take a similar approach to transport infrastructure by linking electricity generation and infrastructure with our requirement to fuel transport in the future so that we no longer spend €3 billion per annum importing fuel for cars, trucks and tractors. This is the kind of new thinking Fine Gael is proposing.

We also propose establishing a new State-owned company to manage our water infrastructure rather than have 37 local authorities managing bits and pieces of pipeline all over the country. We know some areas will suffer drought and others will suffer flooding. We also know major construction projects will be required to transport water from the west and midlands to Dublin. Despite this, we persist in managing our water infrastructure in a disjointed manner.

Let us see some new thinking and an acceptance that new ideas and different thinking are emerging from the Opposition benches. The Government must give these ideas the respect they deserve by responding in an intelligent manner as opposed to dismissing them in the way the Minister has done.

**Deputy Leo Varadkar:** I compliment Deputy Coveney on the work he has done, not only in drafting the motion but, more important, on proposing some of the radical measures included in the NewERA document.

This morning the Ryan Tubridy show featured a discussion on the role of spin in Irish politics. The Government spin on the current recession is that it is part of an international phenomenon and we are innocent victims of a whirlwind sweeping the world. Every time one hears the Taoiseach or another Government representative speak, he or she uses the term “international recession”. While an international recession is under way, largely as a result of a crisis in the financial institutions, Ireland is experiencing a much more severe domestic recession than other countries, as will be borne out by projections due to be released by the

ESRI tomorrow. The Irish recession is not due to international factors alone. Other factors include runaway public expenditure. The Taoiseach, for example, in his previous role as Minister for Finance, increased public expenditure at four times the rate of economic growth every year. That policy was unsustainable and inevitably led to a massive deficit which has forced the Government to cut services and increase taxes on hard-pressed families.

Another factor was the Government's pursuit of tax policies which fuelled a property bubble it should have sought to contain. In addition, we had an over-reliance on the construction industry for growth, jobs and revenues. Let us also remember that the Celtic tiger was based on Ireland being a competitive economy. This was undermined consistently in the past 12 years by a series of Government policies which have left the economy uncompetitive and shedding jobs, not only low cost jobs to economies in the Far East but also knowledge economy jobs to countries such as Wales, England, Scotland, Singapore and the Netherlands where wages are high.

The most serious human consequence of recession and economic mismanagement is unemployment, which has major social consequences in terms of increasing levels of crime, deprivation, family breakdown, ill health and poverty and causing the destruction of communities.

8 o'clock We need to ask what is the position regarding unemployment. While we may not learn tomorrow that 400,000 people are signing on, we will discover that we are fast approaching this figure, which represents 11% of the working population. How does the unemployment rate here compare with that of other countries? That is the key point. Will the Minister explain the reason unemployment here is much worse than in other countries?

Unemployment in Ireland is now 11%, higher than it was when Deputy Bertie Ahern and Fianna Fáil came to power in 1997. Let us look at other countries. The United States has a rate of 8.5%, Japan 4.5% — these are countries affected by the international recession — Britain 6.7%, Canada 8%, the eurozone 8.5%, France 8.6%, Germany 8.1%, Italy 6.9%, the Netherlands 4.1%, Denmark 2.5%, Norway 3.1%, Sweden 8.3%, Australia 5.7%, Singapore 2.6%, South Korea 3.7%, Israel 6.3% and Ireland 11%.

Of the 55 countries in the report, I can only find six with higher unemployment rates than Ireland. These are Belgium, whom we will probably overtake tomorrow, Spain, Turkey, Columbia, South America and Latvia. That is the seriousness of the situation we are in. I would love to hear an answer from Ministers as to why we have entered a situation where we have gone, in the space of one year, from being one of the countries with the lowest unemployment rates in the world to one of the highest, how that is due to international factors and how the Government can continue to claim it has no responsibility for it.

Even if one looks at the change — I am using OECD statistics — in Ireland, unemployment is 5.2% higher than it was this time last year. It has doubled from 5.2% to 11%. I cannot find another country in the OECD where it has increased that much nor one where it has increased by 4%. The next closest I can come is the United States, where the increase is 3.2% and after that the next closest is Denmark, where it is up 1.7%. The change in Ireland is dramatic relative to other countries.

I can find a number of countries where unemployment has fallen compared to this time last year, such as Germany, the Netherlands, Poland and Slovakia. If one strips away international factors, one is left with the clear conclusion that in Ireland we have a serious domestic recession and serious domestic problems, with unemployment numbers that are largely the creation of the Government, which continues to be in denial. As long as it is in denial there is no possibility for us to develop solutions. I am very interested in the Minister of State's remarks on that particular point.



[Deputy Leo Varadkar.]

Much can be done, which is what this motion is really about. The proposals put forward in the NewERA document have two key parts. The first is taking the national pension fund, as well as other moneys, such as borrowed capital and funds and, instead of investing them overseas, they would be invested in the Irish economy through new State enterprises which will develop new infrastructure for a new era, such as broadband, alternative energy and other projects. In many ways, this is reiterating the principles of the founders of this State, most of whom were members of the predecessor of my party. They established the ESB and a number of State agencies and entities at a time when, in many cases, it was not possible for the private sector to provide such infrastructure. The time has come to do that again.

We also acknowledge that existing State companies can be reformed and re-founded into ones which are more appropriate for this time. The merger of Coillte and Bord na Móna makes significant sense in that regard. There is a recognition and a willingness by this party to accept some State-owned assets should now be sold off. We want to exchange the old assets of the 20th century for the new assets of the 21st century.

Beyond what we proposed regarding State enterprises, much more can be done. The issue of the banks will go on and on. There is no perfect solution. The Government's proposal might work and I certainly hope it does, because if it does not the consequences for this country are catastrophic. However, none of those proposals will do what is necessary in the short term, such as extending credit to small and medium enterprises so they can sustain jobs and survive this storm. The way to do that is to do what is being done across the water in the UK and introduce a State guaranteed loan system for SMEs. One can choose to set up NAMA, have nationalisation of the banks, as the Labour Party proposes, or set up clean banks, as we propose. One can do any of those things but one still has to have a State guaranteed loan system for small businesses, otherwise tens of thousands of them will go to the wall and, with them, hundreds of thousands of jobs.

On the fiscal front, the Government needs to turn its strategy upside down. Deputy Enda Kenny is absolutely correct. We cannot tax our way out of a recession. No country ever has. We will have to have tax increases and spending cuts. No matter who is in Government that will be required, but the adjustments should be heavily on the spending side, in terms of reducing waste, getting rid of unnecessary functions, reviewing programmes and changing the entire budgetary system so we can minimise the requirement to increase taxes.

We also need to have more active ways to support business. We need to address and have a clear answer on the Government's plans regarding the minimum wage. There can be no case for increasing the minimum wage for the foreseeable future and the Government should make it clear that will not happen, for at least two years. We need to abolish the requirement that rent can only be reviewed upwards. We need to reduce utility costs, as Deputy Coveney has said. We need to freeze rates, in particular local authority rates, and I am glad a large number of Fine Gael-controlled councils have done that. We need specific measures for the Border counties, which are being hit extremely badly by cross-Border trade.

We need to use some of those spending reductions to reduce VAT, as proposed by Fine Gael in our costed pre-budget document. We also need to address issues such as employment. The Labour Party has come up with some very good suggestions on providing graduate internships and that should be taken on board. There should be an overhaul of how the €1 billion FÁS budget is used, of which €650 million is not used on payments to participants in training schemes, and we should look at how that money could be used in smarter way to assist those who have lost jobs.

That is essentially what Fine Gael is doing. We are putting forward a clear analysis that unemployment is much worse in Ireland than elsewhere. If it is still the Government's claim that this is due to international factors, we want to know why it is still making this claim, based on the statistics I put forward today. We also want to know what is its view on the positive proposals we put forward today.

**Deputy James Bannon:** This country lacks two essential ingredients for rebuilding economic growth and prosperity, competitiveness and infrastructural development. Infrastructure encompasses not only motorways, bypasses and secondary roads, but the broader picture of energy, safer clean water, services, transport, communications, with an emphasis on broadband, as stated by a previous speaker, education and health.

Nowhere in the country is the infrastructural deficit more keenly felt than in the midlands and the greater BMW region. These areas, allied with the Border counties, have the lowest disposable income in the country, according to a recent study by the Central Statistics Office. The figures compiled for the report were for the period from 2000 to 2006, when the economic climate was very different from that pertaining today. This struggling region is being hit even harder by the severe economic downturn. While the countrywide figures for those unemployed show a 75% rise in the past 12 months, Westmeath has suffered an 88.5% increase in job losses within the year and Longford has suffered a 76% increase in the same period. Yesterday, some 50 job losses were announced in C&D Foods in Edgeworthstown, a company founded by a former Taoiseach.

For many who never saw the benefits of the economic boom, this is an unbearable situation. The suffering being experienced by those people and their families who have been forced onto the dole is the human side of the statistics. One of the greatest drawbacks for the BMW region has been the lack of availability of broadband for business and personal use.

Despite repeated Government promises, 18 months ago in this House Longford-Westmeath Deputies Kelly and O'Rourke voted to relocate funds for the roll out of broadband to Sustainable Energy Ireland. By diverting the money earmarked for broadband, the two Deputies concerned shamefully delayed the full provision of high speed Internet access across the midlands, for which the region is still waiting and businesses are suffering.

It is now up to the Government to copper fasten the €35 million in funding due from the EU to provide rural broadband. Regarding the national broadband scheme, the funding must be used to provide sustainable broadband to every farm, business and home across the country. Member states will be required to amend rural development plans by June to ensure the draw-down of funds in 2009 and 2010. More than half — that is, 543 — of the 1,028 electoral divisions currently deemed to have inadequate broadband services are in the Border, midlands and western region. These come under the provisions of the national broadband scheme, which is scheduled to commence this month, with the full roll-out by September 2010. For the sake of the future economic welfare of the BMW region it is to be hoped the Government will finally deliver on its broadband commitment. That is wishful thinking as far as I am concerned.

In a move that can only be described as economic suicide, the Government has short-sightedly halted planned spending on up to 80 national road building schemes. These curbs will affect 78 major construction projects in the National Roads Authority's roads programme — 55 national primary roads and 23 national secondary roads. This move by the Minister will cost jobs and lives throughout the country. Counties such as Longford and Westmeath, which have some of the most dangerous roads in the country, could have an increase in fatalities due to black-spot accidents.

[Deputy James Bannon.]

Unveiling the NRA's programme last February, the Minister stated that the programme supported employment and economic activity. Just two months later the investments of €8,798,799 promised for County Longford and nearly €18 million for County Westmeath are to be slashed. Even though unemployment is to reach half a million or more by the end of the year, this Minister has ignored the massive job creation potential of the programme and cut €150 million from the maintenance budget for local roads. This will have a significant impact on employment and economic activity in every county in Ireland. These roads are the economic arteries of the midlands. Shame on the Minister for doing that.

Unfortunately, time constraints prevent me from talking about the full provisions of the Fine Gael proposals for rebuilding Ireland. However, I fully support this motion and commend Deputy Coveney for bringing it before the House.

**Deputy Michael Ring:** I commend my colleague, Deputy Simon Coveney, on the work and effort he has put into this policy and his commitment to it. He has put much effort into it and has really thought it through. I am disappointed the Government did not see fit, in these economic times, to accept his motion. People are looking for hope and leadership and for ideas from everybody in the country. This is an opportunity. Deputy Coveney and the Fine Gael Party are presenting this policy to the Government. It is not perfect but the Government may amend it. It should at least take it on board and consider which parts it can implement. If ever there was a time for a bit of hope and good news, this is it. If we want people to feel that somebody is doing something about the economic crisis, this policy is the way to do it. It proves that there are other people in the House who have ideas. I compliment Deputy Coveney on the work and effort he has put into it.

He talked about broadband. I live in an area where there are many industries. There are industries in places such as Erris in County Mayo in which members of staff must go to a street corner to pick up a signal so they can send and receive messages on the Internet. That is not acceptable. We never had as much money here as we have had for the past ten years. Eircom and other companies provided broadband that did not work and did not do the job it was intended to do. It is wrong that we are still here talking about some parts of Ireland that do not have broadband when we should be moving on to the next stage. We expect industries to come to rural Ireland, create jobs and get people into the workplace. We expect companies to go to the Gaeltacht areas, yet we do not have the most basic infrastructure. It is the same with the roads; they are not there.

A former Deputy of this House, Myles Staunton, put a company together in Ireland and America. He went to Mayo County Council for planning permission for a peat power plant which would have created many jobs in Killala. Mayo County Council granted the planning application, but an objection was made by a third party and the application went to An Bord Pleanála, which decided it would not grant it on the basis that the building of the peat power plant was not in accordance with Government policy. Government policy must change. We must consider every area in which we can create employment and in which energy can be used. Yesterday in my clinic I saw a man who has lived in a certain part of Mayo for 20 years and for all that time has been talking to Mayo County Council about wind energy. He has the money and the investors. He has the people who want to get involved in this business. Yet Mayo County Council does not have a proper policy and there is no proper national policy, even though the Minister for the Environment, Heritage and Local Government, Deputy Gormley, is a member of the Green Party and has been in Government for almost two years now. We do not know what Government policy on wind energy is. We need to become self-

sufficient. We should not have to buy oil and bring our basic raw materials in from other countries.

Even at this late stage we need to investigate what can be done for the country by the Corrib gas field. How can that gas be used to support industries here? How can it be used to benefit the people of the west of Ireland, particularly Mayo, where it is coming from? I hope the Government will try to make sure we get the infrastructure we need.

With regard to the N5, representatives of industries such as Allergan and Baxter have come up to meet the Taoiseach and the Minister for Transport, Deputy Dempsey, as their goods are being damaged on the way out of Mayo. They are transporting them all over the world, but they cannot transport them from the west to Dublin because the proper infrastructure is not in place.

Deputy Coveney has tabled proposals tonight about——

**An Ceann Comhairle:** The Deputy's time has expired.

**Deputy Michael Ring:** I compliment Deputy Coveney on his effort and commitment. He is a committed politician in the House.

**Deputy Jimmy Deenihan:** I join Deputy Ring and others in commending Deputy Coveney on this motion, which is one of the five or more he has tabled during the present Dáil. I compliment him on the seriousness with which he takes politics and the fact that he is bringing new ideas before the House.

We need a major change in how we organise our country. The present attitudes were developed when received aid under the Marshall plan back in the early 1950s. We had to draw up a programme, which was taken on by people such as Gerard Sweetman, who brought in T. K. Whitaker, and Seán Lemass. There were a few obstacles but, generally speaking, it got us where we are now. However, we need a new form of organisation. Deputy Coveney has shown that he is prepared to think differently and bring in new ideas. It is very encouraging to see a young politician doing that.

When I came back from a visit to Silicon Valley last year I said in the House that we had definitely lost our competitiveness. We were told in no uncertain terms by an IDA official that the cost of employing somebody was lower in Silicon Valley, which is one of the most expensive areas in the world, than in Ireland. We were told that the total cost of employing a person in America was \$26 an hour, while in Ireland it was \$28 per hour and in Poland it was \$6 per hour. When I was there again a few weeks ago, I found that the Chinese and the Indians were queueing up to compete with us and they were much more competitive.

Last week the Amann plant closed in Tralee with the loss of 210 jobs, on top of the 120 jobs lost earlier in the year. The company issued a press release which stated the reason for the closure: "The need to remain competitive in a very difficult, cost sensitive market, combined with high labour, energy and other manufacturing costs have led to this regrettable decision." There it is, in a nutshell. A factory that seemed to be doing well could not compete because of the cost of energy and of employing people.

I have a few suggestions to make. FÁS is an entity that has been much maligned in this House. This may be justified in the case of the senior management but it does not reflect the reality at local level. Without FÁS, we would have no tourism product in north Kerry. In my dealings with FÁS officials, I have found them to be very positive and co-operative. The value for money represented by their work is clear for all to see. The Minister of State may be aware of a very successful scheme known as the community youth training programme, CYPP, which is now referred to as the local training initiative. During the building boom, the Construction

[Deputy Jimmy Deenihan.]

Industry Federation, CIF, was opposed to FÁS using apprentices for these schemes. Although it was initially supportive, it subsequently reversed that decision.

Given the large number of apprentices who wish to complete their training, there should be a renewed emphasis on this scheme as a means of allowing them to do so. On a visit to the FÁS office in Tralee yesterday, I was disappointed to see all the empty rooms which were used formerly to train carpenters. On the last occasion I visited, there was great noise and activity, but there was nobody there yesterday. There are seven phases in qualifying as an apprentice. In the case of the employment element, which is part of phases three, five and seven, people should be invited to participate in community training projects. They could build community centres, interpretive centres and other important work.

Some years ago, as Minister of State at the Department of Agriculture, Fisheries and Food, I established the Shannon Estuary strategy group. One of the recommendations in the position paper it produced was that a liquified natural gas import terminal should be established in the Shannon Estuary. This is being done by a company called Hess LNG Limited which has not sought grants. Another proposal was for the establishment of an oilseed facility capable of processing some 150,000 tonnes per annum of soy and rape seed. Ireland is not conforming with its obligations under the bio-fuels directive. In this context, the Government should give consideration to the current proposal to provide a bio-fuel refinery in the Shannon Estuary. There are positive actions that can be taken in the current climate. However, the Government is entirely stagnant and seems incapable of planning or delivering the required actions. I ask the Minister of State to consider the vast range of possibilities that exist.

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** I propose to share time with the Minister of State, Deputy Conor Lenihan.

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

**Deputy Martin Mansergh:** I move amendment No.1:

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

“commends the very substantial investment in infrastructure the Government has already made under the NDP; and

notes in particular the enormous progress made by the Government in enhancing our national road infrastructure and in developing our public transport networks and infrastructure;

notes and commends:

- the Government’s actions over the past 10 months to stabilise our public finances, the cumulative effect of which has been to rein in the deficit from a probable 15% to 10.75% of GDP;
- the Government’s commitment to supporting the financial system in Ireland since the global financial crisis began last autumn and further commends the Government for its decisions to establish a National Asset Management Agency to clean up the banks’ balance sheets and enable them to resume lending to the real economy;
- the Government’s initiative in entering into discussions with the pension industry to seek its participation in the financing of public infrastructure projects;



- the Government’s commitment to maintaining a pro-enterprise and competitive taxation system, specifically the enhancement in the October budget of our research and development tax credit regime and our introduction of a scheme of tax relief for the acquisition of intangible assets, including intellectual property with a view to attracting high quality employment to this economy;
- the Government’s investment in our enterprise infrastructure and the Government’s commitment to investing in building a world class science, innovation and technology sector in Ireland;
- the Government’s substantial investment in our education infrastructure, particularly primary and secondary schools but also our higher education sector;
- the €30 billion investment plans from our state companies involved in the energy sector and the resulting 3,700 jobs that the ESB recently announced;
- the planned €600 million investment by EirGrid in a new East-West Interconnector and the €4 billion development plans that the company has set out in its ‘Grid 25’ strategy;
- the additional funding allocated to the home energy saving scheme and other energy insulation scheme in our latest budget and the estimated 4,000 jobs that will result from these stimulus measures;
- the recent Memorandum of Understanding that the Government signed with the Renault and Nissan motor companies and the ESB, and the opportunity this affords Ireland to become one of the leading countries in the world for the rollout of sustainable transport systems;
- the Government’s substantial investment in enhancing our environmental services infrastructure which will not only support future business investment but also enhance the environment we live in; and
- the Government’s very significant and ongoing investment in social infrastructure, particularly in regard to housing and our health services;

notes:

- the increase in broadband provision from 500,000 households in early 2007 to 1.2 million households today; this uptake is supported by an estimated €770 million annual investment that has been spent by companies in the competitive marketplace in recent years; and
- the ongoing investment by the State in rural broadband infrastructure through the National Broadband Scheme, our schools broadband scheme and the range of measures including a One-Stop Shop to access state-owned fibre ducting as set out in the Government’s Next Generation Broadband policy paper;

notes with approval the Government’s very substantial capital investment programme from 2009, notwithstanding the severe budgetary challenges that face us; and

invites the Government to continue to invest as planned in those infrastructure priorities that will ensure economic recovery far better than other untested, un-costed and undeveloped proposals.”



[Deputy Martin Mansergh.]

I am pleased to have the opportunity to take part in this debate and to highlight the decisive measures and actions the Government has taken to address our current economic challenges. It is worthwhile highlighting the spectacular and highly visible progress that has been made in public infrastructure in recent years.

Some on the Opposition benches want to air brush out of history the substantial achievements we have made in the past 12 years under this Government and its predecessors. However, travelling throughout the State, particularly on some of our new and enhanced transport infrastructure, reveals a country transformed. Some of us have half forgotten where we were ten or 20 years ago. Some of us have forgotten the advances Ireland made in moving towards European levels of prosperity and infrastructure provision. It is true that we are facing into severe budgetary and economic challenges. However, we are doing so from a much higher plateau of development than in the past. The investments we have made and will continue to make under the national development plan will help Ireland to cope with its economic difficulties and will position us to avail of an international economic upswing.

A global economic recovery will come but it is too early to say when that will be. In the meantime, we will not allow ourselves to be paralysed into inactivity. The Government has taken firm and decisive action to address the multiplicity of challenges which confront Ireland. Some of these decisions are unpopular but unavoidable. If the Government had failed to take firm and cohesive measures in the past ten months or so, we can be certain the situation would now be far worse. The deep contraction in economic growth that we are experiencing has had very negative consequences for the public finances. Without the actions taken in the recent supplementary budget, the general Government deficit would have been 12.75% of GDP this year, reflecting the large gap needed to fund the difference between spending and revenue. This would have represented a further substantial deterioration from the deficit of 7% of GDP recorded in 2008 and from the surpluses recorded in ten of the 11 years up to 2007.

The Government is determined to take whatever actions are necessary to bring back sustainability to the public finances. Last July, we took a series of expenditure measures which will yield savings of €1 billion this year. The October budget delivered further strict containment of expenditure along with revenue-raising measures designed to yield an additional €2 billion. Earlier this year, the Government reduced public expenditure by €1.8 billion, primarily through the introduction of the pension related deduction. Measures announced in the supplementary budget will result in a further reduction of nearly €1.5 billion in gross public expenditure and additional revenue of €1.8 billion. However, the deterioration in tax revenues from €47.25 billion in 2007 to an envisaged €34.5 billion this year highlights the scale of the challenge we face. A difficult balance is now necessary between the need to show a credible route to restore order to the public finances and the need to protect our economy as far as we can this year. The Government decided that this balance was best achieved through a borrowing target of 10%.

While we cannot control developments abroad, we can take decisive actions to put our economy on the road to renewal and to demonstrate that we have the capacity to make the right choices for everyone in the State. The supplementary budget set out further details of a five-year plan to bring the deficit back to the agreed 3% limit by 2013. This budget demonstrated that the Government is taking the necessary difficult decisions to underpin the stability of the public finances and thereby sustain future economic growth.

For almost two years, the banking and financial sector has been at the centre of a storm and seldom out of the public eye. The banking system is unique and its proper functioning is critical to the smooth running of the economy. The Government's approach to this unprecedented

crisis in global financial markets has been structured and considered and has had regard to agreed principles at European Union level. The Government introduced the bank guarantee scheme to ensure banks could access funds as required. It also introduced a recapitalisation programme for our two major banks, Allied Irish Banks and Bank of Ireland, nationalised Anglo Irish Bank to ensure the stability of the financial system, and proposes to put in place a State guarantee for the future issuance of debt securities with a maturity of up to five years.

However, further action was needed. On budget day, the Minister for Finance announced the Government's plan to establish a national asset management agency, NAMA. The objective of this agency is to strengthen the banks' balance sheets, reduce considerably uncertainty over bad debts and, as a consequence, ensure the flow of credit on a commercial basis to the real economy, thus protecting and growing employment while maximising and protecting the interest of taxpayers. We must ensure householders can access credit for home loans and consumer spending, that small and medium-sized businesses can fund their enterprises, that deposit holders have confidence their money is secure and protected and that international investors are satisfied as to the stability of our banking system. Removing these risky assets from the balance sheets of the banks is the way to do this.

The Government has shown in both its recent budgets in October 2008 and April 2009 that despite the need to secure substantial increases in tax revenue, it remains committed to maintaining and enhancing pro-employment business tax reliefs. In budget 2009 and the subsequent Finance Act, the Minister for Finance introduced a considerable enhancement to our research and development tax credit regime. Measures were included to increase the rate of tax credit for research and development expenditure from 20% to 25%; allow for the carry-back of unused tax credits for set-off against corporation tax paid the previous year and for any remaining unused tax credit to be refunded over a three-year period; set 2003 as the permanent base year against which to measure incremental research and development expenditure for the purpose of the tax credit; and allow a proportion of the expenditure on new or refurbished buildings to be used in part for research and development purposes to qualify for the tax credit, thus recognising that much research and development takes place outside traditional laboratories.

In his Budget Statement of 7 April this year, the Minister for Finance mentioned the increased importance globally of intellectual property. The budget included a proposal to introduce a scheme of tax relief for the acquisition of intangible assets, including intellectual property, as a means of supporting the smart economy. The details will be published in the legislation giving effect to the budget provisions on 7 May. This measure will help to attract high-quality employment.

Measures to stabilise the public finances, support the financial sector and maintain a business-friendly tax environment provide the essential framework for economic recovery. Also important is a targeted infrastructure investment programme, addressing in particular those infrastructure deficits which would constrain economic development. The National Development Plan 2007-13 sets out a comprehensive framework for delivering public infrastructure. Much has already been achieved and significant investment will continue up to the end of the plan in 2013.

Government investment in infrastructure is most clearly evident in transport. The transport networks here are being transformed. We now see a network of motorway standard taking final shape, giving us world class road links from Dublin to our principal gateway cities. Already for some time, a motorway to the Border is in full operation. Intensive work to fill the remaining gaps between Dublin and Cork, Galway, Limerick and Waterford is visibly advancing.

[Deputy Martin Mansergh.]

Completion of this network and the synergies it will bring will of themselves be powerful contributors to economic recovery all round the country.

Public transport has also been the beneficiary of a very substantial investment programme in recent years, the most substantial in the history of the State. In the greater Dublin area, we can see the benefits of investment in commuter services like the Luas, the DART and other suburban rail connections. Investment is continuing on three more Luas projects as well as work on the Kildare and Navan lines. Investment in the greater Dublin area has been complemented by investment in mainline national rail, with much more frequent services on some lines, particularly between Cork and Dublin, as well as in commuter services like the Cork-Midleton route.

Supporting our enterprise sector in this difficult climate is clearly a priority. In particular, the recently introduced stabilisation fund will provide targeted support to indigenous companies to assist them in the present exceptionally difficult business environment. The stabilisation fund will have a total budget of €100 million over two years. Particular attention will be paid to small and medium-sized enterprises. Companies engaged in exporting will be eligible to apply for assistance. Funding will be provided in a wide variety of forms, but equity injections are most likely to be used in practice. Assistance will be available to companies that meet particular criteria. Enterprise Ireland will also continue its regular supports for indigenous companies in 2009. The total capital funding available to Enterprise Ireland to support industry in 2009, including the stabilisation fund, will be €103 million. Funding for foreign direct investment from IDA Ireland will amount to €70 million in 2009.

The decision by Government to allocate significant levels of funding to science, technology and innovation sends out a signal to the research and development community and to those enterprises looking for a base in which to expand their research and development activities that Ireland is committed to the research and development led smart economy path. That path dictates that a strong science base, matched by a paradigm shift in the capacity of our enterprise sector to create knowledge, to innovate, and to exploit new knowledge across global markets, is critical. Without innovation and even a modest element of research and development, few businesses will grow in today's markets. Innovation will prove commercially successful if it is genuinely customer driven. Commercial success in turn leads to stronger profitability and a stronger enterprise base across the country. Ireland is doing well in innovation. We are above the EU average and are the best improving EU country within our peer group. We performed particularly well in innovation in throughputs, where we are fourth and in human resources and economic effects, in both of which we are in fifth position, in the European Innovation Scoreboard for 2008 published in January.

The work of IDA Ireland, Enterprise Ireland and Science Foundation Ireland, together with the research and development tax credit introduced in the October budget, puts Ireland to the forefront of research and development regimes globally. As well as increasing Ireland's attractiveness as a location for research and development activity, it will provide a stimulus for value added activities. Research and development in Ireland has expanded dramatically in recent years reflecting the Government's massive injection of funding into the sector. In the past five years, IDA client companies have invested €1.31 billion in new research and development activities.

The Government has shown, in its recent supplementary budget allocation, the importance it attaches to energy efficiency. The allocation for Sustainable Energy Ireland's energy efficiency programmes were increased from €44 million in 2008 to €93 million in 2009. Of this, €50 million is for the home energy saving scheme, which will facilitate insulation and energy efficiency works in up to 30,000 private homes and which will also give employment to construction

workers. Additional funding of €20 million was also provided to local authorities to improve the energy efficiency of local authority housing.

However, the bulk of our investment in energy continues to be made by the State's energy companies. In 2009, these companies will invest more than €1.8 billion in the electricity and gas network and in power generation, including renewable energy and wind farms. This investment will ensure that we have a modern and efficient energy infrastructure, with improved security of supply.

The substantial investment by the Government in environmental services infrastructure has enhanced the environment for the benefit of all of Ireland's citizens while supporting future business investment. There has been an increase to 95% in the number of group water scheme households in compliance with national drinking water standards at the end of 2008 compared to 85% at the end of 2007. Some €500 million of Exchequer funding in 2009 will be used to continue to upgrade and improve our water and waste management infrastructure, meet ongoing commitments for some 150 schemes in progress under the water services investment programme and provide for continued investment under the rural water programme.

The year 2008 witnessed the continuing development of Ireland's waste recycling infrastructure. A total of 47 waste recycling projects, such as bring banks, civic amenity sites, composting facilities and materials recovery facilities, were in receipt of grant assistance of more than €24 million from the Environment Fund and the Exchequer. Overall municipal waste recovery is now more than 36% compared with just 9% a decade ago.

Some €2.4 billion was directed towards social and affordable housing and improvement and regeneration measures in 2008. This record level of investment, which included Exchequer funding of €1.73 billion, allowed the needs of approximately 19,500 households to be met in 2008 through the full range of social and affordable housing programmes. In the current economic climate, there remains a very significant level of investment by the Government in the delivery of housing supports across a diverse range of needs, with €1.4 billion in Exchequer funding provided in 2009. Within this provision, the Government will attach priority to meeting the needs of the most vulnerable and disadvantaged in society. The use of long term lease arrangements will be key to continuing momentum in meeting social housing need and will take advantage of changed market conditions. The provision of €190 million for regeneration and remedial works projects will allow a number of energy efficiency measures targeted towards improving performance in the social housing stock and a number of regeneration programmes to continue.

Capital investment in the health sector has brought about a significant improvement in the standard of facilities across all care programmes. Government policy aims to maximise the health and social well being of the population. The primary focus is the promotion and protection of the health of the whole population with a particular emphasis on reducing health inequalities and improved recovery rates. A well designed health care environment can lead to faster patient recoveries, reduced suffering for patients and reduced risks of infection.

In this House, all sides share the common ambition of seeing Ireland successfully emerge from its current difficulties. I commend Deputy Coveney for putting forward proposals for debate. However, there is a world of difference between aspirations and having to devise hard headed, practical solutions.

Turning to the proposals in the Opposition motion, I am not satisfied that they are thoroughly thought through. They are very aspirational. The job numbers proposed are unsubstantiated; 100,000 jobs is a very round number. This type of promise is reminiscent of a previous era in politics, where politicians made dramatic promises about precisely how many jobs their policies would create in a specific timeframe.

**Deputy Simon Coveney:** The Minister of State has not read the document.

**Deputy Martin Mansergh:** One might have thought that we had left this type of politics behind.

**Deputy Simon Coveney:** Deputy Mansergh might read the document before he makes comments.

**Deputy Martin Mansergh:** Furthermore, the proposals in the Opposition motion are based on further, large scale borrowing.

**Deputy Simon Coveney:** Has the Minister of State read the document?

**Deputy Martin Mansergh:** I listened to Deputy Coveney in total silence.

**Deputy Simon Coveney:** Has he read the document?

**Deputy Martin Mansergh:** They also envisage a new quango type structure with no clear mandate. It is very odd that a party which has spent the last year determined to eliminate quangos at all costs now proposes a new quango, the quango of all quangos, as the panacea to our problems. Deputy Coveney mentioned State bodies in the plural.

Creating a superbody with the name “New Economy and Recovery Authority” does not of itself create recovery and sounds like a form of political outsourcing. It also strikes one as strange that the new solution consists of a body for “co-ordination, restructuring and financing”. It is not much of an improvement on the last effort of a contract with the people, which the people did not buy. They accuse us of inaction, but is this the best those opposite can produce?

It seems to be all about creating a plausible and reassuring front for present purposes, while giving nothing away about what Fine Gael would actually do in Government with others. I have no great affinity with the main opposition party across the water, until recently allies of Fine Gael in the EPP, but two days ago their leader, David Cameron, warned that an incoming Tory Government would have to take “some incredibly tough decisions on taxation, spending and borrowing”. I have not heard parties opposite speak as frankly in these tones to the Irish people.

The Government certainly does not propose to set up another State body at a time when we are committed to reducing the numbers and improving efficiency and effectiveness through rationalisation of State bodies, a move which those opposite previously indicated they strongly support. It is unclear what the Opposition means by competitive charges for infrastructure. Does this refer to more tolls or even water charges for domestic users? Perhaps they should spell it out to the voters.

**Deputy Simon Coveney:** It is spelt out clearly in the document.

**Deputy Martin Mansergh:** There is talk of a stimulus but what is unclear is the level of additionality.

**Deputy Simon Coveney:** The Minister of State is talking in ignorance.

**Deputy Martin Mansergh:** Deputy Coveney referred to a return to rapid growth, but given the experience of recent years it is more important to achieve a recovery to sustainable growth. Much of the policy document seems to be based on the distinction between the Exchequer borrowing requirement and the public sector borrowing requirement and I am unsure if there is any validity in that.



With regard to Deputy Coveney's point about the disjointed nature of the approach, only yesterday in Cork City Hall I launched a flooding map and plan for the entire Lee catchment area.

Deputy Varadkar referred to the unemployment level of 11% which is far too high but it is still a good deal lower than it was some 20 years ago. To consider the matter positively, employment is still at a level several hundred thousand above the level in 1997.

Earlier, I referred to the budgetary challenges facing Ireland. Notwithstanding this the Government is still committed to a very substantial Exchequer capital programme in the coming years. In the next five years we will spend some €31.4 billion on public infrastructure amounting, on average, to more than 4% of estimated GNP. In 2009 the Exchequer will spend some 5% of GNP on public infrastructure. This will make a substantial contribution to turning the economy around.

There is no denying the severity and scale of the challenges facing Ireland. The road ahead will be difficult; hard decisions must be made and unpalatable decisions will confront this Government and any Government in the years to come. There are no easy choices. However, if we build on the progress made by Ireland in the past decade and if we face the hard choices before us the future remains bright.

**Deputy Conor Lenihan:** I thank Fine Gael for tabling the motion and I thank it for bothering to put the time and effort into proposing documents, hard policy choices and alternatives to those tabled by the Government. There has been a genuine change in the behaviour and attitude of the Members opposite. In these extraordinarily difficult times it is the responsibility of the Opposition not only to criticise or join the chorus of negativity emanating from the commentariat and those charged with analysing politics and the economy, but to propose very strong positive alternatives. Fine Gael is belatedly beginning to learn this as the crisis unfolds.

**Deputy Simon Coveney:** The Minister of State, Deputy Lenihan, would do well to read some of those policy documents as would the Minister of State sitting beside him, Deputy Martin Mansergh. They might then understand what they are taking about.

**Deputy Conor Lenihan:** We face an extraordinary economic and financial crisis of the like that no one in the House and no one in the elected parliaments throughout Europe and the world has ever seen before. We are living through especially difficult times. Were Fine Gael or Labour in Government today rather the Fianna Fáil and the Green Party they too would encounter the same difficult challenges.

I refer especially to the difficulties we have faced in the past year. It has been very hard to make ready public opinion for the extraordinary events of the past year. No one could have forecast events. I realise some Members opposite suggested there were predictions or warnings. However, such warnings are two-a-penny at a time of plenty. Some commentators seem to make an art form out of warning and preaching doom and gloom during the good times. Then when calamity occurs in the international financial system such people are immediately up to tell us, "I told you so". However, very few people of any repute told us or warned us of what was about to take place in the global economy. We must be clear regarding the origins of our current difficulties. They lie in the banking system and especially in the banking system of the greatest and strongest market economy on earth, namely, the United States of America. It was there where the difficulties began. To this day the United States of America represents some 35% of the global economy. It is no coincidence or accident that such an economy would encounter the difficulties which have arisen there as a result of sub-prime mortgage lending and incorrect decisions made concerning which banks to recapitalise. Mistakes have been made at various points in this very difficult journey. Mistakes have been made by Governments



[Deputy Conor Lenihan.]

throughout the world including that of Ireland. We have tried to learn from the mistakes made elsewhere and from the mistakes of the Federal Reserve and other United States authorities in their attempts to cope with the very serious crisis as it unfolded.

There is no doubt the response of the Government has not been perfect, but were Fine Gael, Labour or any of the Members opposite in Government they too would make mistakes and would find it very difficult to introduce policies popular with the public. There are few ways of devising popular policies which essentially take money from people. It is very difficult to sell hard times. The Minister of State, Deputy Martin Mansergh, can testify to the extent of that difficulty as he worked as an adviser to the former Taoiseach, Mr. Haughey, in the 1980s when he was paring back public spending in a radical manner. Let no one here say those decisions were popular. Mr. Haughey embarked on that journey and within a few years he lost his position as Taoiseach.

These are not easy decisions to make. There is a great difficulty when one takes more money from the public by way of further taxation, by lifting thresholds, or by curtailing schemes and grant systems which have been taken for granted for a ten year period of extraordinary prosperity. It is very difficult when one suddenly applies the brakes to public spending, as we have done, and as we did in a smaller fashion following the 2002 election. The then Minister for Finance, Mr. McCreevy, applied the brakes because of the threatened downturn which occurred or was feared.

**Deputy Simon Coveney:** That is called boom to bust economics.

**Deputy Conor Lenihan:** That downturn was occasioned by the extraordinary and horrible events of 11 September in the United States, especially at the twin towers in New York. Following that, we applied the brakes because there was a perception globally that growth would be stalled, paralysed or reversed. In fact, that did not take place. There was a sudden Exchequer downturn in that case from which we emerged rather quickly. I remember well how instantly unpopular Mr. McCreevy became because of his decision to apply the brakes to public spending at the time and to exercise what I term “due caution” in respect of the international outlook at the time.

**Deputy Simon Coveney:** Surely not even Deputy Lenihan believes that.

**Deputy Conor Lenihan:** We were lucky and we emerged from it rather more quickly than expected. This time we cannot gamble recklessly on an early recovery.

**Deputy Simon Coveney:** Is it in order to rewrite history?

**Deputy Conor Lenihan:** We must take measures in the budget and in the supplementary budget and in respect of the whole spending profile in which the State engages to rectify matters and to ensure that when we emerge from this period the possibility exists to be competitive relative to other economies in Europe and beyond Europe’s borders.

The stimulus package which some, in a rather naive way, sought is not the only response required. We are not as free as other countries including our neighbour Great Britain and the United States of America, the economies of which are not analogous. We cannot involve ourselves in a deep rooted fiscal stimulus package which would allow, force, or encourage people back into the shopping malls and shops to kick-start consumer spending.

We are one of the most globalised economies in the world. Relative to our size we have the fourth most open economy in the world. We are a trading economy and some 80% of our produce is for export. Given the nature of our economy we are very dependent on open

markets and on what takes place in the United States. It is no accident that, even in recent months and the period during which we have experienced recession, we are still reckoned to be one of the most open economies in the world. We are open for investment as indicated in all of the surveys whether from *The Economist* or others which measure these matters. We are still an open economy ready to trade with the rest of the world.

It has been a very exhausting time for the Government. Rescuing banks is not an easy business and those who say otherwise and produce instant solutions are generally incorrect. We have seen those failures particularly in the United States. The fabled choice or decision in regard to Lehman Brothers is a singular example. This Government produced a guarantee which stabilised our banks to a certain extent for a certain period and we are now proceeding with the recapitalisation. As a very extensive and positive move, we are now moving to create a new agency under the National Asset Management Agency, to take what are called the toxic assets of property lending or the bad loans — and the good loans as well — and move them off the balance sheets of the banks in order that they can provide the vital liquidity and lending in credit into the economy. We all know this. It is not as if we are naive in this House; we are all constituency TDs as well as the many offices and front bench positions we hold. We know the reality out there is not pleasant for people who are looking for credit because the banks are not particularly willing to extend or advance credit even when the credit-worthiness of the client is beyond reproach. This has to be addressed and we cannot continue in this situation whereby credit is essentially and effectively paralysed in this State. This is the reason the Government is proceeding with NAMA and the recapitalisation. We need to move quickly and the Minister for Finance will move quickly with regard to NAMA——

**Deputy Simon Coveney:** We are not debating NAMA; we are debating something totally different.

**Deputy Conor Lenihan:** It can and should take place and come about in a timely and speedy fashion, even if it is required to move ahead of any requirement for legislation. If it can be created in shadow form and move forward that would be a positive action to take. It is very important that we respond to the obvious demand from the public for credit.

I thank the Opposition for tabling this motion. We do not always agree on much but I see this as a sign of particular maturity on the part of the Fine Gael ranks that they are bothered to respond to Government calls to put down positive proposals. I wish that were shared in other Opposition parties. I thank Deputy Coveney for his contribution and I remind him it is not all negative as some extraordinary gains continue to be made by our inward investment agencies——

**Deputy Simon Coveney:** The Minister of State has not even responded to our motion.

**Deputy Conor Lenihan:** I know he is not particularly knowledgeable about it but I am sure that in the fullness of time he will inform himself properly about these matters.

**Deputy Simon Coveney:** That is rubbish.

**Deputy Joan Burton:** I wish to share my time with Deputy Arthur Morgan.

As the Minister of State was speaking and his colleague talked about the smart economy, I wished at times we could have some confidence that we had a smart Government. Unfortunately that might be like small children wishing for the tooth fairy to return because this Government seems hopeless. What we know is that people are tired of the Government and the sooner it goes, the sooner this country might face into some level of recovering its reputation and start on a path of recovery, which is possible but only with a change of Government.

[Deputy Joan Burton.]

The Minister of State spoke about his brother, the Minister for Finance. I recall seeing the headline in *The Financial Times* on St. Patrick's day from the Minister for Finance, a day when the country receives some welcome attention but the headline was about crony capitalism, the economy falling off a cliff or diving off a cliff — I cannot remember which expression he used — and his rather strange revelation that there were incestuous relationships in Irish capitalism between bankers and developers. Of course, as we know, the strain runs that the bankers funded the developers and the developers funded Fianna Fáil and, unfortunately, that is the core of our present dilemma. There is a worldwide recession and a collapse of the post-Washington consensus of the 1970s created by Ronald Reagan and Margaret Thatcher. This Government enthusiastically bought into the idea that there is no alternative to the Washington consensus of unbridled capitalism and free markets, that no matter what happens, the market is always right. Fianna Fáil has been unable to answer the question that if the market is always right, why are we looking next year at unemployment rates spiralling potentially to 16%, rates not seen since the 1980s and a Government which seems incapable of responding at an appropriate level?

Those becoming unemployed are a diverse group of people. Large numbers are coming out of the construction sector, some of whom are very highly skilled and entrepreneurial and others with traditional construction sector skills which are self-taught. All of them have worked very hard for the past 12 to 15 years. Another group are the highly skilled and educated graduates who are finding that the contracts they had with banks and finance houses, architects and solicitors, are linked to financing construction and property development. They are aged between 28 and 42 years of age. Some have family commitments, young children and mortgages. They are losing their jobs and they are confronted with dealing with the Department of Social and Family Affairs. These people are used to using technology. They may complain about the absence of broadband in areas throughout the country but they know how to use technology. However, they cannot access public agencies on a speedy basis. They can book an aeroplane ticket to Hong Kong in a few minutes using technology but they cannot interact with the agencies of State such as the Department or FÁS. They have to go and queue instead. These are people who have been brought up to expect something different. I know some Members on the Fianna Fáil benches might think a four or five hour wait in a queue is good for the soul but if this is what Fianna Fáil Ministers regard as the appropriate response to the best people in a generation when Ireland did well, it has completely lost touch.

The boom began to fade in late 2006 and early 2007. Once the banks started selling their properties to private investors for their private, tax-subsidised pension plans in late 2006, this was the high point of the boom. From 2000 onwards, although there was quite an amount of infrastructural investment, in terms of the scale of demand of the economy it was in many ways too little. Now we are left with a substandard infrastructure which is a serious constraint on competitiveness.

Ireland has one of the lowest rates of broadband penetration in the EU. Ireland's urban public transport systems are decrepit and disjointed while public transport is not an option for many rural communities, particularly for people who want to journey between smaller towns and villages. Major growing urban areas are at risk of drought in the coming years without significant investment in our water supply and water works.

Ireland's energy grid depends on carbon-intensive generation and will require significant investment to facilitate a shift to low carbon generation. Ireland's creaking public health infrastructure and hospitals are a continuing embarrassment. A total of 40,000 young children are being taught in prefabricated classrooms. Despite the fall back in productivity and employment, significant numbers of young children are entering the education system. A dec-

ade of squandered wealth is one of the greatest travesties of our economic malaise. As the economy boomed in the 1990s and the noughties, tax revenues ballooned. However, rather than investing the growing contents of the Exchequer coffers in closing our infrastructure deficit, this money was used to cut personal tax rates and provide generous tax incentives for property speculation. As a result, bottlenecks developed in the economy, our cost base rose and competitiveness deteriorated.

Our infrastructure deficit was one of the critical constraints on Irish competitiveness in the early part of this decade. Now it is one of the key constraints on our economic recovery. We talk about the reputational damage to Ireland. Foreign multinationals looking at a country to make a foreign direct investment, FDI, have a list of 40 items they tick. Unfortunately, Ireland is increasingly ticking negative in many of the boxes because of the reputational damage we have suffered. Those issues FDI was prepared to tolerate, discount and put to one side because we were seen to be agile, active, enterprising and successful, are unfortunately becoming constraints against new or continuing investment in Ireland. It becomes easy for foreign investors, who are faced with a plethora of choices around the world, to say Ireland is no longer as “hot” as it once was, and decide not to invest there or, in the next cycle of investment, not to reinvest.

We have set out a number of proposals. The Labour Party has proposed a national development bank as a way of providing in particular for off-balance sheet investment in terms of the national accounts which would allow for the injection of money into critical public infrastructure, without damaging our debt position, which is already fairly perilous. We have also suggested a number of very inventive schemes that would provide, on the lines of the investment bank in Germany, money and capital that would get certain schemes going. We have also proposed a graduate and apprentice internship training programme that would provide a bridge for those tens of thousands of young graduates and apprentices who are graduating but have no place to go.

The Irish economy was once described as agile and inventive. This Government has lost it and, as a consequence, people want to say “Goodbye” to this Government and see fresh faces and ideas, and some kind of hope injected into our economy. If we built the Celtic tiger, we are capable of plotting our salvation and economic recovery, but not with Fianna Fáil.

**Deputy Arthur Morgan:** I thank the Labour Party and Deputy Burton for sharing time with me. I am generally supportive of the thrust of the Fine Gael motion. Just over two years ago, the Taoiseach wrote in the foreword to then new national development plan, that the document, *Transforming Ireland*, was “a road map for sustainable economic expansion, social justice and a better quality of life for all our citizens over the next seven years and beyond”. That was just two years ago. It is clear that the road map for investing in infrastructure in Ireland has been lost and the Government’s capital investment policies are written off. The road map has more than potholes. It is also clear that Fianna Fáil does not really care that we do not have the schools, public transport networks, digital broadband infrastructure, hospitals and health service and social housing that are the acid test of real social justice and the proof that a better quality of life is being delivered.

It seems that the job of the Fianna Fáil and Green Party Ministers is merely to talk daily, as we heard again this evening, of the “smart economy”, the “knowledge economy” and the “competitive Irish economy for the 21st century”. Enterprise Ministers, past, present and sacked, are allowed add the words “innovation” and “research led” at will. Their Green Party colleagues also get to say “green tech” once a day in Government press releases. It is clear that there has been significant investment in the infrastructure of hype, but only hype.

The economic downturn has hampered the investment capacity of Government and so we must prioritise some infrastructural developments over others. It is also clear that the Fianna

[Deputy Arthur Morgan.]

Fáil strategy of spending taxpayers' money wildly in the boom times must end. We do not need any more overpriced, badly thought out projects of which the West Link is a glittering jewel in the Government crown of infrastructure failures. We are still waiting for a simple, clear explanation of how it came to be that the Government paid National Toll Roads €15 million to build the bridge and then had to pay over €600 million to get it back. That has been forgotten, as have the Luas, M50 and Dublin Port tunnel cost overruns, replaced instead by a lot of bluff from the Government benches on "value for money". There is no real delivery or proof that value for money is being delivered in Government spending.

Sinn Féin has been clear in our job creation and public finance documents that we accept that we are facing straitened circumstances, but we firmly believe there is an alternative to the failed strategy of frittering away taxpayers' money wildly in the boom years and then cutting off spending in recessions. Across the globe there is a recognition of the need for sustainable, community-focused social investment as the key to the next phase of economic development. We need a policy of investing in people, their education, their health and the infrastructure that helps them work more productively and efficiently. My party believes we have an opportunity to reshape the country and that a recovery plan must focus on ensuring we come out of this recession ready for the future, that we have the infrastructure, skills and public services that will put us at the top of competitiveness rankings, as well as delivering a tangibly improved quality of life for all our citizens.

For now, the coalition seems determined not to produce a coherent investment strategy. Take the example of primary and secondary school buildings. We know there is an ongoing need for more school capacity in coming years. The INTO has estimated that 100,000 additional pupils will enter primary schools over the next ten years, generating the equivalent need of 400 schools. In June 2008 the Department of Education and Science estimated a requirement for 2,300 classrooms over the next five years, but where are those classrooms? In budget 2009, €581 million was earmarked for school building, with a further €75 million added in February 2009. In the April budget, €30 million was cut from the schools building programme, raising a question as to the Government's ability to plan if it can change the school building programme three times in seven months.

My party proposed an increased building and refurbishment programme from late 2009 through to 2013 that would aim to take an extra 125 schools through to construction by the end of 2010, and at least 125 schools in each year between 2010 and 2013. We also proposed that the schools summer works programme be maintained in 2009 and continued until 2013 and an increase in expenditure in the devolved small schools scheme. These measures would create local employment while building vital infrastructure.

Replacing the outdated copper telecommunications network with a full fibre-optic digital network running as a backbone across the island rather than an overdependence on wireless solutions is another vital step we need to take. We propose a full implementation of the promised €252 million in NDP funding introducing ICT, broadband and digital media into primary schools, with a target of full roll-out of the scheme by the end of 2010. We must fast-track the €435 million promised spend on the broadband network so that it is delivered between 2009 and 2011 instead of in 2013 and must set a target of full broadband connectivity for all businesses and households by the end of 2011.

The Government talk a mean game concerning green tech but it ends there. Proof of this was found in the €13 million cut in funding for Sustainable Energy Ireland's research programmes. The coalition Government which supposedly has a green edge ignores the opportunities of green tech investment. It ignores a 2008 report, jointly sponsored by Forfás and IntertradeIreland, which forecasts that the global environmental goods and services sector will



grow by one sixth, or \$100 billion, by 2010, with a further \$100 billion growth predicted by the end of 2015. It is vital we ensure the Irish economy is best placed to take advantage of this growing economic sector. The Forfás ITI report showed a green tech sector on the island that is currently estimated to be worth €3.6 billion annually and employing approximately 6,500 people. What message did the Government send to these people by cutting research and development investment in this sector? Talk is cheap with this coalition and the cuts run deep.

I remind the House that in May it will be a year since the failed public private partnership, PPP, experiment in five inner-city Dublin communities collapsed, dashing hopes of decent housing for thousands of marginalised families and their communities. McNamara builders and Castlethorn Developments pulled the plug on a commitment to invest €900 million building 1,800 homes in a mixed retail and commercial development. In the boom times Fianna Fáil told these communities they had to wait and now they are being told to wait again. All participants in the debate tonight must recognise that when it comes to our houses, our schools, our environment and our telecommunications infrastructure there will be no private sector rescue. We need to start again.

Debate adjourned.

### **Estimates for Public Services 2009: Message from Select Committee.**

**An Leas-Cheann Comhairle:** The Select Committee on the Environment, Heritage and Local Government has completed its consideration of Vote 25 for the year ending 31 December 2009.

### **Social Welfare Bill 2009: Committee Stage.**

#### SECTION 1.

**An Leas-Cheann Comhairle:** Amendments Nos. 1 and 33 are consequential on amendments Nos. 22 to 31, inclusive, and will be discussed together.

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** I move amendment No. 1:

In page 3, subsection (1), line 10, to delete “Social Welfare Act 2009” and substitute “Social Welfare and Pensions Act 2009”.

Amendment No. 1 changes the name of the Act from the Social Welfare Act 2009 to the Social Welfare and Pensions Act 2009 to reflect the proposed amendments to the Pensions Act. We will discuss the remaining amendments in conjunction with this one.

**An Leas-Cheann Comhairle:** We will deal with all of them together.

**Deputy Mary Hanafin:** Amendment No. 22 contains the definitions necessary to the introduction of amendments to the Pensions Act 1990. Amendment No. 23 in section 41 of the Act is consequential to the proposed amendments. It amends the section to the effect that the funding standard will apply to the proposals in amendment No. 24.

Amendment No. 24 outlines changes to section 48 of the Act which modify how the assets of an under funded defined benefit scheme in wind-up are prioritised. Currently, top priority is given to pensions in payment, including any future increase that may be allowed by the terms of the scheme. Thereafter, the benefits of both current and former employees are paid, again including any post-retirement increases and benefits. This amendment will apply to schemes that wind up after the passing of this Act and to schemes that wound up before the passing of the Act but which have not commenced discharging the liabilities of the scheme assets. The proposed changes retain the priority given to pensions in payment followed by benefits to

[Deputy Mary Hanafin.]

current and former employees and only then are post-retirement increases to all categories of members to be paid. In effect, the changes do not impact on any pension currently in payment but merely lower the priority given to any post-retirement increases that may be permitted under the terms of the defined benefit scheme, thus ensuring increased resources to securing the accrued pension benefits of active and deferred scheme members, both former and current employees.

Amendments Nos. 25 and 26 amend section 50 of the Pensions Act to achieve three results: to extend the categories of members and benefits to which a restructure of a defined benefit pension scheme benefits can be applied; to extend the conditions under which a defined benefit pension scheme can be restructured; and to provide that the scheme members must be given an opportunity to make representations to the trustees of the scheme before any amendment to the scheme is made. Current legislation provides for the restructuring of a defined benefit pension scheme but only to the extent that it affects the benefits of those employed by an employer sponsoring the scheme. This restructuring does not extend to the accrued benefits of scheme members no longer employed by the sponsoring employer or to post-retirement increases to benefits. This limitation in restructuring the scheme might give the trustee no option but to wind up the scheme. The proposed amendment to the Pensions Act will broaden the scope of the scheme restructure to include those currently in employment who are the active members, and those who have ceased employment with the current employer and have not reached retirement age, known as the deferred members, and the provision of post-retirement increases for all categories of scheme member. It must be stressed that this change will not impact on the pension current in payment to pensioners.

This amendment also inserts a new section 58 to the Pensions Act which will allow pension scheme trustees, with the consent of the Pensions Board, make such amendments as may be necessary to secure the future viability of the scheme where the only alternative to such changes is the winding up of the scheme. The section also allows for regulations to be made requiring trustees of relevant schemes to give notice to scheme members of any proposal to amend the scheme. That concerns the question Deputy Enright asked earlier. It allows for members to make observations to the trustees on the proposals before any changes are made.

Amendment No. 27 provides powers to the courts to grant relief to pension scheme trustees from liability for breach of trust where the court deems that the trustee acted honestly and reasonably with regard to the circumstances of the case.

Amendment No. 28 amends section 3 of the Pensions Act and creates a separate and more serious offence for failure of an employer to remit pension contributions deducted from the salary or wages of an employee to the trustees of the pension scheme.

The purpose of amendment No. 29 is to strengthen the role of the regulator in respect of a failure of an employer to remit pension contribution deducted from the employee's salary wages to the trustees of the pension scheme. This amends section 3 of the Pensions Act to provide that certain payroll-related documents and the information contained therein are admissible as evidence in court without the requirement to prove the content of the documents. It further provides for two rebuttal presumptions: first, that a payroll document found on the employer's premises relates to the employee or employer concerned; and second, the author of the document retrieved from a computer is the person who ordinarily uses that system.

Amendment No. 30 provides that the Minister for Finance may, after consultation with the Minister for Social and Family Affairs, introduce a pensions insolvency payment scheme, PIPS. This scheme is an Exchequer cost-neutral scheme for situations where a defined benefit pension scheme is in deficit and the sponsoring employer becomes insolvent. PIPS is intended to make

it cheaper to pay for the pensions of retired pension scheme members so that more money is available for the pensions of those yet to retire. Under PIPS, trustees of eligible pension schemes will have the option of paying the Exchequer a sum that will cover the cost of paying the pensions of retired members instead of buying annuities. We expect that in some cases PIPS will be a cheaper option than buying annuities on the open market. Any savings could then be put towards the pensions of those yet to retire, thereby reducing to some extent their pension shortfall. Schemes wishing to participate will first apply to the Pensions Award for certification. On foot of certification schemes may apply to the Minister for Finance to participate in PIPS at which point they will be quoted a price by the National Treasury Management Agency for the cost of paying the pension. Trustees can then compare the cost of participating in PIPS to the cost of annuities on the open market before deciding which option to choose. This Bill provides for the necessary primary legislation under which the Minister for Finance, in consultation with the Minister for Social and Family Affairs, will make more detailed regulations setting out the details of how PIPS will work. PIPS will become available on a three-year pilot basis following which it will be reviewed.

Amendment No. 31 provides the appropriate citation for this Act to take account of the pension component and amendment No. 33 amends the long title of the Bill to take account of the pension changes.

**Deputy Olwyn Enright:** I thank the Minister for her clarification regarding some of the points. I was not aware of the groupings when I said we might not reach these matters but obviously they are first in priority.

I still have some concerns with regard to the Bill and some questions to which I either have no answers or am not clear about the nature of the answers. We accept there is some urgency in this, but I should like the Minister to have gone further in some of the provisions. I agree with her response, earlier, on why we did not consider the cap on priorities. I accept people have paid into this but already there will be changes based on the decisions we are taking today, in any event. I do not see why those changes could not have been extended so that we adopt a *pro rata* approach, making it more difficult at the higher end, rather than having employees in receipt of small pensions suffering more.

I appreciate the Minister's clarification of the point on "substantial deficit". I presume from what she said earlier that if any deficit exists, the restructuring provision can kick in, regardless of how small it is. Are there any safeguards in terms of consent from the Pensions Board? Obviously, it will have to give permission in any event, but the phrase, "substantial deficit" was used and now we are talking about any deficit. I wonder whether there will be differentiation in that.

Again, on the matter of the trustee provision that I raised earlier, I still believe there needs to be differentiation in that regard. I am not clear from what the Minister said a minute ago whether a court will be able to make that distinction when dealing with it. I welcome the Minister's amendment No. 28 in relation to the penalties for employers. This is something that many people have had difficulties with and is relevant to the social welfare system as well in terms of PRSI contributions. This area needs to be strengthened. On a few occasions I have come across employees who believed that payments were being made on their behalf, only to discover later that they were not. Once they are finished with the system, very little can be done for them, however, and this can cause great difficulty for people.

I have a particular concern about the provision dealing with annuities. This needs further examination. Obviously, this will not happen today, but when the Minister brings forward her White Paper, as she says she will, in a few weeks, this is something I should like to see exam-

[Deputy Olwyn Enright.]

ined. The Minister affirmed that she is not aware of anything coming down the tracks, but at the same time in terms of bringing in these provisions there should be greater clarity on how many schemes she believes will be affected by the changes we are making. I know it will be cost-neutral eventually, but there are financial implications and the Minister should have some notion of that information at this stage, and the types of assets those schemes actually have.

I am not happy with the response on how the State will account for this money. Clearly, from what she said earlier, it will go into the Exchequer in some shape or form. However, what will happen to it then? We shall still have some liability for this and before the House makes decisions on this, I should like to see far greater clarity in what will happen to the money when it is paid into the Exchequer, whether it goes into the general pot, the NPRF or whatever.

In terms of the amendments tabled and the companies that may or may not be included, I specifically asked earlier about schemes such as those for Waterford Crystal and SR Technics, and whether they will now be able to avail of this initiative if they meet the requirements. Does the Minister expect that those types of companies will meet the requirements? Also, is it the Government's intention in terms of the actual practicalness of this, that the NTMA will make the expertise available to sell the annuities? Will it, for example, hire the actuaries, does it have the type of investment expertise necessary for this area or is it work that will be put on offer for existing companies to bid for?

I know it would be a rare precedent for the Attorney General's advice to be aired in the House, but is the Minister aware of any concerns raised by companies in relation to this — from a State aid perspective, separate from the advice the Attorney General gave the Department? Obviously, we are rushing this legislation through the House tonight, against our will, but when does she expect the Minister for Finance to come forward with regulations? Can we expect this to happen by the weekend, given the sense of urgency the Minister attaches to the legislation, or when exactly will this come into being, with companies being able to avail of it?

I know this is something new, a pilot initiative and all the rest, but what was her reason for deciding on a three-year period? Is there a particular logic which indicates that specific timeframe is required to see how it works? Is it expected that we shall be in a different position in three years time, in terms of being removed from where we are now, or what was the reason for this timeframe?

**Deputy Róisín Shortall:** I have already indicated my dissatisfaction at the manner in which the Minister is dealing with this important issue. The Labour Party will abstain on each of the amendments in relation to pension provision because adequate time has not been provided for us to consider the proposals, to consult with experts in the field or any of the groups representing either workers or pensioners. It is standard practice in the House that reasonable time be allowed for people to consider new proposals and consult on them, but the Minister has not allowed that and has not provided any explanation whatsoever. In those circumstances, we have no choice but to abstain on these amendments.

The Minister talked about the need to rush through this legislation, indicating that there were so many schemes in difficulty and at any stage any scheme could collapse. That is the case, but we have waited ten years and another week or two will not make a huge difference. That argument had some validity up to mid-afternoon before she brought in the new amendment to replace her earlier amendment, where some amount of leeway was provided to companies that wound up their schemes and they may at some point in the future be declared insolvent. It is not a matter of saying they must be in before this legislation is passed or else

there is no help for them at all. The Minister has introduced an element of retrospection in this, so that if another scheme were to go bust tomorrow or next week, it would still be covered by this legislation, if she were to delay for two weeks.

I asked the Taoiseach three times today and I am asking the Minister now, to kindly explain to the House why she is rushing this. What is it about this that has to be dealt with today and could not be dealt with just as well in two weeks time? I ask her to please explain that clearly to the House. Another point about this is that it is a sticking plaster approach. She made minor changes last December and made a big deal of it. No doubt she will make a big deal about this as well. This is no substitute for a proper pensions policy. The reality is that pensions policy here in recent years has been a disaster. It has completely failed and the uptake is exceptionally low. The whole basis of the policy has been tax relief, which has resulted in a “rich man, poor man” arrangement whereby a vast amount of money has been given to people in tax relief, more than €3 billion. In that regard, there really is a pressing need for the Minister to put her proposals before the House. Both of her predecessors promised to do this and did not. We need proper proposals set in a modern day context in relation to pensions, ensuring equity. This legislation does not do that, but just provides a few sticking plasters to the existing inequitable inappropriate outdated pension scheme that we have in this country.

I am particularly concerned that the Minister has continued to allow a situation to exist whereby company directors and other wealthy individuals can set up self-administered schemes at enormous cost to the State. Ridiculous levels of tax relief are being provided to people who can stash away €5.5 million and take out €1.3 million tax free. It is outrageous and it makes a nonsense of all the Minister’s bleeding heart concern about the cuts she had to make in social welfare and the kind cuts with which we will deal later in this Bill.

There was potential to make considerable savings in tapping those people who are very wealthy and who have extraordinarily generous pension schemes. However, the Minister took the decision to hit people on small pensions and small incomes rather than tackle that issue. It is incredible that nobody in the State can provide us with figures for how much it costs us to subsidise and provide welfare to high net worth individuals, because that is what we are doing. We are providing corporate welfare to people with self-administered schemes by giving them top rate tax relief and tax free status for up to €1.3 million. That is the reality of the pension policy over which the Minister stands.

In the context of the White Paper, which the Minister said is imminent, and the Commission on Taxation report, will she come up with a figure to tell us how much it costs the taxpayer to subsidise and to provide this welfare support to rich people, because those figures are not available anywhere? I do not see how the Minister can possibly bring forward proposals in regard to new pension policy or how the Commission on Taxation can come to a view in respect of tax reliefs if it does not know how much those schemes cost the State. I put that to the Minister in the context of her making €300 million in cuts in the social welfare budget.

There was huge potential to make savings in regard to pensions for rich people but the Minister did not touch them. We expect her to deal with them and the blatant inequality it generates when it comes to the White Paper and to at least be able to tell us the extent to which these people are being subsidised.

This kind of *ad hoc* approach is a waste of time. What we need is a proper pension system, the basis of which is a State pension for everybody. There is an amendment on the PRSI ceiling, which I will not support. However, there are issues there to be considered in a national debate on pensions. In the context of a State pension scheme, which would cover everybody, it makes a lot of sense to lift the ceiling, although it does not make sense to do so in isolation from everything else. The core of any pension policy in this country must be an enhanced State



[Deputy Róisín Shortall.]

pension scheme and then to allow people to top it up at their own expense if they are in a position to do so. One must accept that the policy which has existed in this country for several years has been a complete failure. We will wait to see what exactly the Minister comes up with. Those proposals cannot come soon enough. However, the proposal before the House is not a substitute for that nor is it a way out for the Minister from her obligations under EU legislation in terms of the legal requirement to ensure adequacy of pension cover, which she has failed to do and for which we are likely to pay dearly due to her inaction.

I refer to the State annuity scheme, the PIP scheme. That has a lot of potential and I do not know why it is so limited. I hope that in the White Paper the Minister will provide for a much wider State annuity scheme. It cuts out the middle man. There is no doubt the kind of profits and charges which have been applied in the pensions industry are outrageous. What has been allowed to go on there is scandalous, as is the milking of the system by certain individuals and companies. We should move towards a system where there is a State scheme so that all that profiteering is cut out. There should not be any room for it in regard to pensions.

I do not understand why the Minister's proposal in this regard is so limited. Why, for example, does it only apply to companies which are insolvent? There is no justification for that. There is the potential to extend it on a much wider basis. I take it that at some point in the future, it will be possible for SR Technics to avail of this. There is a fundamental problem with SR Technics. This will not solve it, although it may ease it somewhat. The Minister, who is responsible for pensions, has stood by while a very strong and profitable company has managed to walk away from its liabilities in terms of pension provision. Unfortunately, this will happen more frequently in the future. That should not be tolerated and we should not have such an unregulated pension arrangement where that can happen. Not only is SR Technics a profitable company but it got a substantial amount of money in the past few months from a semi-State company, the Dublin Airport Authority, for giving back leases and for giving up an option on a site. It got tens of millions of euro from a semi-State body but it was allowed to walk away leaving a massive hole in its pension scheme. That is outrageous. The Minister stood by silently and allowed this to happen.

This can happen in regard to other schemes as well and nothing is being done about it. It is not tolerated in any other country. When the EU Commission sought to bring the UK authority to book over this issue, it moved very quickly to deal with it. However, the Minister somehow thinks Ireland is different and can avoid being compliant with EU legislation but those chickens will come home to roost and she cannot wash her hands of her responsibility in that regard.

I cannot understand why the State annuity scheme will not be allowed to cover increasing pensions. One of the stipulations is that it is only for static pensions which will remain the same and will not provide for any cost of living increases. I do not know why that is the case. It does not make any sense. In many companies, people have the option to go for a basic rate which will remain the same. It is a higher rate but they will take that and hope inflation will be low and they will continue on the same rate. Others choose to have a lower basic pension but with periodic cost of living increases. I do not understand why the State annuity scheme will not allow the same kind of provision, that is, an increasing pension. Perhaps the Minister will address that when she responds.

I refer to concerns expressed by Age Action. There is an unfairness about this because of the problem of the Minister allowing a situation to continue where schemes are seriously underfunded. Since there is no adequate pension policy in this country, workers are undoubtedly losing out. The Minister is proposing to improve marginally the position of those workers, at the expense of existing pensioners. That does not seem fair. If one were starting from scratch, one might change the priorities. I am concerned that older people who have retired are paying

for the pension improvements of workers. The approach that is being taken in this instance might mean that pensioners who took up employment or started paying into pension schemes at a late stage will end up with very small pensions. I am worried that women, in particular, will end up with very small pensions as a result of this proposal. The cost of living increase that is applied to small basic pensions is very significant for such people. It is obvious that reductions in the cost of living increase do not affect those with better pensions. Many people in defined benefit schemes get very good pensions. There are cases in which senior executives receive significant and generous pensions from company defined benefit schemes. They are in a much better position than people with very small pensions to cope with the loss of their cost of living increases. It is another example of an equity issue. It would have been preferable for the Minister to have introduced some kind of cap, or to have enabled the trustees of pension schemes to impose a cap on the basis of the profiles of those in such schemes.

I will conclude by expressing my disappointment with the manner in which the Minister has handled this legislation. She has utterly disrespected and disregarded the role of Opposition Members of this House. She has ignored our right and our need to consult widely on new provisions. She ignored the precedent of allowing adequate time for new proposals to be considered. Worst of all, she has utterly failed to provide any kind of explanation of why she is doing this. Her actions can serve only to alienate those of us on this side of the House.

**Deputy Arthur Morgan:** We do not have an opportunity to examine this legislation properly. That is not a whinge — it is a simple fact. This is not an example of good practice. The interested groups, including the trade unions, have not had an opportunity to get their experts to consider this legislation and express their considered opinions, which would have been of benefit to many of us in this House. The Minister said earlier this evening that pensions legislation is “complex” and that “the changes being proposed took considerable time to prepare”. How much time did it take to prepare this Bill? Later in her speech, she stated, “the Government’s initiative began in December with the announcement of several short-term measures aimed at reducing the pressure on underfunded defined benefit schemes by allowing greater flexibility”. Did the drafting of this Bill start in December? Is that when the process started? Did it begin at a later stage?

We have been told on a number of occasions that this legislation is cost-neutral to the Exchequer. Is there any prospect of a change in that position, for example, if there are further problems with the stock market or further alterations in interest rates? Can the Minister envisage any developments that would change the cost-neutral position that is being described at the moment? The social insurance fund, for example, is under significant pressure. That is why I am keen to speak about PRSI matters. We will return to that later. Is it likely that the problems in the social insurance fund will have an impact on this cost-neutral position of this legislation? What factors might alter that position? That is what I am essentially asking, in the first instance. I share the concern of other Deputies about the rushed manner in which this Bill has been introduced. For the sake of another week or two, Members could have been able to examine this legislation properly and constructively. As that would have been meritorious, it is unfortunate that it did not happen. I acknowledge that there is some good intent in the Minister’s efforts to deal with the pension funds of people who are under severe pressure. I am extremely disappointed that the legislation she has introduced is so measured. It would be better if the Bill dealt with the entire pensions issue in a more comprehensive manner. I will be interested to hear the Minister’s reply.

**Deputy Seymour Crawford:** I would like to make a brief comment on an issue that is of relevance to this debate. I have just been dealing with a person who returned to Ireland from the UK some years ago. The man in question was entitled to take his UK pension, which is

[Deputy Seymour Crawford.]

based on the number of years he spent working there, back to Ireland. When he returned five years ago, he did not look for anything. When he recently reached 70 years of age, he tried to get a top-up. When the inspector asked him how he was able to live on the amount of money he was being paid, he mentioned that he is sometimes given a bite to eat when he goes to his brother's farm to give him a hand. When the man in question was means tested, it was decided his brother gives him €5,200 a year, something about which he knows nothing. It was determined that the meals he sometimes receives are worth €50 a week, or €2,500 per annum.

**An Leas-Cheann Comhairle:** While this is all very interesting, I am afraid the Deputy should confine his remarks to the section of the Bill with which we are dealing.

**Deputy Seymour Crawford:** This whole pension issue is extremely serious. We need to watch how we handle it. The handling of the case I have mentioned has been completely unfair. We need to make sure we look after those who have spent their lifetimes working.

**Deputy Arthur Morgan:** Good man, Seymour. Fair play.

**Deputy Mary Hanafin:** I admire Deputy Crawford for raising a pensions issue that is of relevance to the man he mentioned, although perhaps not to the debate on this Bill. The legislation before the House has been introduced to try to support workers in some way. Different things are happening with pension schemes at present. The situation has changed drastically in recent months. The number of insolvencies has doubled in the past year. The number of pension funds that are in deficit has increased in line with that. If they are currently meeting their liabilities they will benefit from this, as will any other insolvent companies that wind up pension funds that are in deficit. In addition, companies that are restructuring their funds to try to protect and save them will benefit from the other changes in this legislation. For that reason, it is important that such changes are made. A number of groups have asked for those changes. The workers want to ensure that the order of priorities is changed. It is fair to say that nobody wants to be seen to be taking anything from older people. Members should bear in mind that the increases are not going from the order of priorities.

**Deputy Róisín Shortall:** They will be going, in effect, in most cases.

**Deputy Mary Hanafin:** They are just being moved down the list of priorities. It is absolutely right that at the moment workers are paying into a scheme that guarantees the pensions of existing pensioners. In one third of schemes, increases for those pensioners are also being guaranteed. The workers themselves will not even get what they thought they were going to get. It has actually become the case that the workers are subsidising the increases of the pensioners, as well as the pensions themselves. The pensioners will continue to be the first priority. While the pensioners' increases are also a priority, they have moved down the scale so that the workers can get slightly more out of it.

I wish to comment on the scheme being established. The National Treasury Management Agency is satisfied that it has sufficient in-house expertise to set the prices for the pensions insolvency payment scheme. The administrative payment arrangement to be put in place by the Department of Finance will use the existing Civil Service payment structures. No new great administration will be attached to this. I was asked why the new pensions insolvency payment scheme will not pay the increases. If the fund is in deficit one can presume that the increases will have moved further down the priority order so that only the basic pension will be paid because the aim will be to ensure the workers will try to make the savings out of this. Deputy Morgan asked where the savings will come from and other Deputies mentioned the cost of

annuities on which there is a high commission and profit. More particularly, they must be backed up by assets which are held but the State will not have to do that so there will be savings for the State which will continue.

There is no particular reason it should be three years instead of five or four but that is a reasonable time within which to assess how it works, whether it works well and to review the economic situation. It is being applied only in a narrow way and it is important it is only for the companies that are insolvent and for the pension funds which are in deficit because it is intended as a last resort. We had to be conscious of questions that would arise here about state aid and competition issues but we are satisfied that because it is so narrow we will not fall into the trap of being accused of giving state aid or favouring any companies in this way. In the same way, under competition legislation, we want to ensure that because it is limited and for a specific purpose we will not be abusing a dominant market position. We also need to keep the scheme quite narrow because we do not want employers to walk away from their responsibilities and the State cannot take on all pension schemes. Particular circumstances arise when the company is insolvent and the pension is in deficit. That is why we are doing this for these groups.

Deputy Shortall spoke about the Robins case. When the Commission reviewed the transposition of the directive, it gave an assurance that Ireland had adequately transposed the provision in that directive. Since the Robins case, however, the implications are being considered seriously in consultation with the Attorney General and with other relevant Departments. The Commission is involved too and has been in touch to know what is happening here. It is conducting its own review. In the past two weeks it published a call for tenders to examine the protection of supplementary pensions in cases of employer insolvency of defined benefit schemes and it thinks that will take approximately nine months to complete. That issue is being considered at European level too.

Deputy Shortall asked how much was being spent on tax reliefs. It is €2.9 billion. That applies to all taxpayers, including those on 20% and on the top rate. That is the value of the tax reliefs.

**Deputy Róisín Shortall:** That is not what I asked. I asked what is the value of the self-administered schemes for the high rollers.

**Deputy Mary Hanafin:** That would be a taxation issue.

**Deputy Róisín Shortall:** The Minister is responsible for pensions policy.

**Deputy Mary Hanafin:** I am not responsible for tax but I will check with the Minister for Finance on the Deputy's behalf. The amendments are also to assist schemes that are now in difficulty but the long-term frame for pensions is a bigger issue and will be dealt with in that framework. Questions were also asked about the restructuring and in-deficit. The Pensions Board must be satisfied with the section 50 restructuring proposal. It is the first port of call. The funds will go to the Exchequer but we must keep track of all the costs the scheme incurs so that they can be reviewed in three years' time to see how it is working. I am not sure whether Deputy Enright spoke on her two amendments.

**Deputy Olwyn Enright:** I apologise. I was considering the Minister's amendments rather than my own. I sort of spoke to my amendments but will do so again briefly. I referred to the difference between the sizes of pension for someone at the highest level of a company and someone at the low end. While on the *pro rata* and percentage basis the pain is shared equally, the difference between what those two people take home is massive. We need to examine that from the perspective of equity and fairness. We raise points such as this and about the annuities.

[Deputy Olwyn Enright.]

We all know that a long-term framework is coming but we do not know what will be in it. We are accepting, rejecting or abstaining on the never-never or in the hope it will contain some of our proposals but we do not know that they will be. We should deal with this now.

Likewise, we should be dealing with the expansion of the PIPs or the annuities. The Minister said in response to Deputy Morgan, I think, that there would be savings for companies in buying the annuities. That is why the scheme should be made available to other companies. I do not see where the temptation is for them to wind up by availing of this but the fact that one can get the annuities at a more competitive rate because the State operates them will take a great deal of the commission out of them. That should be welcomed and rather than driving schemes to insolvency it could have the opposite effect because it would leave more money available within the scheme to pensioners, employees, deferred workers and so on when they become eligible. I would like to see that happening.

What did the Minister tell the Commission is happening in respect of the Robins case? What information did the Commission seek from the Minister and what response did she make? I agree that we will come to the House another day or night and pass some other rushed legislation to deal with something else with which we have not dealt for some considerable time. We will again be making decisions in the dark. That is not acceptable. My amendments concern the same point but in different sections.

**Deputy Róisín Shortall:** I was speaking about the cost of the self-administered pension schemes, of which there are 6,500 involving hundreds of millions of euro, which neither the budget nor the supplementary budget have touched. Not only are people able to get tax relief on earnings of €5.5 million but when they retire they can take €1.3 million out tax free. That is an outrageous situation for the Minister to tolerate. It is quite incredible, given that she is due to bring proposals before the House soon on a pensions framework White Paper, that she is not in a position to say how much that tax relief costs. This is not a matter for the Revenue Commissioners alone or for the Department of Finance. The Minister is responsible for pensions policy and she should know how much that element of our pensions costs. These are some of the richest people in the country receiving the most generous tax reliefs available and the Minister does not know how much they cost. The Minister would want to do her sums. If she is close to bringing proposals to the House she had better be able at least to tell us how much the most generous aspect of the existing pensions policy costs taxpayers. I hope she will find out because it is a considerable sum and there is no justification on any grounds for providing that kind of cash transfer to some of the richest people in the country. It is corporate welfare and, as the Minister responsible, she should be on top of that.

My second point concerns the Robins case. The Commissioner requested the Minister to provide information on the action she was taking on foot of that judgment. The Commission was not satisfied with the Minister's response and asked her to provide further information.

10 o'clock They are querying her lack of activity following that judgment. One of the most baffling aspects of this is that when this matter was raised publicly in the media by the Unite trade union in respect of Waterford Crystal workers, not only did they express their concern about it, but they actually came to the Minister, Deputy Mary Hanafin, and the Minister for Finance, Deputy Brian Lenihan, with a solution. That solution was a win-win situation for the State and everybody concerned, whereby the existing funds of approximately €125 million would be put at the State's disposal to assist in recapitalising a particular financial institution. It would have gone a long way towards doing that. What they wanted was a guaranteed return on that. There is already a guaranteed return of 8% for capital in those circumstance and they wanted that to go up to 9% or 10%. That would have solved



the problem for Waterford Crystal's pensioners at no cost to the State. The solution was put to the Minister but for some unknown reason she rejected it.

In the context of what we might be facing into arising from the Robins case, there is an onus on the Minister to explain why she rejected that solution. The approach taken in that solution has the potential for expansion on a far wider basis. For example, we talked earlier about the State annuities scheme. Has the Minister considered nationalising the defined benefits schemes? Hundreds of millions of euro are available there. The Government is seeking capital to put into our banks, so why can those two things not be married? Why can there not be an arrangement whereby the schemes are nationalised, their funds used to capitalise the banks, and the Minister guarantees the return on that? In that way, one could deal with the huge problem of underfunding in large numbers of defined benefit schemes. At the same time one would have a ready source of capital with a reasonable return required on that to enable what one is proposing to do concerning the banks. There is huge potential there for some creative thinking based on the kind of plan the Waterford Crystal people came up with. The Minister should kindly tell us why she is not doing the obvious in that regard.

What will the impact of these proposals be on existing pensioners in insolvent schemes, and where companies are insolvent? What are the implications of these for existing pensioners? Will these provisions apply retrospectively to those pensioners who have retired with the valid expectation that they would continue to get cost of living increases? The terms and conditions under which they were granted a pension were that they would get cost of living increases, so what legal advice has the Minister taken in that regard?

**Deputy Mary Hanafin:** As regards the Unite proposal, the decision on that was made by the Minister for Finance but obviously there was a discussion on it. Unite wanted a guarantee for 20 years and the State to carry all the investment risk. It was determined, however, that it was too much to carry an investment risk like that for 20 years.

Deputy Enright asked about the nature of the correspondence from the Commission. It was about media comments specifically concerning Waterford Crystal. Obviously, we make them aware of things like what we are doing today.

**Deputy Róisín Shortall:** It was on foot of a question in the European Parliament.

**Deputy Mary Hanafin:** Yes.

**Deputy Róisín Shortall:** They wrote asking what action the Minister had taken.

**Deputy Mary Hanafin:** Yes, that is correct as well.

**Deputy Róisín Shortall:** They were not satisfied with the Minister's reply.

**Deputy Mary Hanafin:** That is correct — a question was put on foot of that.

**Deputy Róisín Shortall:** They are pursuing the Minister on it now.

**Deputy Mary Hanafin:** No. We are in constant communication with them, but they are not pursuing.

**Deputy Róisín Shortall:** What is the Minister actually saying to them about it?

**Deputy Mary Hanafin:** I am sorry but that was a different time and a different issue.

**Deputy Róisín Shortall:** No, the Minister was asked about it. The Minister is responsible for pension policy and she was asked about it.

**Deputy Mary Hanafin:** I do not propose to discuss a particular case.

**Deputy Róisín Shortall:** What does the Minister mean by “a particular case”? It is not a particular case. I am asking what she is doing about her responsibility.

**Deputy Mary Hanafin:** The Deputy’s initial question was about Waterford Crystal. Other questions were asked about the tax amount.

**Deputy Róisín Shortall:** No. It was about the Minister’s responsibility on foot of the Brussels judgment.

**Acting Chairman (Deputy Johnny Brady):** Please allow the Minister to proceed.

**Deputy Mary Hanafin:** As I indicated, €2.9 billion was the tax take. As regards the self-administered area, I am not aware that Revenue has a breakdown of the detail, but I will try to see whether that is available.

**Deputy Róisín Shortall:** Does the Minister not think it is relevant and that she should get it?

**Acting Chairman:** Please allow the Minister to proceed without interruption.

**Deputy Róisín Shortall:** How can she decide pensions policy if she does not know what they say?

**Deputy Mary Hanafin:** I do not propose to accept the amendments moved by Deputy Enright, which, as she said, are both quite similar. Members have paid into the scheme according to their salary, so therefore they get their benefits accordingly. The more one is meant to get, the more one would lose on this. As I indicated earlier, many companies have one scheme for higher executives and another one for ordinary staff.

**Deputy Olwyn Enright:** Not all companies.

**Deputy Mary Hanafin:** I accept that not all companies have, but a lot of companies do. Therefore, the proposal would not have any greater impact in many of those.

I appreciate the difficulties Deputies have in dealing with this issue at short notice, but we all have the best intentions to try to support companies that have run into terrible difficulties. This time last year one would not have envisaged that we would be dealing with this situation at all. In changing the order of priorities and particularly in setting up the State scheme, we will at least give some relief to existing workers. I know it is not anything like what people are looking for, but at least it goes some way towards it.

**Deputy Olwyn Enright:** I have two points to make. It is a bit of a contradiction to say that people paid in in the expectation that they would be getting a certain amount, while at the same time the same people paid in in the expectation that they would be getting the post-retirement increases also. We are passing legislation to change the priority of that, so there is no reason we cannot change the priority of other aspects also.

The Minister accepts the difficulties for Opposition Deputies, but this is not a personal problem in the sense that I do not have time; this is about doing it properly. It is not that I am rushed, but that I have not had an opportunity to consult with experts on this matter. There

are four officials sitting beside the Minister handing her bits of paper on everything we say. That is the way the system works here and I do not have a problem with it. However, I do have a problem with the fact that, given the nature of today's debate, I could not consult with experts before making up my mind on adopting policy positions for Fine Gael. The same applies to other parties. The Minister makes it sound as if it is a bit awkward for the three spokespersons here today.

**Deputy Mary Hanafin:** No, that is not it.

**Deputy Olwyn Enright:** That is not the issue. The reason we are so trenchant in our opposition to how it is being handled is because it is so important. There is one thing I cannot understand. The Minister has talked repeatedly about the urgency of this legislation and I do not discount that. However, the budget was only three weeks ago and the Minister for Finance did not talk about this matter then. It was as urgent three weeks ago as it is today. Second Stage was only last week. The Minister signalled that something would be happening, but we do not understand the urgency of having to pass the Bill today, particularly when the Minister for Finance still has to make regulations on it anyway. For the record, I want to repeat that good legislation is legislation that we have had time to consider and discuss with experts. I am not a pensions expert in any shape or form, but we are trying. Although it is possible that I could support much of what is proposed, I cannot do so because I have not had an opportunity to consult to ensure I agree with the proposals. I will raise my objections to those aspects of the Bill with which I disagree as we proceed.

**Deputy Róisín Shortall:** I have asked the Minister several times to explain the reason she is introducing this legislation in such a rush. Why is it necessary to complete it tonight rather than next week or the following week? What is it about the Bill that will not hold for two weeks, which would give Members time to give it adequate consideration? I ask her again to clarify the impact of the proposals on existing pensioners and whether they will be affected retrospectively, and to indicate what legal advice she had taken.

**Deputy Arthur Morgan:** The reason I asked the Minister how long it took her Department to prepare this legislation was to allow me to contrast the reply with the few hours Deputies have had to consider the Bill. That was the context of my question. As Deputies Enright and Shortall have noted, we have had an extremely short lead-in time to the legislation. I fully concur with Deputy Enright's point that some of us would like to support the legislation, even if it falls short of what we seek. Like other Deputies, I find it difficult to do so without having had an opportunity to research and test it.

The Minister indicated that the process will be reviewed in approximately three years. May we infer from this timeframe that she will not introduce legislation on foot of the publication of a White Paper on pensions for three years? If that is the implication of the review, it would be alarming as it would prevent us from addressing the pensions issue and clearing up the mess surrounding it for three years. While it would be unfair to hang the pensions mess around the neck of the Minister, I will certainly hang it around the neck of the Government whose failure to address the issue has brought us to this point. I ask the Minister for clarification.

**Deputy Mary Hanafin:** The long-term pensions framework will deal with a wide range of issues, including retirement age and future provision. Some of the measures will not kick in for a couple of years because people first need to be prepared. I do not intend to hold off for three years or more.

[Deputy Mary Hanafin.]

Deputy Shortall asked a question on existing pensioners. While they will retain their existing payments, any future increases they may have been expecting will be paid only after workers, including deferred workers, have been looked after.

**Deputy Róisín Shortall:** What is the legal advice on that?

**Deputy Mary Hanafin:** The fund is in deficit and does not have sufficient money to meet all priorities. For this reason, it is proposed to move down the priority list. All of what is proposed has been cleared by the Attorney General.

**Deputy Róisín Shortall:** The Minister for Finance stated the advice available to him was that he could not interfere with existing pensions for Deputies who, as former Ministers, continue to receive pensions.

**Deputy Mary Hanafin:** He cannot do so without legislation, which will be introduced.

**Deputy Róisín Shortall:** He stated he could not interfere in the matter. Issues arise in the area of pension rights and property rights.

**Deputy Mary Hanafin:** That is correct but the measures do not interfere with pensions.

**Deputy Róisín Shortall:** Is the Minister for Finance proposing to introduce legislation to deal with existing pensions or future pensions?

**Deputy Mary Hanafin:** He will bring forward the necessary legislation.

**Deputy Róisín Shortall:** It will deal with existing pensions.

**Deputy Mary Hanafin:** The Minister for Finance will bring forward legislation which is relevant to the issue.

**Deputy Róisín Shortall:** The measures proposed in this legislation will affect the terms and conditions of existing pensions.

**Deputy Mary Hanafin:** If the fund does not have sufficient money, pensioners will not be able to get it.

**Deputy Róisín Shortall:** Under the present——

**Deputy Mary Hanafin:** One must remember that the legislation relates to insolvent companies and funds in deficit.

**Deputy Róisín Shortall:** Yes.

**Deputy Mary Hanafin:** Unlike the State pension, which is guaranteed, a guarantee does not apply if a fund does not have sufficient money.

**Deputy Róisín Shortall:** The Government will end up before the courts on this issue.

Amendment put and declared carried.

Section 1, as amended, agreed to.

## SECTION 2.

**Acting Chairman:** Amendments Nos. 2 and 20 will be discussed together.

**Deputy Mary Hanafin:** I move amendment No. 2:

In page 3, between lines 13 and 14, to insert the following:

““Act of 1979” means the Health Contributions Act 1979;”.

Amendment No. 2 is a technical amendment to include the Health Contributions Act 1979 in the definitions. Amendment No. 20 is a new section which replaces section 12, as published. It contains mainly technical amendments to the original provision.

On the advice of the Office of the Attorney General, new and updated definitions of the terms “reckonable earnings”, “reckonable emoluments” and “reckonable income” are being included in the primary legislation. Until now, these definitions were contained in Articles 4 to 6, inclusive, of the Health Contributions Regulations 1979. Given the development of case law in the area of administrative law, the Office of the Attorney General has advised that it would be more appropriate to include these provisions in the Act rather than relying on regulations. As a consequence of introducing these definitions, it is necessary to repeal section 2 of the Health Contributions Act 1979 as it provided that the Minister for Health and Children may set out these definitions by regulation. Articles 4 to 6, inclusive, of the regulations are also being revoked.

The other technical amendments set out more clearly how the new rates will operate in 2009. As the changes to the contributions are being introduced in the middle of the contribution year, it is necessary to make specific provision for this year. As Deputies are aware, the rates at which health contributions are deducted will increase from 2% to 4% and from 2.5% to 5% from 1 May. The threshold at which the higher rate will be deducted will be reduced to €75,036 per annum.

Section 4A provides for average calculation over the year to allow for the different rates in the two periods, namely, January to the end of April and May to December. Any person who is paid on a weekly, fortnightly or monthly basis will have his or her deductions calculated in accordance with section 5(1A) or 5(1B) or section 6(1A) or 6(1B) as appropriate, subject to the overall calculations set out in section 4A(1). Self-employed individuals who submit their deductions annually will have them calculated at the rate set out in section 4A(1).

With the introduction of section 4A, section 7 of the Health Contributions Act 1979 was deemed on legal advice to be no longer necessary or appropriate. It is, therefore, being repealed in this amendment. Having further examined the proposed section 7C in the published Bill, which was designed to ensure all reckonable earnings, reckonable emoluments and reckonable income were taken into account when calculating contributions, on legal advice it has been considered unnecessary, particularly in view of the introduction of section 4A, which provides an overarching mechanism for calculating deductions over the course of the year.

Section 7D provides for the repayment of contributions when they have been overpaid. This replaces the previous provisions in sections 5(1B) and 6(1B) of the 1979 Act, as amended by the Social Welfare Act 2006.

The final substantive amendment being introduced is the new section 7E. This is intended to ensure equity for any person who received a redundancy payment over and above the statutory redundancy payment before 1 May. Under this provision, the person will be charged



[Deputy Mary Hanafin.]

at the rates in place up to 30 April, that is, the lower rates rather than the average rate over the year.

The other amendments Nos. 2 to 4, inclusive, are technical, following on from the insertion of the new definitions of the terms “reckonable earnings”, “reckonable emoluments” and “reckonable income”.

**Deputy Olwyn Enright:** While I do not have a problem with the technical aspect of the amendments, I have a problem with the principle behind them. I accept this measure has been introduced as a result of a budget in which difficult decisions were required but disagree with the manner in which they were reached. The Government did the opposite of what the Fine Gael Party proposed. We sought to reduce borrowing with two thirds of savings to be made in expenditure and one third to be made in increases in taxation. For this reason, I oppose the measures on the health levy.

I will give an example of the impact on families of the decision to double the health levy, to change PRSI thresholds and to increase the income levy. A middle income family on €60,000 is seeing the marginal rate of tax rise from 43% before last October to 51% from next month, which is a significant increase for families. These families have lived within the means they had up to this point, rightly or wrongly. To a large extent their debts are at these means. When one speaks to people who are trying to live with these changes, one finds it is a difficult burden and people are finding it impossible to cope.

The health levy on top of all that has made it immensely difficult for families and some families will not cope. Some families will still be working and will not be eligible for help, but they will try to turn to the Minister, Deputy Hanafin, through community welfare or whatever, for mortgage interest supplement or other help. Many of them will not realise they are not eligible. The approach being taken is wrong and is not fair on ordinary families. They are already struggling with negative equity and loss of income. People in the private sector have suffered a considerable loss in income, as have those in the public sector as a result of the income levy. This high level of taxation will damage our ability to grow the economy in the current recessionary climate. It is for that reason I will oppose amendment No. 20.

**Deputy Mary Hanafin:** I appreciate the case outlined by Deputy Enright. It is a very difficult situation and it is difficult for families and couples. Unfortunately, unless these measures are taken now, we will not be able to get the correct balance between our income and expenditure. The Government, in this budget and the previous one, made great strides in cutting back on expenditure and the increases in the income and health levies was one part of that.

Despite the fact that this is a heavy burden on people, which I accept, the measure regarding redundancy payments is clarified in this Bill so the higher rate of tax will not apply to such payments. We are also ensuring people cannot front-load any of their income to avoid the levies, which makes it more equitable. That is the purpose of these amendments, as well as bringing such measures from regulation into law.

**Deputy Róisín Shortall:** I oppose this section. Much of the attention has been focussed on the income levy and other cuts contained in the budget, but the health levy is a major increase, which people are only realising now and they will be very aware of it next week when they get their pay packets.

It is a substantial increase. New rates of 4% and 5% are proposed, 4% for those earning more than €26,000 and 5% for those earning more than €75,000. The example I looked at recently concerned a family with an income of €40,000, which is not excessive by any means

and is a very moderate income. In those circumstances, a family with a person earning €40,000 is already struggling. As a result of this amendment, some €67 a month will be taken out of its pay-packet. It cannot take that kind of hit. Many families are paying even more.

The health levy and income levy combined will mean a loss of €100 per month. Very often such families with young children on very modest incomes are also struggling to pay large mortgages. Unfortunately many people find themselves in that situation because of the complete failure of this Government, and recent Governments, to have any kind of decent housing policy. There was a rip-off everywhere, where developers were let run riot. Such people are now very often also in negative equity, trying to pay a very large mortgage and losing out on income tax relief on their mortgage interest payments. They now have to pay these levies on top of that. If they have young children they are also losing the early child care supplement. I did the calculations based on a family with one income of €40,000, which is average. They are losing €250 a month as a result of the cuts in the budget.

If the Minister knows anything about her constituents, they are not all well off. She has plenty of constituents——

**Deputy Mary Hanafin:** Who said they were well off?

**Deputy Róisín Shortall:** They are not all well off.

**Deputy Mary Hanafin:** Of course they are not. Neither are Deputy Shortall's constituents.

**Deputy Róisín Shortall:** There are plenty of people struggling to survive on such levels of income.

**Deputy Mary Hanafin:** I know my constituents better than does Deputy Shortall.

**Deputy Róisín Shortall:** People are also trying to survive on welfare and are also being hit by the Minister's changes. Working families with young children are just about keeping their heads above water as things stand, but from next week they will be hit by approximately €250 per month. That money is not there in family budgets. Something will give on this. There is no justification for imposing these levels of cuts at that level of income. It is wrong and the Minister should not be doing it.

The Labour Party pointed out a number of different areas where savings could have been made. I mentioned the outrageous pension schemes the Minister is allowing. It is wrong to do that and the Minister will hit very ordinary people on very modest incomes through the health levy. The Minister should not be doing that and should have directed the cuts at people who are well off and could afford it, such as those with multiple properties and landlords who receive major tax relief on their properties. There is no justification for that whatsoever.

There are tax exiles. There are umpteen different ways some kind of reasonable cap, such as €200,000, could have been on public service pay and stop the nonsense of heads of this or that body earning €300,000 or €400,000. There could have been measures to stop the nonsense of the salary levels in the banks. Instead, the Minister chose to hit people on modest and low incomes. It is wrong, she should not be doing it and she will cause major hardship by doing so.

**Deputy Mary Hanafin:** I assure Deputy Shortall I know my constituents quite well and certainly know them much better than she knows them.

**Deputy Róisín Shortall:** The Minister would not be doing this if she knew them.

**Deputy Mary Hanafin:** I accept there are many families who are suffering as a result of the budget and I appreciate it is very difficult for people. Nobody likes the decisions which had to be taken, but they had to be fair and progressive.

**Deputy Róisín Shortall:** Is this progressive? These are ordinary families.

**Deputy Mary Hanafin:** People of all sectors were hit and people at the higher levels were hit more. When one looks at measures such as the income levy and the health contribution levy, one realises the higher earners are the people who pay the higher percentage. The percentages of the health levy range from 2% up to 5%, so those on higher incomes are paying the highest rate on that.

Deputy Shortall mentioned the public sector and asked why salaries were not cut there. The contribution of the pension levy affects all people in the public sector.

**Deputy Róisín Shortall:** What about the people earning €250,000, €300,000 or €400,000 a year?

**Deputy Mary Hanafin:** The people who are earning most will also pay more into that pension. Reform of the public service and Civil Service is a core part of the work we are doing. Fine Gael and the Labour Party came forward with some suggestions, none of which would have come up with the type of savings which had to be brought about in this budget.

**Deputy Róisín Shortall:** That is not true.

**Deputy Olwyn Enright:** That is not true.

**Deputy Mary Hanafin:** If we had taken even more out of expenditure, serious damage would have been done to education, health and services to people all over the country, and there would have been a justifiable outcry.

**Deputy Olwyn Enright:** What about hitting some of the quangos?

**Deputy Róisín Shortall:** The Minister was told where the money was to be found and what could have been done.

**Deputy Mary Hanafin:** It was a difficult situation and the Government had to balance the budget properly and did so.

**Deputy Róisín Shortall:** The Minister chose not to.

**Deputy Mary Hanafin:** The Deputy also mentioned the interest relief for landlords. That was reduced to 75% for this year.

**Deputy Róisín Shortall:** It was hardly reduced at all. There is the potential for at least another €500 million saving in that regard.

**Deputy Mary Hanafin:** The pension fund issue was dealt with in the last budget, where the limits were set.

**Deputy Róisín Shortall:** Tinkering. That is all it was.

**Deputy Mary Hanafin:** All the issues that have been raised have been dealt with and are being dealt with.

**Deputy Róisín Shortall:** No, they have not been dealt with.

**Deputy Mary Hanafin:** I appreciate it is difficult for families but at least this way the health levy is progressive, as it goes from 2% to 5%.

**Deputy Róisín Shortall:** No. That is not true.

**Deputy Mary Hanafin:** This is being included in the legislation.

**Deputy Olwyn Enright:** It is progressive only in the sense that if one earns more one pays more, but the doubling of the levy is not progressive. The Minister is right in that choices had to be made, but it is the choices made by the Government with which we have a difficulty. The emphasis was put on the easier option, which was increasing taxation, rather than asking every Department to go through its spending programmes line by line to find savings. Better savings could have been made that way. The option that was taken will hurt families in particular; they are effectively paying the price for the mismanagement — that is what it has been — of the last number of years. These are the same families who are paying massive mortgages on houses that are now in negative equity. Around 37% of their mortgages are effectively going to the State as that is what they spent on tax on their houses. These are the people who are being asked to pay the health levy and the increased PRSI, which I will deal with. This was mentioned in our proposals, but as part of a different package. The Government can pick and choose bits of other parties' packages, but it is the totality of what it is doing that is causing difficulty.

We are obviously not going to reach agreement on this. Understanding my constituents or the Minister's constituents is one thing, but the difficulties we are asking people to take on in their lives are another thing entirely, particularly for families with children. All the understanding in the world will not make it any easier for them to make ends meet.

**Deputy Mary Hanafin:** The budget has been well debated. I can assure Deputy Enright that we did go through every Department's expenditure line by line, but where savings have been found the Opposition has opposed every single one without coming forward with other suggestions about where to save money within those same Departments.

**Deputy Olwyn Enright:** We had an overall package before the budget. That is how we wanted to do it.

**Acting Chairman:** Allow the Minister to continue.

**Deputy Mary Hanafin:** No, because people have not indicated where they would find savings within the same Department.

**Deputy Olwyn Enright:** That is doing it by the Minister's rules. It does not have to be done that way.

**Deputy Róisín Shortall:** Why does it have to be within the same Department?

**Deputy Mary Hanafin:** The Deputy suggested we look through each Department; that is exactly what we did.

**Deputy Róisín Shortall:** Is fairness not a better guiding principle?

**Deputy Mary Hanafin:** The income levy, the health levy and the PRSI increases were all aspects of income raising, which was important. So too were the expenditure cuts, and we tried

[Deputy Mary Hanafin.]

to be as fair as we possibly could. I appreciate the difficulty for people and we know it as a Government. Unfortunately, however, there were decisions that could not be avoided.

**Deputy Róisín Shortall:** Unfortunately they were the choices the Government made.

**Deputy Olwyn Enright:** Stealth taxation.

**Deputy Mary Hanafin:** We were faced with choices and none of them was easy——

**Deputy Róisín Shortall:** It made those choices. There were alternatives, as the Minister knows.

**Deputy Mary Hanafin:** ——so we had to make the decisions we did. The health contribution is being included in this Bill.

Amendment agreed to.

Section 2, as amended, agreed to.

#### NEW SECTION.

**Deputy Róisín Shortall:** I move amendment No. 3:

In page 3, before section 3, but in Part 2, to insert the following new section:

“3.—The Minister shall as soon as may be after the passing of this Act prepare and lay before both Houses of the Oireachtas a report on the implications of new control measures to make it compulsory for a registered nursing home (public and private) to notify the Department if a person is resident with them for a month or more.”.

This amendment proposes a new control measure. Recently I was approached by a constituent who told me her mother had moved into a private nursing home. The woman's home was empty as she had been resident in the nursing home for several months, but she continued to receive payments for fuel allowance and the household benefits package. The woman also raised many interesting issues with regard to medical cards and payments received by doctors.

The purpose of this amendment is to persuade the Minister to introduce a new control measure under which all nursing homes are required to notify the Department once someone has been admitted on a permanent basis. I am suggesting that notification take place once the resident has been there for more than four weeks, if he or she is to be a permanent resident. I do not mind a shorter or longer interval but there is a need to ensure expenditure is not being wasted and that proper control measures are in place.

**Deputy Mary Hanafin:** I welcome any suggestions for control measures but I am not sure this needs to be included in the legislation, so I do not propose to accept the amendment. I will follow up on the idea the Deputy has raised and if it helps to save money I will certainly implement it.

I also suggest there might have been an onus on the daughter to indicate to the Department that money was being received in error, particularly if the house had been vacant for a long time. Families all over the country indicate to the Department when they receive money in error. She might have done this rather than just complaining about how it had happened. Even with the best control measures in the world, things can slip.



I welcome the Deputy's suggestion and we will consider it, but it is not necessary for the legislation.

**Deputy Róisín Shortall:** Perhaps I should have finished that story.

**Deputy Mary Hanafin:** All right.

**Deputy Róisín Shortall:** As the daughter was thinking about it, it occurred to her that nothing had happened and the payments were continuing to be made. She did then notify the Department, but she wondered how many people were in similar circumstances around the country. I wonder why the Minister does not consider putting such a measure in the Bill. I have made inquiries and, as I understand it, there is no system in place for ending those payments.

**Deputy Mary Hanafin:** There is not.

**Deputy Róisín Shortall:** Will the Minister consider doing something about that? The purpose of this amendment is to save money.

**Deputy Mary Hanafin:** At the moment, the person in the nursing home continues to get his or her pension, so we do not have any way of knowing he or she is not entitled to the other benefits. I will certainly consider what the Deputy has said. There is probably no need for such a provision in the legislation so I do not propose to accept the amendment, but I will follow up on the idea.

**Deputy Róisín Shortall:** Did the Minister read the amendment? The proposal is that there be a requirement for nursing homes to notify the Department of people who have become permanent residents. That is how the Department would pick up on it. I am not saying people are intentionally trying to defraud the State; that may not be the case. People are busy and have lots on their minds, and there are other issues to be considered when a person goes into a nursing home. Thus, it may not occur to people to inform the Department. It is a weakness in the system if there is no process in place to ensure the Department is notified.

**Deputy Arthur Morgan:** I support the intent of the amendment. We all know of cases in which an elderly person without family members moved away from the county or even the province and was not in a position to think about notifying the Department. There are other cases in which people are so traumatised by the elderly relative leaving the home to go into nursing home care, probably for some considerable time, that they forget to notify the Department. If the person is in a nursing home for a month, the chances are he or she will be there for the rest of his or her days. The intent of the amendment is intelligent and is certainly worthy of consideration.

**Deputy Mary Hanafin:** I indicated to Deputy Shortall that I would be happy to consider her suggestion. However, the amendment does not say such a system should be set up. Rather, it seeks a report. I do not propose to accept such an amendment.

**Deputy Róisín Shortall:** Would it be too much to prepare a report? The Minister has accepted there is an issue there. Can she report back to us? That is all we are asking her to do.

**Deputy Olwyn Enright:** We are limited in how we can table amendments on social welfare legislation. We have to ask for a report.

**Deputy Róisín Shortall:** Can the Minister consider it and report back to us?

**Deputy Mary Hanafin:** Deputy Shortall is gunning for a fight.

**Deputy Róisín Shortall:** Not really. The Minister is the one who is looking for a fight.

**Deputy Mary Hanafin:** When I do not agree with her she picks a fight and when I do agree with her she picks a fight. I am happy to consider her suggestion and investigate how it could be implemented, but this amendment simply asks that we lay a report before the House. I know it is a mechanism, but I do not propose to accept an amendment that looks for a report. However, I will certainly follow up on her idea. What nonsense.

Amendment put and declared lost.

### SECTION 3.

Question proposed: “That section 3 stand part of the Bill.”

**Deputy Olwyn Enright:** The same issues arise in regard to the employment contributions that I raised in respect of the health levy. Fine Gael set out proposals regarding the PRSI ceiling in our budget submission as part of a totality of proposals which the Government did not take on board. When one takes the proposals in this section regarding the PRSI contributions in conjunction with the health levy and income levy, they add up to a substantial burden on ordinary families. For this reason, I oppose the section.

**Deputy Mary Hanafin:** This section allows for an increase in the earnings ceiling from €52,000 to €75,036 per employee. In other words, it is an income-raising measure. I accept that in opposing the budget in its entirety, Deputy Enright will also oppose this particular measure.

Question put and declared carried.

### NEW SECTION.

**Deputy Arthur Morgan:** I move amendment No. 4:

In page 4, between lines 15 and 16, to insert the following new section:

“4.—This section shall allow for the abolition of the current PRSI ceiling and will come into operation on 1 May 2009.”.

In their recent contributions, Government Members have begun to use the language that I and other Members on this side of the House use, with references to “fairness” and an acknowledgement that those who can afford to pay more should do so and that those who can ill afford to pay should contribute less. Unfortunately, while the Government talks the talk, it does not walk the walk. I acknowledge that the Government has proposed a significant increase in the PRSI threshold to some €75,000. This is a step in the right direction in ensuring that those who can pay more will do so. However, the measure should have gone further. That is why my amendment No. 4 seeks to abolish the ceiling. Moreover, in our pre-budget submission, Sinn Féin advocated a 1% increase in PRSI across the board in order to strengthen social insurance provision.

Let us consider some of the measures introduced by the Government in the budget. The early child care supplement, for example, has been reduced and will be abolished from January 2009. The social welfare Christmas bonus has been withdrawn and the jobseeker’s allowance will be halved for those under 20 years of age. When we complain about these cutbacks, the Government asks where we would find the money to allow them to be reversed. We have been

explaining for some time how this can be done. If tax relief on pensions were standardised, there would be a saving of €1 billion in a full year. This is just one example of how savings can be made in a more equitable way. This amendment offers another constructive proposal. We can recall the Government allocating €15 million to National Toll Roads to build a bridge on the M50 before, some years later, buying it back for €600 million. However, there is no point in going over all such instances of wastage. We would never get an opportunity to discuss this amendment if we did so.

It is important that the PRSI ceiling should be removed. This change will impinge only on those who can afford to make a larger contribution. Any person whose income is in excess of €75,000 can withstand full liability for PRSI.

**Deputy Mary Hanafin:** I do not propose to accept the amendment. As I already indicated, the PRSI ceiling for ordinary employees has been raised significantly, thus enhancing the nature of the social insurance scheme. It is important that the scheme should have this element of fairness, as the Deputy argued. An interesting recent review of the social insurance fund indicated that it is those on lower incomes who obtain the best value from the PRSI scheme, making just over one third of contributions but enjoying two thirds of the benefits. It is important that people on higher incomes continue to receive value for their contributions. The PRSI scheme remains under review.

**Deputy Arthur Morgan:** I accept the Minister's point. However, it is reasonable and fair that those on lower incomes should benefit most from the PRSI system. Anybody with a social conscience would want to see that level of wealth distribution applying so that those who are least well off can have adequate social insurance from the State. For that to occur, it requires the well-off to make their contributions. I am simply advocating that this should happen via the removal of the PRSI ceiling.

**Deputy Róisín Shortall:** These are optional contributions.

**Deputy Arthur Morgan:** My point is that if we are to strengthen the social insurance fund, this is the way to do it.

**Deputy Mary Hanafin:** The increase introduced in the budget will yield €103.5 million in a full year. This represents a significant contribution and a significant change.

**Deputies:** Vótáil.

**An Ceann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Caoimhghín Ó Caoláin, Arthur Morgan, Martin Ferris, Aengus Ó Snodaigh and Finian McGrath rose.*

**An Ceann Comhairle:** As fewer than ten Members have risen, I declare the amendment defeated. In accordance with Standing Order 70, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Amendment declared lost.

Section 4 agreed to.

## SECTION 5.

Question proposed: "That section 5 stand part of the Bill."

**Deputy Olwyn Enright:** I have concerns regarding sections 5 and 6 and the alternatives available for young people. I have tabled amendments related to section 6 and I will speak on the matter in more detail at that stage.

**Deputy Róisín Shortall:** I oppose this section. It allows for a person of any age on jobseeker's benefit to be denied payment on a day or several days on which he or she refuses to take a course when requested by a Department official. It is fair enough that people are asked and expected to take courses for their benefit, for self-development and to make themselves more employable. However, under the section there are no safeguards for unreasonable requests or for the standard of courses people are expected to attend.

It is very noisy.

*(Interruptions).*

**An Ceann Comhairle:** As I have often stated, side bar discussion are not allowed.

**Deputy Róisín Shortall:** My other concern is that there is no clear definition of what constitutes a development course; it is unclear what the term means. There is no reference to who would pay for the cost of attendance. The principle of the section is fine but where an unreasonable request is made and there are costs associated with attendance at a course which a given person may be unable to afford, then he or she could end up losing an entitlement.

**An Ceann Comhairle:** I call on Deputies to clear the lobby. People should have their conversations elsewhere. It is unfair on Deputy Shortall and the Minister cannot hear what is being said. It simply does not work.

**Deputy Olwyn Enright:** We have a good deal to discuss.

**Deputy Róisín Shortall:** The new clause gives regard to personal circumstances in the Bill. Curiously, however, it does not spell out factors such as age, physical well-being, education and family circumstances contained in section 5(a)(iii). Why is this not the case in respect of jobseeker's benefit?

I am also concerned that placing the provision in the Bill rather than keeping it as an operational guideline, which is the case at present, reduces the scope for discretion by local officers. There is not a great deal wrong with the change, but a greater balance must be struck. I do not believe the provision has been fully thought out or that it provides enough safeguards for participants in the event of a difficult situation arising with a local officer, or where the course suggested represents an unreasonable demand of someone in objective terms. We must include some balance.

11 o'clock

**Deputy Mary Hanafin:** We all agree the aim is to ensure that those aged 18 and 19 years of age receive an opportunity and incentive to participate in education and training courses. The provision was left as broad as possible in respect of education, training and development. There are many young people who may have left school very early and who are not at the point of being able to participate fully in what would be considered traditional educational training courses. Such people may need pre-education courses which have been organised by many of the LES areas or some of the vocational education committees. The intention is to encourage young people into education and training and it is as broad as possible in that regard. We wish to ensure that we can encourage such people to avail to such courses.

**Deputy Róisín Shortall:** To correct the Minister in the first instance, those under 20 years of age have rights too and we wish to ensure there is a balance such that unreasonable demands are not made of such people. This provision applies to a jobseeker of any age, not only those under 20 years. I agree with the proposal in principle. It is fine but there is simply no saver in terms of unreasonable demands made on certain people, or in the case of a local officer not dealing with a matter in the correct way. The Minister should include such safeguards which are already in the section to which I referred earlier.

Question put and agreed to.

## SECTION 6.

**Deputy Arthur Morgan:** I move amendment No. 5:

In page 5, to delete lines 26 to 32.

This is interesting and I require clarification on the matter. Section 6(d) of the Bill proposes to insert the following text: “participates or agrees to participate as the case may be, if requested to do so by an officer of the Minister in a course of education, training or development which is considered appropriate by the officer having regard to the training and education needs of the person and his or her personal circumstances.” Some questions arise from this text.

How will the officer assess the training education needs of the person concerned? This does not take place at present, at least, not in this format. At present, a person applies for a training or education course and is considered in respect of that request. The proposal in this section is very different. The officer chooses the training or education course for the person on job-seeker’s allowance. This represents a significant departure. What qualifications would the Minister’s officer be likely to have? Would the qualifications of a schools inspector or cigire apply? Would the qualifications of a primary or secondary school teacher apply? What qualifications would be appropriate for an officer of the Minister to decide on what course or education would be appropriate for a person in this regard? I call on the Minister to elaborate in this regard.

**Deputy Mary Hanafin:** As the Deputy is aware in the first instance, there is a facilitator in the office. People are referred to FÁS under the national employment action plan. People there are well-trained in assessing the needs of individuals and to assess the employment and training needs of such people to establish what education opportunities could be made available. The national employment action plan is working very successfully in cases of those referred to it. It is important to ensure there is a link between receiving payments and taking the opportunities which present. It is also important to establish greater co-ordination and co-operation between all the various groups and agencies which offer training and education opportunities. We aim to ensure within the legislation that people take seriously the opportunities which present for education and training and to ensure such people do not permanently avail of welfare. Such people must be identified.

**Deputy Arthur Morgan:** I readily accept that FÁS does not fall under the remit of the Minister. Although some of the courses it provides are excellent, others require a significant overhaul to make them interesting and relevant again. A new departure is required, because a relevant person may be required to participate in one of these courses.

Last week, a constituent informed me he applied to do a FÁS course. He was accepted, but one week later FÁS wrote to this person informing him that, unfortunately, there were not enough participants to run the course as 20 people was the minimum requirement. I sympathise in principle with efforts to encourage and incentivise people in training and up-skilling. Let us



[Deputy Arthur Morgan.]

suppose that a person is required to attend such a course and that there are 19 others willing and pleased to participate in the course, have an interest in it and wish to get through it and become up-skilled. Let us further suppose one person is required to attend and that person decides to be a disruptive element because he or she has no wish to attend. Such a person may decide to exercise disruptive skills which makes the course irrelevant for everyone and no one gains in such circumstances. Does the Minister see this as a prospect or a possibility? Will there be an ongoing assessment of those participating in such courses if they are required to attend rather than volunteer for a given course? Such people could perhaps be shed of the responsibility of completing the course if it is demonstrable that for whatever reason the course is not suitable for such a person.

I refer to the wording of this section wherein some officers may decide that somebody is hanging about on job-seeker's allowance and while they may be looking for employment, it may be decided the person is not interested enough and needs a push to be upskilled. If this is a person who is not particularly interested in being upskilled, then not only will he or she do themselves no good, they will disrupt others. I wonder if consideration has been given to that prospect and if so, how might the Minister or one of her officers deal with it.

**Deputy Mary Hanafin:** I do not anticipate there will be vacancies on such FÁS courses in the future, particularly in the case of the 18 and 19-year olds. There will be a greater demand and vacancies will be taken up. A total of 40 adult guidance officers are in place all over the country who will also be able to give real advice based on the person's background and experience. It is an important element for ensuring that people do not become dependent on welfare no matter what age they are.

**Deputy Arthur Morgan:** If I may make a final contribution on this amendment, if a person is required by an officer to attend a course and that person does not wish to do so, is there an appeal mechanism or any type of mechanism which would take into account the view of the person who does not wish to take the course as opposed to the view of the Minister's officer?

**Deputy Mary Hanafin:** The Deputy makes it sound like somebody is about to be sent to prison against his or her will. This is about identifying appropriate courses for people and trying to encourage them to take them. Nobody is going to tell a person they cannot attend but the Deputy himself has identified people who hang around and who can be found in a pub at 11 a.m. on a Monday morning. These are the people who need to be encouraged and given the proper advice and supported in their education and training.

**Deputy Arthur Morgan:** Would the Minister not accept that they are the people with the capacity to disrupt genuine people who want to upskill? This is my concern.

**Deputy Mary Hanafin:** They will stop being disruptive if their money is cut off.

**Deputy Arthur Morgan:** It is punitive, it is equivalent to prison.

**Deputy Michael Creed:** I wish to draw to the Minister's attention a category of persons who I am sure are numerous all over the country, former employees of the construction sector, many of whom, in order to secure employment in that sector, were obliged to operate as self-employed C2 sub-contractors. They are in a very difficult situation and it is related to the point made by Deputy Morgan in respect of entitlement to job-seeker's benefit or job-seeker's allowance. The job-seeker's allowance is a means tested payment and job-seeker's benefit is an entitlement arising from the class of PRSI contributions paid as an employee of another company. I would contend there is a category of persons who were *de facto* employees in the

construction sector but by virtue of the manner in which the system was tilted in favour, perhaps, of the large construction companies which obliged people to operate as self-employed sub-contractors and who therefore could only pay class S contributions, are now finding they have no entitlement to job-seeker's benefit. Many of these people are young people with dependent children and mortgages and they now find themselves in very difficult circumstances.

I ask the Minister to be conscious of the very difficult financial situation of that category of person. Unlike other employees who have lost their jobs they do not have an entitlement to 15 months of job-seeker's benefit but they have paid their contributions as self-employed people for long periods. They are people who are finding the current situation extremely difficult. There are no alternative employment opportunities for them. Many of them were enticed into the construction industry straight out of school and are largely unskilled or semi-skilled and the system is treating them extremely harshly now.

It might be argued that they should have made provision in good times but the system forced them to become self-employed or unemployed at the time and they fell into a category which is now cast on the scrap heap and is also excluded from fair treatment under the social welfare code as it is currently constructed. There are thousands of such people throughout the country and the Department should look at that category of self-employed persons with regard to their entitlements arising from their insurance record and perhaps give them the opportunity to pay arrears of contributions in order to qualify for an entitlement now.

**Deputy Róisín Shortall:** I have been supportive of the principle of ensuring that people did not go straight from school or college onto the dole. That is a very bad outcome and a very bad start in life for people and there should be other options in terms of training and education. I am a little concerned that the Minister's proposals are more about cost cutting than actual activation. The concerns I have already expressed about the changes to job-seeker's benefit also apply to that lack of balance. The Minister is referring to 18 and 19-year olds but the provisions in the Bill, both in section 5 and section 6, give the Minister power to withdraw payment to a person of any age. I am somewhat concerned because I do not think there is sufficient balance in the Bill to provide protections for people. I am not saying there is necessarily anything wrong with expecting people to go on a course but we must ensure that they are the right kind of courses and that they are in a position to attend and that a reasonable request is being made.

Section 6 also provides for the Minister to apply a different rate of payment for the under-20s. When this was first announced it appeared very much like a measure to activate people but I am not sure that is what it is turning out to be. The reality is quite different.

I refer to the press statement issued by the Minister on budget night. It said that the full adult rate of the relevant scheme would be paid to 18 and 19-year olds who participate in a full-time Youthreach course for young early school-leavers or a full-time course in a senior Traveller training centre. It further listed qualifying for a back to education allowance by pursuing a full-time second level course or post-leaving certificate course and participating in a full-time FÁS training course. This is fine but the legislation does not mention these schemes. There is no provision in the legislation for people to receive the full rate of payment or equivalent by participating in these courses. The Minister is proposing to make the cut without any kind of guarantee of the balancing provisions that are required.

The rates on those schemes are generally not covered by legislation and can be changed at any time. It is, therefore, not just what the Minister announced on budget night, that if people were to get the full rate of job-seeker's allowance or job-seeker's benefit they would have to participate in a course because all the Minister is doing for the under-20s is providing for a cut

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in the payment, to cut it by half but not guaranteeing they will receive the equivalent of the full rate if they participate in the course. This is a concern.

I refer to the many exceptions to the case where a young person can participate in a course. As a result of representations from Focus Ireland, the Minister has made provision for one of those categories of people, those coming out of care. However, other categories of people exist who for one reason or another — the numbers are very small — are not in a position to participate in a course. One type of person may be someone who has had a serious drug problem and is attending on a daily basis for methadone maintenance in the morning and go for counselling in the afternoon. People in those circumstances may be few and far between but they are not in a position to attend a course. There are many other circumstances such as where a person may have an illness and may need to attend regularly for treatment or if they have suffered abuse they may need to attend group sessions or counselling.

I am concerned that under these provisions the small number of people in those very vulnerable circumstances cannot be paid the full rate if they are under 20 years, or there is no provision for paying them the full rate. Small numbers of very vulnerable people are likely to lose out because of this. The Minister accepted the principle regarding people coming out of care and I ask her to bear in mind that there are other small minorities of people who, for one reason or another, would not be in a position to attend a course. I am concerned that the Minister is not providing for people in this. She is taking away the payment for under-20s and not replacing it with anything as set out in the legislation.

**Deputy Paul Connaughton:** I have no problem with pressure to do courses other than the balances that have been discussed here. Is it not ironic, at a time when there will be pressure, and rightly so, on people on jobseeker's assistance and benefit to do courses, that there is a cohort of people around the country who are on social welfare and do not want to be there but want to be on the CE schemes? The Minister's Department does not handle this section, but trying to get people back to work will have to cross all Departments. As the Minister's Department funds the social welfare aspect when people are not working, would she agree, given that hundreds of people around this country want to go on CE schemes but are disallowed for a variety of reasons, that this would be a very sensible and imaginative thing to do, to get important work done locally rather than just giving people social welfare payments? This is particularly true when in this legislation the Minister wants to bring pressure on people who are on jobseeker's assistance and benefit to do courses.

As the Minister is aware there is a time-honoured system in this country whereby people work two or three days per week and draw social welfare for the remaining days. Does the Minister expect that those people should do courses on the days on which they are not working? As she knows, part-time work is a major part of the employment system. Against that background I would like the Minister to clarify those points for me.

**Deputy Mary Hanafin:** The targets for the requirement of being available for courses must be those who are full-time unemployed. The people doing part-time work are in many cases not actively seeking work for the remaining two days, but at least they are in employment. Education and training should be available for as many people as possible because the more people upskill the better chance they have in the long term of maintaining their employment and keeping employers competitive. That is an important element of it.

The 18 and 19 year olds who go on to the schemes listed will get the allowance for those schemes, which are quite generous. We have to question whether one should give the drug addict double the rate because he or she is a drug addict? I am sure there are courses that can

facilitate a person to go and collect his or her methadone or whatever, but a person who is not willing to participate at all is destined to spend the rest of his or her life on welfare. The idea is to ensure the incentive is there and that for people with particular needs, such as those coming out of State care, we try to be as flexible as possible with them. That is the intention of working through all the various agencies.

Deputy Connaughton mentioned the community employment, CE, schemes. During the budget the Tánaiste announced an expansion of the CE schemes by an extra few hundred places which will facilitate a few more, however what people really want is to get back to work so it is important we continue our efforts on employment.

Deputy Creed mentioned the self-employed and undoubtedly this is a major factor for a number of people in the construction industry. Traditionally their projected earnings were based on last year's earnings, but social welfare offices around the country have been told there is no point in doing that this year because the work is not there. Generally they have become more flexible about the benefits they are giving and are examining the current accounts and the money coming in. Self-employed people were excluded because they were not paying the stamp that qualifies people for the benefit. While I have heard of some cases where it is not happening, most of those people are receiving jobseeker's assistance.

**Deputy Michael Creed:** On a point of information, may I make an observation that might be of benefit to the Minister? Under the social welfare code for persons applying for a contributory pension where there has been an established partnership arrangement, people are allowed to retrospectively pay the appropriate PRSI contribution to qualify. Given the predicament in which many of these young, now unemployed people, many with families, find themselves, maybe some element of discretion could be built into their entitlement to a jobseeker's benefit if they paid arrears of social welfare class A PRSI. They are a particularly vulnerable group of people with considerable financial commitments and are finding the going very difficult with little prospect of employment given their low skill base or semi-skilled position and the demise of the construction sector.

**Deputy Mary Hanafin:** The difference in the contribution is quite significant. Self-employed people pay 3% whereas employees pay approximately 14%, which includes approximately 10% from the employer. The important thing for them is to be able to access some assistance. This is happening. They can do it based on their current accounts. They are the very people who need to train and upskill. I know of a number of the VECs, including, for example, Dún Laoghaire, which have developed new courses in green energy etc. to try to get people from that industry back in there. FÁS is doing the same. People appreciate the importance of getting people into education and training. Unfortunately, we have found there has to be some incentive to get people to do that. Of course we will try to be as flexible as possible with people, be understanding where they are vulnerable and facilitate them in places where they can meet their personal as well as their educational and training needs.

**Deputy Róisín Shortall:** At the outset I said I support the thrust of this policy. It is right. However, I am concerned about the lack of flexibility and sympathy on the Minister's part regarding particular categories of people who, for one reason or another, do not fit into this model. I am not sure people realise what is being proposed here. It is not a situation where there is an entitlement to a jobseeker's allowance but the social welfare officer tells the person he or she will not get the full rate unless he or she goes on a training course. This Bill halves the jobseeker's allowance for under-20s and the only way one can increase one's income is by going on a course.

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The standard is half rate for people under 20. That blanket approach does not allow for the small number of exceptional cases. The Minister talks about a reasonable offer. We do not know what is a reasonable offer. There may be any number of reasons a person is not in a position to undertake a training course. I am not suggesting anybody who is swinging the lead be given an easy time. However for one reason or another, due to family circumstances, mental health or particular difficulties at particular times there will be numbers of people who will not be able to go on a course. It is easy to ask why a drug addict should get this payment but that is a cheap approach. There will always be exceptions and people in difficult circumstances. The standard should not be that a person will get only half and must go on a course in order to get more. A person should have flexibility. There is flexibility at present and the Minister is removing it.

She recognised and conceded that point with regard to the category of people coming out of care who are vulnerable and have particular difficulties and challenges. However, for various reasons, there are other categories of vulnerable people who are not in a position to participate in a course. Those people do not need to have their income halved. They are struggling and we all know of them. These people are in our constituencies and are going through a rough time for one reason or another. Under the arrangements proposed there is no provision whereby these people can be given the standard rate of social welfare payment. That is wrong. There will be people who will suffer real hardship as a result of this.

**Deputy Arthur Morgan:** It is one thing to assess a person for a course when that person wishes to participate in it. It is quite another to assess a person for a course when that person does not wish to participate. I shall use the Minister's example of the drug addict and try to imagine being one of 20 people on a course trying to get through it with two or three drug addicts who wanted to be there. I am sure there would be collective goodwill and a genuine willingness to try to make it to the end together. However, if I were on a course with 19 others of whom two or three were drug addicts who did not want to be there, I do not know whether it would be a circus or a torture chamber but it would be something in that realm.

**Deputy Róisín Shortall:** That is not the point.

**Deputy Arthur Morgan:** It is the exact point. If people do not want to be there then not only will they be disruptive concerning themselves, but they will disrupt other people who will want to participate in the course.

**Deputy Róisín Shortall:** That is nonsense.

**Deputy Arthur Morgan:** It is punitive to force people to attend by giving them the option of being there or losing half their welfare. It might not be prison but it is punitive in the extreme.

I refer briefly to the C2 victims as we term them in the constituency office where we have quite a few such people coming through. I do not believe the people who now find themselves in that category were obliged by their former employers to become self-employed and C2 operatives. In the majority of cases I come across those people did not understand the PRSI element of their new position as C2 holders. It was not by default that they did not pay but through ignorance. I agree with previous speakers that something must be done to try to deal with that category of people because they are present in great numbers. Perhaps I have an inordinate number of them in my constituency. I certainly have an extremely high level of representations. I agree with previous speakers in this regard. These people are heading towards destitution and it is very difficult for them.



I agree with Deputy Connaughton concerning community employment schemes. We all know that excellent work has been done in communities through CE schemes. They are not my preference because I want to see people working in real jobs rather than on these schemes. However, in the absence of real jobs, CE schemes offer a beneficial contribution to communities. Some 200 additional places were announced in the budget but these could be used up readily in either Drogheda or Dundalk without going outside the county. That is an inadequate response and I hope that numbers can be increased significantly.

**Deputy Mary Hanafin:** The important point here is that we are talking about the jobseeker's allowance. When one gets that allowance there is a presumption that one is available for and actively seeking work. One must question whether a person incapable of going into education or training because of drug addiction or personal circumstances is actively seeking work. Perhaps that person should not be on the jobseeker's allowance. The disability allowance might be more appropriate. Somebody who is not available for a course or for training is most likely not available for work.

**Deputy Arthur Morgan:** One cannot assume the person is not available.

**Deputy Mary Hanafin:** One is meant to be available when on the jobseeker's allowance. That in itself allows some flexibility.

**Deputy Arthur Morgan:** That is not the case. There are different categories.

**An Ceann Comhairle:** Let the Minister finish now. The Deputy can come in again.

**Deputy Mary Hanafin:** The intention is to try to steer people into the courses and training most appropriate for them in an effort to support them.

**Deputy Róisín Shortall:** That is fine.

**Deputy Mary Hanafin:** That is what we are aiming to do.

Amendment put and declared lost.

**An Ceann Comhairle:** Section 6 continues with amendment No. 6 in the name of Deputy Enright. Unfortunately, this is out of order because it involves a potential charge on the Revenue.

Amendment No. 6 not moved.

**An Ceann Comhairle:** Amendment No. 7 is consequential on amendment No. 8 and they may be discussed together.

**Deputy Mary Hanafin:** I move amendment No. 7:

In page 6, line 48, to delete "section 67, or" and substitute "section 67,".

This amendment provides for the exclusion of children leaving the care of the Health Service Executive because of cuts to the jobseeker's allowance on the grounds that applying this measure to these vulnerable individuals would be inherently inequitable. To preserve equity, the amendment allows for the payment of the full allowance for those who were in care within the previous 12 months before reaching 18 years. This does not cover children who, for example, came into care at 15 years and left care before reaching 17 years. It is felt that a period of 12 months after leaving care allows sufficient time for a child to seek education or

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training opportunities and thus it would accord with the policy objectives behind the reduction in the jobseeker's allowance for adults aged 18 to 20 years.

Section 4 of the Child Care Act 1991 provides for children voluntarily in the care of the HSE, including children in foster care. Section 18 of the Child Care Act 1991 provides for children who are the subject of a care order and section 5 provides for homeless children who are accommodated by the HSE. An amendment to the Child Care Act 1991 is currently being drafted to provide a statutory base system to allow the High Court hear an application by the HSE for special care.

**Deputy Olwyn Enright:** I welcome the Minister's amendment which is important. I asked during the briefing this morning whether the Roman numerals I-III in question cover all categories and the officials were very confident of this. The only difficulty I have is that I am somewhat concerned, knowing as I do how the care system operates, about people who should be in care who never got into it. Again, it is a matter of flexibility. I appreciate it is difficult to legislate for this and perhaps it cannot be changed here. Perhaps we might bring examples of particular difficulties to the Minister in time for the next Social Welfare Bill.

There are young people who effectively have fallen out of the system. They left home when they were young, aged 16 or 17 years, and never got as far as going into care. The system failed them completely. These young people should also be covered by this exception. However, I very much appreciate it is very hard to specify such cases. At the same time, they are typical examples of the young people who end up homeless or in further difficulties and I would like to see some kind of provision being made for them.

**Deputy Mary Hanafin:** The Deputy appreciates how difficult that would be to achieve. As she said, by the time of the next Social Welfare Bill, which presumably will be within the year, after the next budget, if there are such examples we might be able to legislate for particular difficulties. We can certainly look at them.

Amendment agreed to.

**Deputy Mary Hanafin:** I move amendment No. 8:

In page 6, line 52, to delete "claim under this section." and substitute the following:

"claim under this section, or

(d) a claimant has attained the age of 18 years and has not attained the age of 20 years and at any time during the period of 12 months before he or she has so attained the age of 18 years—

(i) he or she was in or was placed in the care of the Executive pursuant to an order of the High Court, or

(ii) he or she was in or was placed in the care of the Executive—

(I) pursuant to an order of the District Court or the Circuit Court on appeal from the District Court made under Part III, IV, IVA, (inserted by section 16 of the Children Act 2001) or VI of the Child Care Act 1991,

(II) under a voluntary care arrangement pursuant to section 4 of the Child Care Act 1991, or

(III) under an accommodation arrangement pursuant to section 5 of the Child Care Act 1991.”.”.

Amendment agreed to.

**Deputy Olwyn Enright:** I move amendment No. 9:

In page 6, after line 52, to insert the following new subsection:

“(5) The Minister shall, prior to the commencement of this section, publish the types of courses that shall apply under this section, the availability of those courses and the arrangements that have been made to ensure sufficient provision of public transport to such courses.”.

When I spoke on Second Stage I said this amendment was ruled out of order. That was my information at the time because of a letter I received from the Ceann Comhairle. However, I believe there was a mistake and I have no problem with that.

To some extent this matter goes back to what Deputy Shortall and Deputy Morgan discussed. I am concerned less about the issues they raise than with the actual availability of courses. I am not convinced either by what the Minister, Deputy Hanafin, has said to date or what the Tánaiste has said in her budget speech to the effect that there will be sufficient suitable courses available for people in their particular localities and so on. I am somewhat mystified as to how this amendment was allowed when I am talking about ensuring sufficient public transport being provided, which probably bears a cost. A previous amendment I proposed to section 6 was not allowed, although it was more or less the same, except for the fact that I asked for assurance that there would be sufficient availability of officers, by which I meant facilitators. In speaking to this amendment and to section 6, I question the availability of facilitators to deliver the service on which we are depending in relation to young people, particularly regarding what they are being asked to do for the unemployed and lone parents. There are 60 of them around the country and there will probably be 500,000 people unemployed. It is a matter of how they are to deal with their existing case loads as well as providing for an increasing workload.

Bearing in mind all that has been said about the difficulties that will arise, there is no point in sending a young person on a course unless it suits the particular individual and it is something he or she will get value from. Anybody can do a computer course, say, but if his or her skills lie in carpentry or something else, that is where he or she should be directed. For facilitators to do this, they will need to spend more time with people on a one to one basis. That is why I have real concerns about how this will operate.

I have made this final point to the Minister before and it comes back to waste within the system and the queues we currently have at social welfare offices. Some of the FÁS courses, from what I read in the Tánaiste's speech, will be of short duration. We have a ridiculous system in operation at the moment where somebody already on jobseeker's allowance goes on to do a FÁS course, which might be of six weeks duration. In the event, he or she must sign off jobseeker's allowance, sign on the FÁS course, do the six weeks and then sign on for jobseeker's allowance. He or she must go through the entire process and then queue again. This is madness and should not happen. Thousands are doing FÁS courses every year and get the same payment as social welfare. If they are in FÁS they will, of course, get child care, transport and whatever, but the plain payment they receive is the same as if they were on social welfare. That is an area where there is room for positive changes to the system, which would certainly ease the Minister's staff time. My main point in this regard is that the right type of course for people should be available everywhere, along with the provision of transport, as

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relevant. Transport is relatively simply in city areas, but in rural areas it is much more difficult to deliver.

**Deputy Arthur Morgan:** I strongly support this amendment. Like Deputy Enright I am caught by the vagaries of some of these amendments and how one gets them through. That said, one of the elements of this I am particularly exercised by is public transport. I would love to see CIE buses coming through the Cooley peninsula, in my constituency, again. There would be queer demand on cameras to photograph them, because they are an endangered species. To see that level of public transport, quite apart from the courses they would bring people to, would be terrific, and I certainly hope this amendment is accepted.

On the issue of course content, I do not know whether the spokespersons come from the Department of Trade, Enterprise and Employment or the Department of Education and Science, or perhaps both, but the relevant people should be asked to brainstorm this area and make a collective contribution as regards the types of constructive courses on offer. I do not want to be over critical of FÁS, because generally speaking it does a good job, but some of those courses are long past their sell-by date and there is need for a whole new approach to the type and quality being delivered. I hope some consideration will be given to this and I fully support this amendment because it moves us in that direction.

**Deputy Mary Hanafin:** I accept the point that there is always a need for changing courses and ensuring they are suitable. I equally accept it is important that people use the skills they have, although I can see a carpenter being very successful at beauty, working with some of us. The skills might be instantly transferable.

A great number of additional places have been put in place this year, right across retail schemes, post-leaving certificate courses, senior travel and training courses. I am satisfied there would be a facility for people throughout the country. A course does not literally have to be delivered on somebody's doorstep. He or she has to collect the money in the post office every week and so must travel for that. Likewise, he or she has to travel to the social welfare office to sign on. He or she will be getting the full allowance for travel on some of these courses. There is, of course, the travel allowance and the child care allowance. There will be enough places, but it is not just the job of the facilitator, though that has to be considered.

One must take into consideration the facilitators, the adult guidance people, information officers in the VECs, the local employment services and FÁS. With all of these groups hopefully working together, which is what we are doing——

**Deputy Olwyn Enright:** The facilitators I am talking about are the people in the Minister's Department who can give the "ay or nay" to the officials in particular cases.

**Deputy Mary Hanafin:** I know, but as regards advising people on the courses they do, this does not mean each facilitator having to sit down with each individual participant and working through his or her needs. All the groups I mentioned can work at this too, and then it can be signed off.

**Deputy Olwyn Enright:** The Minister said in July it would be done.

**An Ceann Comhairle:** The Deputy must allow the Minister to speak, although she may come in again.

**Deputy Mary Hanafin:** There are plenty of people there to do it, apart from the facilitators. Adult guidance people, for example, offer a very valuable source, as do the local employment

services and the partnerships. There is a plethora of bodies, all of which can advise and give information. Hopefully, some of these people might actually take responsibility for themselves as well and take the information. The intention is that the Department will give to these young participants, in particular, who are signing on, the details of their local VECs, FÁS offices and everything else and tell them where to find the information for themselves. Additional places have been put in place. The existing places reach out to a wide range of backgrounds and abilities, from literacy right through to post-leaving certificate courses, third level and beyond. I am satisfied that with the additional places we can meet that need.

**Deputy Olwyn Enright:** From the manner in which the Minister puts things, she seems to work from the assumption there is a cohort of young people who are dying to be on jobseeker's allowance rather than wanting to work. I accept there is a plethora of organisations and I believe that is the very reason some young people find it so difficult to access services, given the confusion that exists. Facilitators work for the Minister's Department, and as such she has control over them. She does not have a say as regards the partnership bodies or FÁS officers and it is she who is making the cuts in payments as regards jobseeker's allowance. The Minister said in a statement in July that these facilitators would work with the under-25s, not just the 18 and 19 year olds, which is an even bigger caseload. Anyone can send these people a sheet with the titles of courses, but if they are really to be facilitated people need to work with them on a much more individualised basis.

I have yet to see the Minister publish the results of the pilot schemes done by facilitators, albeit into lone parents. Perhaps she could inform the House as to how they operate and this might lead to a more informed debate in this regard. Young people are racking their brains and doing all they can to find courses that are suitable or trying to find employment. Not many of them are opting for this, although I appreciate some are, and we want to stop that. The majority of them want to find alternatives. The amendment I have tabled asks for clear information on the alternatives and the courses that are available for them.

**Deputy Mary Hanafin:** To conclude, giving the clear information is important and will be done. It does not matter from whom they get it or to whom that person is answerable. It is important they get the information from somebody, who at least has their interests at heart, whether it is somebody in the LES or an adult person with the VEC — they are all paid for by the State.

**Deputy Olwyn Enright:** The Minister came in here on another day and told the House it was not her responsibility.

**Deputy Mary Hanafin:** It does not matter whether they answer to the Department of Social and Family Affairs, to me or to anybody else.

**Deputy Olwyn Enright:** The Minister did not adopt that attitude with the CWOs.

**Deputy Mary Hanafin:** What matters is that the young person is able to access the type of information and guidance he or she needs to be able to avail of the courses on offer.

**Deputy Olwyn Enright:** It does matter because there is an issue of responsibility. My concern is people will be told to go on courses for the sake of it or they will be told this is the only course available in Tullamore so they had better do it or they will not get the payment. That is the reality of how the system could operate if this is not done properly. That is why there must be accountability. It really matters with whom the accountability lies. We have asked questions about the community welfare officer service and the Minister told us it is not a matter



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for her and it is not her responsibility. That is why I need to tie it down in this legislation. I need to be sure the Minister has ultimate responsibility to ensure courses are available and that the conduit for young people getting on courses to get their payment works because I will not be able to ask the Minister what Offaly VEC is doing. That will not be allowed. That is where the difficulty lies and why we want to ensure a proper chain of responsibility.

**Deputy Mary Hanafin:** Responsibility for the VEC lies with the Minister for Education and Science. If the Deputy tables a question to him, she will get that information.

**Deputy Olwyn Enright:** The Minister is taking the payment from them.

**Deputy Mary Hanafin:** Responsibility for the partnerships lies with the Minister for Community, Rural and Gaeltacht Affairs. If the Deputy tables a question to him, she will get that information. In so many areas, we talk about trying to cut out duplication and agencies overlapping. This is an example of where those agencies and groups will work in a co-ordinated way with young people so that more of them can be facilitated. We will do that through the partnerships, the agencies, FÁS and our own facilitators.

**Deputy Olwyn Enright:** The Minister has not shown us how any of that works.

**Deputy Mary Hanafin:** It does not have to be in the legislation.

Amendment put and declared lost.

Question proposed: "That section 6, as amended, stand part of the Bill."

**Deputy Róisín Shortall:** I said at the outset I fully support the thrust of the policy to ensure school leavers — 18 and 19 year olds — do not go straight on to the dole and that when they come out of school, they go into further education or training. My concern is about the manner in which the Minister is providing for that. It is a very strange way to bring about those changes. One would have expected a short amendment stating that where a jobseeker is offered a course and fails to participate in it without good reason, his or her jobseeker's allowance will be halved. That would have been the obvious way to do it.

For some reason, the Minister decided to start off by cutting jobseeker's allowance. As it stands, from 1 May, no jobseeker of 18 or 19 years of age will be entitled to jobseeker's allowance. He or she will get the half rate. The Minister is starting from the point of view of saving money but the manner in which she is doing it shows what she is about. It is about saving money and not about activation. That is the issue.

I agree with 95% of the policy but my criticism is that the way in which the Minister is legislating for that does not provide the kind of flexibility required. In two weeks time, every 18 and 19 year old will go on to the half rate. The Minister will not be in a position to offer courses to all of those people. There will be many circumstances in which the courses offered will not be suitable. The Minister will certainly get what Deputy Enright spoke about where people will be forced to do courses merely to qualify for the full rate payment, or the equivalent of that. There will be a lot of such nonsense. It will be a case of square pegs in round holes with people signing up for courses for the sake of getting the money. There will be all this rigmarole about how one validates that they were there and so on. Many will be wasting their time because they will only be doing it for the sake of getting the full payment. This has not been thought through.

There will be many reasons the courses recommended for people will not be suitable. They could be several miles away from their home and, as has been said, there may not be any public transport and people may not have a way to get there. The officer will say that someone must do a course if he or she wants to qualify, although in practical terms, he or she will not be able to participate in the course. There will also be people who will not be able to go for other reasons, including personal or health issues.

I am not suggesting one let people off lightly. People should be expected to participate in the course for their payment but there are exceptions. Representations were made to the Minister in regard to people coming out of care and she spoke eloquently about that when she proposed her own amendment. She said she must provide for people who are vulnerable. Of course she must do so which is the point I make. What the Minister proposes is fine for 95% to 98% of people, and I have no argument with that. However, she must allow flexibility to provide for people who are vulnerable.

One category of vulnerable people are those coming out of care, for which the Minister made special provision with which we all agree. However, there are other categories of vulnerable people. Saying to them next week that she is cutting their income in half will not help those people. It will cause huge difficulty for many who, for one reason or another, will genuinely not be able to participate in a course. That is why the approach the Minister has taken is entirely wrong and where the assumption will be made that everybody will be on the half rate unless they go on a course. Why did the Minister not do it the other way? She is not being in any way consistent because she has already recognised there are vulnerable people and that she must make special provision for them. However, there is no flexibility in this Bill.

We will end up with a small number of vulnerable people in vulnerable circumstances who will be placed in more vulnerable circumstances because the Minister is going to reduce their income by 50%. That is wrong and she should not do that. She should legislate in a more effective and understanding manner. That flexibility should be built into the Bill. She has made a mistake in the approach she has taken to this.

It would have been easy to deal with this. Nobody is suggesting the Minister list a load of categories of different types of vulnerable people. She should have provided flexibility by leaving the full rate of the jobseeker's allowance in place and said that if people are offered a course and if it is a reasonable offer but they refuse to take it, their allowance will be cut. That would have been the way to deal with it. This is a mistake and it will lead to serious hardship for a small number of very vulnerable people. As Minister for Social and Family Affairs, she should not do that.

**Deputy Arthur Morgan:** In the dying embers of this debate, I want to put on record it is most unfortunate we did not have more time to tease out the legislation. It is clear from the contributions of Opposition Members that significant and constructive amendments could have added to the debate had we had the time to deal with the issues properly. It is regrettable we did not have the time.

Whatever about the Minister and the Government deciding to force through this legislation, I hope they recognise the usefulness of proper debate and Committee Stage discussions on matters and demonstrate a willingness to accept amendments rather than constantly refuse to do so.

A significant group of people will be less well off than they need to be because the Minister did not accept some of the amendments tabled and there was not the opportunity to table further amendments, in particular in regard to the pension scheme. The PIP scheme required

[Deputy Arthur Morgan.]

amendment but we did not have the opportunity to do so. I hope we can improve that in the future.

**Deputy Olwyn Enright:** I said what I wanted to say on this section. I tabled amendments on the rent supplement, the early child care supplement, profiling and the information claimants must provide. We did not even get to vote on amendments on the enhanced levy or on any of the amendments on pensions. I reiterate that it is a really shoddy way to bring forward such important legislation about which there is an urgency. If the Minister had accepted the proposal made earlier by the Labour Party, we could at least have discussed all the social welfare amendments and had an opportunity to discuss the pension amendments next week. That would have given us sufficient time to deal with the social welfare end of this legislation. The manner in which this has been pursued does not reflect well on the attitude of the Government and, particularly, the Minister for Social and Family Affairs to this important legislation.

*Midnight*

**An Ceann Comhairle:** We are out of time.

**Deputy Mary Hanafin:** I would like to make a brief final point. The benefit being received by people aged 18 and 19 will not be halved. Not one 18 or 19 year old will find next week that he or she is getting half the money. This provision will apply only to new claimants. When those who have never before received a social welfare payment make a claim, they will get €100 a week. This Bill sets out the rates of payment, rather than the exceptions to that payment.

**An Ceann Comhairle:** As it is now 12 midnight, I am required to put the following question in accordance with an order of the Dáil of this day: “That the amendments set down by Minister for Social and Family Affairs for Committee Stage and not disposed of are hereby made to the Bill, in respect of each of the sections undisposed of, other than section 12, that the section or, as appropriate, the section, as amended, is hereby agreed to on Committee Stage, that the Title, as amended, is hereby agreed to on Committee Stage, that the Bill, as amended, is accordingly reported to the House, that Report Stage is hereby completed and the Bill is hereby passed”.

Question put.

The Dáil divided: Tá, 79; Níl, 68.

Tá

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Andrews, Chris.  
Ardagh, Seán.  
Aylward, Bobby.  
Blaney, Niall.  
Brady, Áine.  
Brady, Cyprian.  
Brady, Johnny.  
Browne, John.  
Byrne, Thomas.  
Calleary, Dara.  
Carey, Pat.  
Collins, Niall.  
Conlon, Margaret.  
Connick, Seán.  
Cowen, Brian.

Cregan, John.  
Cuffe, Ciarán.  
Cullen, Martin.  
Curran, John.  
Dempsey, Noel.  
Devins, Jimmy.  
Dooley, Timmy.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Michael.  
Fleming, Seán.  
Flynn, Beverley.  
Gogarty, Paul.  
Gormley, John.  
Grealish, Noel.  
Hanafin, Mary.  
Harney, Mary.  
Haughey Seán.  
Hoctor, Máire.

Tá—*continued*

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

## Níl

Bannon, James.	McCormack, Pádraic.
Barrett, Seán.	McEntee, Shane.
Behan, Joe.	McGinley, Dinny.
Broughan, Thomas P.	McGrath, Finian.
Bruton, Richard.	McHugh, Joe.
Burke, Ulick.	McManus, Liz.
Burton, Joan.	Mitchell, Olivia.
Byrne, Catherine.	Morgan, Arthur.
Carey, Joe.	Neville, Dan.
Clune, Deirdre.	Noonan, Michael.
Connaughton, Paul.	Ó Caoláin, Caoimhghín.
Coonan, Noel J.	Ó Snodaigh, Aengus.
Costello, Joe.	O'Donnell, Kieran.
Coveney, Simon.	O'Dowd, Fergus.
Crawford, Seymour.	O'Keefe, Jim.
Creed, Michael.	O'Mahony, John.
D'Arcy, Michael.	O'Shea, Brian.
Deasy, John.	Penrose, Willie.
Deenihan, Jimmy.	Perry, John.
Doyle, Andrew.	Quinn, Ruairí.
Durkan, Bernard J.	Rabbitte, Pat.
English, Damien.	Reilly, James.
Enright, Olwyn.	Ring, Michael.
Feighan, Frank.	Shatter, Alan.
Ferris, Martin.	Sheahan, Tom.
Flanagan, Terence.	Sheehan, P. J.
Gilmore, Eamon.	Sherlock, Seán.
Hayes, Brian.	Shortall, Róisín.
Hayes, Tom.	Stagg, Emmet.
Higgins, Michael D.	Stanton, David.
Hogan, Phil.	Timmins, Billy.
Howlin, Brendan.	Tuffy, Joanna.
Kehoe, Paul.	Upton, Mary.
Lynch, Ciarán.	Varadkar, Leo.

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

Question declared carried.

## Adjournment Debate.

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### Health Services.

**Deputy Pat Rabbitte:** I thank the Ceann Comhairle and his office for calling this important matter. This concerns two secondary school students in my constituency aged 15 and 17 years respectively who suffer with a condition known as scoliosis, in which the spine grows inwards and from side to side causing pain, deformity or even breathing problems in the late stages. The condition in its severest form causes curvature of the spine and visible deformity. Both girls require specialist operations to correct the curvature. There is no connection between the two cases except that neither has been able to get the necessary medical and surgical procedure done.

These young women are due to sit their leaving certificate examinations in 2010 and were happy to be advised by Our Lady's Hospital for Sick Children in Crumlin that their operations would take place in April and June of this year which would give them time to recover and enable them to study for their exams without pain or the distraction that their illness causes. One young girl has been on the waiting list for three and a half years. Due to cutbacks and ward closures imposed by the Health Service Executive, HSE, however, one student has had her operation cancelled and no alternative date has been given. The other student has been given a provisional date for June of this year but with no guarantee that the operation will be done then. If either family could afford it, their respective daughters would be attended to almost immediately as private patients for €85,000 each. As a matter of urgency I request the Minister to ensure that both these girls have their operations carried out before the new school term in September 2009.

One of these young women might have been spared this trauma if screening for this disease was available as promised when she was a first year pupil. She must now look forward to enduring a severe operation but is uncertain when it will take place. The other young woman has been told by her consultant that at her age if the operation is not done quickly she may require a subsequent operation down the line. It is heartbreaking for a young woman in these circumstances to be given a date for such an operation only to find it cancelled at short notice. There is something seriously wrong with our health services when the system cannot meet the medical needs of two bright girls who only want to get on with their lives.

I regret to say that I have been unable to get a meaningful response from the Minister, who is normally very understanding of these matters, and it goes without saying that I have been completely unable to extract any meaningful reply from the HSE, which really is shameful.

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I apologise to Deputy Rabbitte for the fact that the Minister, Deputy Harney, cannot be available to respond to this Adjournment matter. I am therefore taking it on behalf of the Minister.

Our Lady's Children's Hospital in Crumlin is Ireland's largest paediatric hospital and provides a wide range of secondary and tertiary paediatric care. A significant portion of paediatric orthopaedic practice at Crumlin involves evaluation and management of children and adolescents with spinal deformity. The condition presents when children and adolescents are growing rapidly and may be progressive in childhood. The progression relates to growth and is particularly seen in early childhood, one to five years, and during rapid adolescent growth.



The hospital has a long-established programme for casting and bracing children less than five to eight years of age, as spinal deformity may be a major challenge when their lungs and chest organs are going through a critical phase in development. In older children and adolescents, the optimal treatment is often one operation called “instrumented deformity correction and fusion”. Patients suitable for this operation are prioritised for surgery based on clinical need.

I understand that it would not be appropriate to discuss the specific circumstances of individual cases, such as those raised by Deputy Rabbitte. However, I understand that the authorities at Crumlin are seeking to agree arrangements with the National Treatment Purchase Fund for a number of patients to be treated as soon as possible. I would hope that early progress can be made in this regard. The HSE and the three Dublin paediatric hospitals are also having discussions with a view to establishing the potential to improve the existing arrangements for the provision of paediatric orthopaedic services generally.

I thank the Deputy for raising the matter and I wish I could be more forthcoming in my response.

### **Special Educational Needs.**

**Deputy David Stanton:** I thank the Ceann Comhairle for allowing me to raise this matter and I also thank the Minister of State for dealing with it. I am raising the issue on behalf of school leavers with autism and special needs, who typically attend special schools or special classes in mainstream schools. As the Minister of State is aware, these are very special young people. They are aged about 17 or 18 and are among the most vulnerable in our country. The Minister for Finance vowed to protect them in his Budget Statement of 14 October 2008.

I have been approached by a number of parents who are very concerned about the availability of places in day service provision from next September. I have a letter from one of the service providers, which states that having attended a meeting with HSE south in April, they were informed that there may not be any new moneys available for day service places this year. Essentially, HSE south is requesting that, where possible, any new individuals requiring a day service this year should be accommodated within existing resources. Unfortunately, this is not possible as it will lead to an inferior quality of service with a much higher staff-to-client ratio that may not meet a child’s needs. HSE south is still waiting clarification — I assume from the Department — as to whether any moneys will be made available in the months ahead. However, there is now a strong likelihood that nationally many individuals will be left either without any day service at all, or perhaps one that is limited to two or three days a week. Parents tell me that would be very disruptive to their children who need a routine.

I am asking the Minister of State to give a commitment that resources will be provided so that every young person can be accommodated. Towards 2016 does give commitments in this regard, so I would ask the Minister of State to ensure that they are met. A key focus under the life cycle framework in Towards 2016 is activating people to take up employment or other activities. One of the long-term goals in section 33 states that “every person with a disability will be supported to enable them, as far as possible, to lead full and independent lives, to participate in work and in society, and to maximise their potential”. For day services this implies both a fulfilling environment and developmental possibilities for those participants who want to become more independent. This in turn means that a person-centered approach and linking day services and providers into the world of wider opportunities.

While we are in challenging economic and fiscal times, we must not lose sight of where we want to get concerning the long-term goals and the development of services of people with

[Deputy David Stanton.]

disabilities. The need to harness all resources to achieve common ends that respond to the health, personal and social services, as well as the education, training and employment needs of people with disabilities, must be a priority.

In mid-2007, the HSE established a national review group to carry out a strategic review of HSE-funded adult day services for people with disabilities. I understand this was supposed to be completed in 12 months. Can the Minister of State tell me what is the current status of this review? I have been unable to ascertain this information.

I have been speaking to parents who are extremely worried. They say that children with autism and special needs required a routine and need to be challenged. If they are home they will be very anxious. They are young adults of 18 or 19 years, who have an intellectual level or mental age of a five year old. They cannot be left on their own but they can be helped and trained to do certain things.

I am told that about €20,000 per annum would provide a service for each of these children. At the moment, I am aware of at least seven or eight such children who are waiting to get into at least one service provider in the Cork region. I am told that this could become a national problem, but before it does I ask the Minister of State to intervene.

At this time of the year, the service providers and the special schools often enter into a transitional process whereby children can go to the service providers one or two days a week and get used to the routine. That is not happening now, however, which puts them back even further. This matter is serious and urgent because those concerned are the most vulnerable. I hope the Minister of State has good news and will act on this. I am sure he will because I have faith in him.

**Deputy John Moloney:** I am taking this Adjournment matter on behalf of my colleague the Minister for Health and Children, Deputy Mary Harney. I am pleased to take this opportunity to address the issues raised by Deputy Stanton. At the outset, I would like to reaffirm the Government's steadfast commitment to people with disabilities in Ireland and to the national disability strategy and its long-term goals and objectives, which we will continue to pursue in the coming years in partnership with all the key stakeholders.

As Deputy Stanton will be aware, a range of training, health and personal social day services are provided by several State agencies, including the HSE, non-statutory agencies funded by the HSE, and specialist training providers funded by and on behalf of FÁS to young people with disabilities when they leave school. A national review of all health funded day services for people with disabilities is currently being completed. This review indicates that a total of 25,302 people with intellectual disabilities, physical and sensory disabilities, and-or long-term mental health difficulties attend day services either provided by the HSE or provided by non-statutory agencies funded by the HSE. These figures include a total of 2,178.05 day places in intellectual disability services comprising of 1,967.55 new places and 210.50 enhanced places funded under the multi annual investment programme 2005 to 2008.

With regard to the areas of training and, in particular, the provision of life skills training, otherwise referred to as rehabilitative training, the HSE and HSE-funded agencies provide such training services for persons with disabilities to enhance their individual level of skill, which will focus on the enhancement of an individual's care, fundamental skills, life skills and social skills. The level of outcome from rehabilitative training is not pre-determined but is dependent on the level of the development capacity of each individual. Consequently, it is important that training services are matched to the person's need. In meeting this need the

HSE employs guidance officers at local level to assist in the profiling of young school leavers with disabilities to appropriate training and day services. The guidance officers work with the school leaver, their family, school authorities and service providers to ensure that school leavers with disabilities have access to appropriate services.

The co-ordination and planning of services to meet the needs of people with disabilities form a central tenet to the national disability strategy. A critical element of such co-ordination and planning is the requirement to provide financial support for the developments and implementation of services.

In recent years, the Government has provided significant additional resources for services and supports for effecting real change in the development of services for people with disabilities. The multi-annual investment programme, which was a key component of the Government's disability strategy, had by the end of 2008 provided for the intellectual disability services: 980 new residential places, 313 new respite places, and 2,505 new day places. In terms of services for people with physical and sensory disabilities, 300 new residential places and 950,000 extra home care-personal assistance hours have been provided for.

As part of the national disability strategy's multi-annual investment programme, the HSE has increased the number of day places for people with intellectual disability by almost 1,500 since 2005. In addition, nearly 150 day places have had their services enhanced with the provision of additional supports to allow the places deal with school leavers or other adults with significant disabilities.

The increase in new and enhanced health and personal social services in recent years has ensured that young people with intellectual disabilities have appropriate services in place to ensure a smooth transition from secondary school. In some cases, the funding provided supported the school leavers to access appropriate day services in line with a person centred plan. Due to the current economic situation, it has not been possible to provide development funding for additional services in 2009.

**Deputy David Stanton:** The Minister of State is surely not being serious.

**Deputy John Moloney:** I am being serious. The HSE and voluntary disability service providers are working together to ensure that of the existing resources available for specialist disability, services are used in the most effective manner possible. In the current challenging economic environment, there is a responsibility on all publicly funded services to review the way in which services are delivered and ensure resources are used to maximum effect. This also applies to disability service providers in the non-statutory sector.

The aim should be to ensure that the needs of as many individuals as possible are catered for within the resources available. Voluntary agencies within the disability sector are working with the HSE to ensure plans are in place in each area to respond to the needs of individuals with disabilities in 2009. While this will be challenging in the absence of significant funding for new developments, the voluntary sector and HSE are committed to the best use of available resources in a creative and flexible manner to be as responsive as possible to the needs that present.

On the specific issue of availability of day places, the Department of Health and Children and HSE are aware of the particular needs of school leavers in September 2009. The HSE is reviewing, with service providers, whether capacity exists within current day services to accommodate the needs of some of the individuals in question.

**Deputy David Stanton:** Only some of them.

**Deputy John Moloney:** Yes, some of them. Some funding may be available within the context of the HSE's service plan to provide additional capacity in the event that existing services are not in a position to accommodate an individual's service requirements. This will be examined on a local and regional level.

The sustained enhancement of service delivery to people with disabilities, as I have outlined, is confirmation of the Government's objective to progress the disability agenda. Working together with all stakeholders in a spirit of partnership, we will continue to build on what has been achieved in terms of this Government's commitment to achieving the common goal of building a true and inclusive society.

### **Designated Areas.**

**Deputy Catherine Byrne:** I thank the Ceann Comhairle for allowing me to raise this issue on the Adjournment. I wish the Acting Chairman, Deputy Charlie O'Connor, and the Minister of State, Deputy Moloney, good morning. For many people living in the Kimmage, Walkinstown, Crumlin, Drimnagh, Terenure — KWCDT — Partnership area, this is not a good morning, particularly for the 50 people whose jobs will probably be lost in the coming weeks.

This is the sad result of Pobal's decision to withdraw funding from the KWCDT Partnership. Since its inception in 1994, the partnership has worked closely with many small organisations in the community, including child care, community and women's action groups, many of which would not secure funding in normal circumstances. For many of these groups, the withdrawal of the partnership from the area will make their success stories a dream of the past. Sadly, the future of the partnership and many groups working in the area is under threat. Many of these small organisations have developed over the years through funding from the KWCDT Partnership and Pobal. The news in the past couple of days that the Minister has decided to liquidate the partnership and assume responsibility for funding partnership areas is a major blow to the community of Dublin 12, in which the Acting Chairman has a strong interest.

Despite many appeals from action groups and politicians, including members of the Fianna Fáil Party, little was done in the appeal process to enable the KWCDT Partnership to remain in place. What will happen to many of the small groups working in the area? How will they be able to continue to serve the community as they have done for the past 15 years? These vital groups, which have developed in the community, include organisations involved in child care and women's groups working with young people.

A dark cloud hangs over Dublin 12 as a result of the withdrawal of funding for the partnership. While I have had issues with many of the partnerships in the community in which I have served and worked, there is a real need for partnership, especially in the severely deprived areas of Crumlin and Drimnagh. The House has discussed cases of violence and intimidation in the Dublin 12 area on many occasions. The Minister must consider that the disbandment of the KWCDT Partnership will mean that many small groups with which it is currently associated will no longer have opportunities to facilitate young people.

I appeal to the Minister of State to give me the answers I have sought unsuccessfully for the past couple of weeks in order that I can inform people in the Crumlin, Drimnagh and Walkinstown areas about what will happen to many small groups and the 50 people they employ in the coming weeks and how we will be able to sustain some community benefits in the Dublin 12 area in the coming months.

**Deputy John Moloney:** I thank Deputy Byrne for raising this matter on the Adjournment. I will respond on behalf of my colleague, the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy John Curran. The local development social inclusion programme, LDSIP, is a series of measures that are designed to counter disadvantage and promote equality and social and economic inclusion. It is funded by the Department of Community, Rural and Gaeltacht Affairs and managed by Pobal on the Department's behalf.

Since January 2009, the local development social inclusion programme has been implemented locally by 37 integrated local development companies, 17 urban partnerships and two employment pacts. The integrated local development companies were formed as a result of the cohesion process where organisations delivering local development social inclusion programmes and the rural development programme merged to form single entities.

Until the end of 2008, the local development social inclusion programme was implemented by area and community partnerships. KWCDT — Kimmage, Walkinstown, Crumlin, Drimnagh and Terenure — Partnership delivered the programme in the Dublin 12 area. There have been a number of significant concerns over a period of years relating to the operation, impact and effectiveness of KWCDT's contract to deliver the LDSIP in the catchment area. Recent audits and programme reviews found significant flaws in the management of the LDSIP resources and the implementation of the programme, including financial management, governance issues, general performance of management functions and the effectiveness of the work on the ground.

Since August 2008, with the co-operation and agreement of the KWCDT board, an executive facilitator with substantial experience and expertise to undertake this work was engaged to enable the partnership address and rectify these serious issues. KWCDT was funded on a core cost basis only and was given a six month period to make satisfactory progress on the problems and issues identified.

The KWCDT board representatives met with Pobal in early March 2009 to discuss the remedial action to be taken by the company based on the audit findings and other governance issues highlighted and to discuss progress made, if any. Following this meeting, the board of KWCDT wrote to Pobal stating it was withdrawing from the local development social inclusion programme and the partnership would cease its operations and wind up the company. Following this correspondence, the Pobal board made a formal decision to discontinue the local development social inclusion programme contract with KWCDT. At the end of March the board of KWCDT wrote to Pobal appealing the decision to terminate the contract. The appeal has been brought before the Pobal board, which, on 21 April 2009, upheld the original decision to discontinue the contract. While the Minister of State, Deputy Curran, has met with the board of KWCDT, he sees no reason to intervene in the original decision taken.

The Department of Community, Rural and Gaeltacht Affairs is committed to the provision of full county coverage of the LDSIP, through targeting the most deprived communities and is preparing plans for the continuation of services to the KWCDT geographic location to ensure the front-line services previously provided by KWCDT Partnership and Drimnagh CDP, its hosted project, are protected. The Minister of State has been informed that Pobal is in discussions with his departmental officials to progress matters in this regard.

### **Urban Renewal Schemes.**

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom buíochas a ghabháil leis an Ceann Comhairle as ucht an cheist seo a roghnú. Dolphin House in my constituency is in the news in recent days for all the wrong reasons. What has been in the news is a slight on the good people of Dolphin House who are normal people struggling to live normal lives but, because of neglect by the



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State over many years, have many things to cope with, not just the problems of the past two days. There are many problems such as sewage, drug problems, poor housing and the siege of the area, not only in the past two days but for quite a long time, by drug dealers who have made their community a misery.

This area and the people living there had built up their hopes in recent years. They reorganised the community and much good work was done to try to ensure when regeneration occurred, everyone in the community would benefit. Such was the enthusiasm for the planned regeneration that people in the community were involved in a door-to-door canvass of every household to find out what people's preferred options were and ask them for ideas. There was a significant response which much higher than in many other areas which have been socially disadvantaged. Most people said they would prefer the complex be demolished and a new Dolphin House or community be rebuilt on the site. Other issues raised in the canvass were the protection of the community and the need to tackle the increasing anti-social behaviour in the complexes, especially in block 2 and subsequently in block 4. There was a need, in the meantime, for Dublin City Council to increase its repair and maintenance work in the area.

Such was the scale of the changes, anyone visiting Dolphin House now would not recognise it from the late 1980s or early 1990s. The community has reorganised and there is much work being done for young people. Despite this, hopes have been dashed because the regeneration programme, given the current economic circumstances, seems to have been stalled. My appeal is for those hopes to be regenerated and for some message from the Government to say it has not forgotten the community and is still on track with the regeneration of Dolphin House.

As a symbol of the stalled process, if one goes into Dolphin House there are brand new portakabins where the old community centre was and they have been there for a number of months waiting on Dublin City Council to connect them to the sewage system. Months have passed and it has not happened. A simple thing such as that would mean the community could use the brand new facilities it has.

I urge the Minister of State, Deputy Moloney to send out a message of hope to the community so it does not feel isolated and totally under siege by the thugs who have tried over recent nights to destroy the reputation and good work in the area. Some 30 cars were damaged one night with a riot the following night and subsequent disturbances. It is not a positive message of regeneration. I appeal to the Minister of State to work with the Minister for Justice, Equality and Law Reform, Deputy Dermot Ahern, to send out a message that the community will be protected because in recent nights the thugs have specifically targeted those who have been working to build up the community and ensure young people in Dolphin House have hope.

Only two days ago I attended the launch of a report on the health of the community and, again, it reflected what we already knew. Those who are disadvantaged have major health problems which are exacerbated by poor living conditions and anti-social behaviour. There is an opportunity for the Minister of State, elected representatives and Dublin City Council to send a message out they will stand by the community and ensure the good work that has been carried out in recent years will not be left to go to rack and ruin, that there is potential in the area, they will help re-start the regeneration project and work will take place.

**Deputy John Moloney:** The Minister for the Environment, Heritage and Local Government, Deputy John Gormley, understands from inquiries made that increased Garda activity in the vicinity of Dolphin House has led to a serious and quite sinister spate of anti-social behaviour

and criminal activity, including vandalism of cars, daubing of graffiti and threatening behaviour. The Minister commends the members of the Garda Síochána on their diligence in carrying out their duties and the members of the general community in the Dolphin's Barn area who rightly support the Garda in their efforts to address anti-social behaviour and criminal activity engaged in by very small numbers of people in the area. Furthermore, he wishes to record his condemnation of those involved in this sort of activity who, purely for their own capital gain, seek to undermine the Dolphin's Barn community.

Community is and always has been the bedrock of society and its development, encouragement and protection is paramount in this Government's policy of sustainable communities. There is a very clear objective to ensure communities in all parts of the country are afforded the opportunity to grow and develop in a safe environment and to enjoy the protections afforded by the laws of the land. The Housing (Miscellaneous Provisions) Bill 2008, which has been passed by the Seanad and is on Second Stage in this House, is an important legislative milestone in the ongoing development and implementation of housing policy and in progressing the sustainable communities agenda.

Of particular importance are the new provisions in the Bill relating to anti-social behaviour in the social housing stock. There is a new requirement that the elected members of each authority must adopt a strategy for the prevention and reduction of anti-social behaviour in its housing estates and complexes. The strategy must set out measures to promote good estate management and co-operation with other bodies, such as the Garda, that have a role to play in combating anti-social behaviour. The new strategies, combined with statutory initiatives to promote consultation between the Garda and local authorities, will help secure a multifaceted approach to dealing with instances of anti-social behaviour in local authority housing estates.

The definition of anti-social behaviour in the Bill is also being extended to cover graffiti and damage to property to bring it more into line with the approach in recent legislation relating to behaviour orders that may be sought by the Garda. Furthermore, the Bill extends the existing anti-social behaviour powers of housing authorities to cover a broader range of accommodation, including accommodation provided through rental or leasing arrangements.

In conjunction with the Office of the Attorney General, the Minister is also looking at the scope for further changes to existing legislation that will enhance the role of housing authorities in addressing anti-social behaviour. He will incorporate any further measures that he possibly can arising from this examination when the Bill reaches Committee Stage in the Dáil.

Regarding the issue of a regeneration programme for Dolphin House, the Department of the Environment, Heritage and Local Government has not yet received a proposal in this regard from Dublin City Council. However, the Minister understands proposals are being developed and the project is at an early stage in the process, with initial consultations between the city council and community nearing completion. It will then be up to Dublin City Council to decide on the type of regeneration process most appropriate for the area and decide by which means the project should be delivered. However, it is open to the council to prioritise the project in terms of its social housing investment programme and submit a report in the usual way to the Department for project approval and funding from the within the authority's annual funding allocation.

I emphasise to the House that the Department of the Environment, Heritage and Local Government continues to work actively with Dublin City Council in connection with its broad range of housing programmes. In that context, the Minister looks forward to continued engage-

[Deputy John Moloney.]

ment with the council as it develops and implements its ambitious programme of regeneration. I thank Deputy Ó Snodaigh for raising the issue.

The Dáil adjourned at 12.50 a.m. until 10.30 a.m. on Wednesday, 29 May 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 8, inclusive, answered orally.*

*Questions Nos. 9 to 75, inclusive, resubmitted.*

*Questions Nos. 76 to 82, inclusive, answered orally.*

### **National Museum.**

83. **Deputy John Deasy** asked the Minister for Arts, Sport and Tourism if he has consulted with the National Museum regarding the impact of the decision not to proceed with the exhibition space on the accessibility of artefacts; and if he will make a statement on the matter. [16458/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I assume the Deputy is referring to the development of the new Centre Block building at the National Museum at Collins Barracks.

The development of the Centre Block has not been cancelled. Progress on the project is at an advanced stage and the tender documents for the project are now finalised. As I stated in my reply to Parliamentary Questions Nos. 8585/09 and 8521/09 on 3 March 2009, officials of my Department have been engaged with the Office of Public Works and the National Museum in order to ensure that the project will be well placed to progress immediately when funding becomes available.

### **National Stadium.**

84. **Deputy Jimmy Deenihan** asked the Minister for Arts, Sport and Tourism if any of the proposed sports development programme at Abbotstown is to proceed in 2009; and if he will make a statement on the matter. [16510/09]

95. **Deputy Brendan Howlin** asked the Minister for Arts, Sport and Tourism the progress made to date in relation to discussions between his Department and the National Sports Campus Development Authority; and if he will make a statement on the matter. [16356/09]

103. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the cost of the Abbotstown National Stadium Project for each year since 1999 to date in 2009; the breakdown of same by year; if he will include costs not associated with the National Aquatic Centre but accrued by this project during the period 1999 to 2004; and if he will make a statement on the matter. [16351/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to respond to Questions Nos. 84, 95 and 103 together.

As I have previously stated in response to questions on the overall development of the national sports campus project, I have been engaged in discussions with the NSCDA as to how we might best advance matters during 2009 and following years taking into consideration the current difficult economic constraints. While it is not possible at this time for the project to proceed in accordance with the original schedule and target completion date, I have nonetheless decided to sanction the lodging of a planning application by the NSCDA for Phase 1 of the National Sports Campus, which includes provision of:

- a multi-sport National Indoor Training Centre to provide world-class training facilities for more than 20 sports;
- Sports Science and Medical facilities; accommodation for sportsmen and women;
- all-weather synthetic pitches for community recreational access; and
- a National Field Sports Training Centre catering for Rugby, Soccer, Gaelic Games and Hockey.

Throughout the planning process, I intend to keep the situation under review and to continue discussions with the Authority to examine options for the delivery of the project going forward.

The Abbotstown facilities, when completed, will provide a much needed range of training and competitive facilities for our finest sportspersons. Through the National Aquatic Centre an excellent sports facility in the development of swimming, diving, synchronised swimming and water polo has already been provided.

The former State Laboratory building has been refurbished and now provides the headquarters of the FAI.

Refurbishment work on the former Central Meat Control Laboratory is nearing completion and will provide a headquarters for the Irish Institute of Sport.

In order to address the question of the issue of costs associated with the broader project since 1999 to date, it is necessary to outline the historical background. As I have explained in an earlier response to a Deputy's question, the concept of a sports campus at Abbotstown emerged from the 1999 PricewaterhouseCoopers feasibility study "A Stadium for a New Century." In January 2000 the Government adopted the study and decided to proceed with the development of Sports Campus Ireland at Abbotstown with Stadium Ireland as its centrepiece. At this time the Government also decided to build the National Aquatic Centre to be ready for the Special Olympics World Summer Games in June 2003. The National Aquatic Centre, the first element of the Campus, was completed on time and within budget at a cost of €62.5 million and was opened in March 2003.

The Government subsequently decided in January 2004 to proceed with the development of Lansdowne Road as a 50,000 capacity stadium and at the same time also approved the phased delivery of a sporting campus at Abbotstown to include training, sports science, medical and administrative facilities. From 2004 to the end of 2008, therefore, the combined total of both



capital and current expenditure on the National Sports Campus was €19.2 million. Of that amount, some €7.3 million capital was spent on the refurbishment of the former State Laboratories as the new headquarters for the FAI, which was completed within budget in November 2007. Since then and up to the present juncture, an amount of €2.6 million capital has been incurred in developing the design for the Phase 1 facilities as provided for in the Development Control Plan prepared for the National Sports Campus and progressing these plans to planning application stage. A budget of €1.7 million capital has been provided for the refurbishment of the former Central Meat Control Laboratory to provide a permanent headquarters for the Irish Institute of Sport. The renovation of the former State Laboratories and Central Meat Control Laboratory form part of the NSCDA's strategy of maintaining and refurbishing the existing facilities and buildings on the Abbotstown site for use by the wider sporting community in conjunction with the development of sports facilities.

### **Departmental Agencies.**

85. **Deputy Thomas P. Broughan** asked the Minister for Arts, Sport and Tourism if, in view of the economic downturn, he plans to reduce or amalgamate the various bodies under his remit which are dealing separately with different elements of sport; and if he will make a statement on the matter. [16358/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** There are four bodies, each with its own statutory base, involved in the administration of elements of sports policy.

The Irish Sports Council, which is funded by my Department, has a statutory role in encouraging the promotion, development and co-ordination of sport. The Irish Sports Council Act, 1999 states that the ISC has responsibility for developing “strategies for increasing participation in recreational sport and to coordinate their implementation by all bodies (including public authorities and publicly funded bodies) involved in promoting recreational sport and providing recreational facilities”.

The ISC's mission is “To plan, lead and coordinate the sustainable development of competitive and recreational sport in Ireland”. In that context, the ISC operates many programmes to promote, and support participation in, sport for all.

The ISC has been central to developing sporting ability leading to high performance, while at the same time driving participation levels in conjunction with the National Governing Bodies, Local Sports Partnerships, the Institute of Sport, Coaching Ireland and the Olympic and Paralympic Councils.

In 2006, the Government approved the establishment of the Irish Institute of Sport. The Institute, which has no statutory basis, has been working with the National Governing Bodies of Sport and the elite athletes in ensuring that they have available to them the most up-to-date supports as they prepare to represent Ireland at international events and the Olympic and Paralympic Games.

As Deputies will be aware, it was the intention to introduce legislation to enable the Irish Sports Council to establish subsidiaries and that the Institute would be given such legal status. However, as I indicated to Deputies in January, in responding to the OECD Report on Public Sector Reform and in particular to its recommendations on the number of agencies involved in public administration, I have decided not to establish the Institute as a subsidiary of the ISC. I will therefore not be proceeding with legislation to enable the ISC to establish subsidiaries.

As regards the status of the Institute, it is functioning under the aegis of the Irish Sports Council and this will remain the position.

[Deputy Martin Cullen.]

Coaching Ireland, which is a non-statutory body, also functions under the aegis of the ISC, which provides an annual budget for its operation. The remit of Coaching Ireland is to lead the development of coaching on the island of Ireland. Its key work is the development and implementation of the Coach Development Model for all sports. Coaching Ireland's role is to work with each NGB to fully establish and deliver the Coach Development Model in their sport.

The National Sports Campus Development Authority was established under legislation with a specific remit of delivering the National Sports Campus project. I will be dealing more specifically on my plans for the Campus project in replying to other parliamentary questions on the subject. However I will not be making any change to the status of the Authority at this time.

Horse Racing Ireland is established under legislation to fund and promote the thoroughbred industry and has overall responsibility for the administration of Irish horse racing. Bord na gCon controls the promotion and operation of greyhound racing and all aspects of the greyhound industry. Both of these organisations operate on a stand-alone statutory basis and I will not be changing their status.

As regards the status of these bodies each of which different oversees a distinct element of sports policy, I have no plans at present to reduce or amalgamate any of these bodies nor do I believe that any such reduction or amalgamation would be of any benefit to Irish sport.

### **Arts Projects.**

86. **Deputy Dinny McGinley** asked the Minister for Arts, Sport and Tourism the progress that has been made in relation to the digitisation of national cultural institution collections; and if he will make a statement on the matter. [16480/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I refer the Deputy to my reply to Questions 47821 and 47825 on 27th January 2009.

I wish, however, to confirm to the House that progress is continuing to be made with the digitisation of state papers and the paper based collections of the relevant national cultural institutions, commensurate with the availability of resources. In particular, the Deputy may wish to note that the digitised records of the 1911 Census returns for Dublin City and County were made available free of charge on the National Archives Census Website since December 2007. The 1911 returns for Antrim, Down and Kerry were added to the website in December 2008. It is planned that the remainder of the 1911 returns will be published on the website during the late spring and summer of 2009, beginning with those for Donegal, Cork, Wexford, Galway and Offaly, and all of the 1901 returns are due for publication by the end of 2009.

During the 16 months from the launch of the Census Website in December 2007 up to March 2009, the number of visits to the Census Website was more than 5,000,000 (five million) and the number of hits on the site has exceeded 74,000,000 (seventy four million). As previously stated, on a single day — 23 December 2008, which was the first full day after the launch of the 1911 returns for Antrim, Down and Kerry, there were more than 80,000 visits and 570,000 hits.

As resources permit other archives of major importance for genealogy will be added to the National Archives suite of websites in 2010 and subsequent years. In addition, a number of projects leading to the publication of archives of primarily historical interest on the web are currently under consideration, with a view to commencing the publication of a series of archives during 2009 and 2010.

### Departmental Agencies.

87. **Deputy Michael D’Arcy** asked the Minister for Arts, Sport and Tourism if he will clarify the funding position for the Irish Institute of Sport as well as its future status; and if he will make a statement on the matter. [16509/09]

97. **Deputy Kathleen Lynch** asked the Minister for Arts, Sport and Tourism if he will confirm the legal status of the Irish Institute of Sport in view of the fact that no enacting legislation has been introduced; if such legislation will be introduced; if this body will exist as a unit of the Irish Sports Council; and if he will make a statement on the matter. [16364/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose taking Questions Nos. 87 and 97 together.

In 2006, the Government approved the establishment of the Irish Institute of Sport. The Institute has been working with the national governing bodies of sport and the elite athletes in ensuring that they have available to them the most up-to-date supports as they prepare to represent Ireland at international events and the Olympic Games.

The budget for the Institute in 2009 which is provided by the Irish Sports Council from its annual budget is €1.5 million.

As Deputies will be aware, it was the intention to introduce legislation to enable the Irish Sports Council to establish subsidiaries and that the Institute would be given such legal status. However, as I indicated to Deputies in January, in responding to the OECD Report on Public Sector Reform and in particular to its recommendations on the number of agencies involved in public administration, I have decided not to establish the Institute as a subsidiary of the ISC. I will therefore not be proceeding with legislation to enable the ISC to establish subsidiaries.

As regards the status of the Institute, it is functioning under the aegis of the Irish Sports Council and at this stage I have no intention of changing this arrangement.

*Question No. 88 answered with Question No. 82.*

### Sports Funding.

89. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism if he will elaborate on the five year strategic plan for the development of future sports funding here; if this is open to submissions from members of the public, politicians, academics and so on; if this is linked with the National Audit of Sports Facilities; and if he will make a statement on the matter. [16346/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** My Department is currently finalising a five-year strategic plan to inform the future development of necessary sporting facilities throughout the country. An inter-agency steering group, chaired by my Department, was established to oversee the development of the strategy.

A wide range of stakeholders were consulted in order to generate a clear picture of the important issues to be considered in the provision of sports facilities including Government Departments, local authorities, NGBs, LSPs, sports clubs and interested individuals.

The aim of the strategy is to provide high-level policy direction for future investment/grant assistance at national, regional and local level. It is intended to identify the facilities requirement for sport so that participation at reasonable cost is feasible for those who wish to engage in sport at either amateur or elite level.

[Deputy Martin Cullen.]

The strategy is also examining the wider economic, health and social case for continued investment in sports facilities. It aims to develop an agreed and integrated approach to planning, funding, provision and management of sports facilities and to prioritise areas for future investment to ensure continued impact in the relevant areas. The strategy will also take into account the results of the National Audit of Sports Facilities, which is ongoing at the moment.

A wide range of stakeholders were consulted in order to generate a clear picture of the important issues to be considered in the provision of sports facilities including other Government Departments, local authorities, national governing bodies of sport, local sports partnerships, sports clubs and interested individuals.

The strategy is at an advanced stage and prior to finalisation it is my intention to publish on the Department's website and invite views from interested parties.

### **Natural History Museum.**

90. **Deputy Olwyn Enright** asked the Minister for Arts, Sport and Tourism the progress made on the reopening of the Natural History Museum; and if he will make a statement on the matter. [16464/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The position, as stated in my reply to Parliamentary Question No 8515/09 on the 3rd of March 2009, is that a programme of works for the Natural History Museum has been agreed between the National Museum of Ireland, the Office of Public Works and my Department. This programme of works, which is designed to facilitate the reopening of the Museum in September of this year, is ongoing.

The Deputy may also wish to note that the National Museum is opening a new exhibition entitled "Treasures of the Natural History Museum" this Friday in the Riding School at Collins Barracks with the official launch next Wednesday 6th May. This exhibition showcases key items from the Natural History Museum's collection. This will allow the public access to the collection in advance of the re-opening of the Natural History Museum in Merrion Street.

### **Sports Capital Programme.**

91. **Deputy Eamon Gilmore** asked the Minister for Arts, Sport and Tourism further to Parliamentary Question No. 53 of 3 March 2009, the number of schools and sports clubs which made joint applications under the Sports Capital Programme 2008; the number which were successful; the amount granted to these applications; and if he will make a statement on the matter. [16350/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Under the Sports Capital Programme, which is administered by my Department funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Since 1998, over €725 million has been allocated to over 7,400 projects across the country.

Primary and post-primary schools may only apply to the Sports Capital Programme for funding jointly with local sports clubs or community groups.

Under the 2008 Sports Capital Programme, 9 schools made joint applications with local sports clubs. One of these applications was successful and a sum of €160,000 was allocated to the project. Since 2003 a total of €5.3m has been allocated to 48 joint applications made by schools and sports clubs.

Under the 2008 Sports Capital Programme, schools making joint applications with local sports clubs were required to provide evidence of formal agreements with local clubs that

guarantee the clubs access to school facilities for at least 30 hours per week throughout the year. In assessing applications, extra marks are also awarded to sports clubs that can show that they are allowing local schools to use their facilities.

### **Departmental Agencies.**

92. **Deputy Noel J. Coonan** asked the Minister for Arts, Sport and Tourism if the proposal to amalgamate the National Archives with the National Library is still his policy; his views on whether this is in the best interest of the archives and the library; and if he will make a statement on the matter. [16447/09]

109. **Deputy Pat Rabbitte** asked the Minister for Arts, Sport and Tourism the progress on legislation to amalgamate certain bodies under the aegis of his Department; when it is expected this legalisation will come before the Houses of the Oireachtas; and if he will make a statement on the matter. [16365/09]

316. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the status of proposals 25, 26 and 27 contained within annex D of Budget 2009; and if he will make a statement on the matter. [16281/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 92, 109 and 316 together.

A consultative process is underway with the Directors of the national cultural institutions involved whereby consideration is being given to the future arrangements necessary to give effect to the decisions to combine the Irish Museum of Modern Art, the Crawford Art Gallery and the National Gallery of Ireland, while retaining their separate brand identities, and to merge the National Archives, the Irish Manuscripts Commission and the National Library.

The Department is working on the Heads of a Bill to give effect to the required legislative changes. These changes will include amendment of the National Cultural Institutions Act, 1997, the National Archives Act, 1986 and the National Gallery Acts, 1854 to 1963 and the creation of new legislative provisions. It is my intention that the best structures for our national cultural institutions will be put in place. It is not possible at this stage to state when the legislation will come before the Houses of the Oireachtas but work on it is a priority of the Department.

With regard to the decision that Culture Ireland is to remain a part of the Department rather than be established as a statutory agency, I can report to the House that this decision has been implemented.

### **Tourism Industry.**

93. **Deputy Billy Timmins** asked the Minister for Arts, Sport and Tourism the actions he has taken with regard to cost issues affecting the hotel and catering industry; if action will be taken to address such issues; and if he will make a statement on the matter. [16506/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I am fully aware of the many issues affecting the hotel and catering industry, including the issues of costs and competitiveness, as are all of my cabinet colleagues. I keep in regular contact with the key industry representative groups, including the Irish Hotels Federation and the Irish Tourist Industry Confederation, and have received detailed submissions from them in the context of the recent Supplementary Budget, which was the subject of detailed discussion and consideration by the Cabinet over a number of preparatory meetings.



[Deputy Martin Cullen.]

Tourism is an internationally competitive industry that is, like all other industries, facing challenging times, due both to recent international economic developments and movements in exchange rates — particularly in traditional source markets such as Great Britain and the United States. In that regard, it is important that all service providers — private and public — are aware of the need to sustain competitiveness if we are to continue to attract overseas visitors. Price increases should be avoided and every effort should be made to reduce costs to industry where this is possible.

Fáilte Ireland has a range of measures to help the tourism industry to address these concerns. Business Finance Workshops and seminars covering topics, such as costs and margins, cost control, pricing and cash-flow management, which are crucial to effective management of businesses in today's environment are being rolled out. Fáilte Ireland's Performance Plus Programme provides management tools in a number of important areas such as financial benchmarking and business diagnostics so that owners and managers can comprehensively assess the strengths and weaknesses of their enterprise and receive an action plan to address areas that need attention. The Web check Programme identifies e-business needs and guides owners to solutions to boost web performance. Business Mentoring Programmes, Tourism Learning Networks, Management and Professional Development also form part of the suite of enterprise supports available to the industry. The industry is responding well to the initiatives and the take up on the programmes is very positive.

I regularly discuss costs and competitiveness issues affecting tourism with my colleagues both at cabinet and bilaterally with a view to ensuring that the needs of the tourism industry are addressed across all Government policy areas.

*Question No. 94 answered with Question No. 82.*

*Question No. 95 answered with Question No. 84.*

### **Departmental Funding.**

96. **Deputy Michael D. Higgins** asked the Minister for Arts, Sport and Tourism the funding provided by him to Comhaltas Ceoltóirí Éireann; the way this funding is decided; his views on whether this funding represents the best value for money for the promotion of traditional arts and music here; and if he will make a statement on the matter. [16353/09]

111. **Deputy Jack Wall** asked the Minister for Arts, Sport and Tourism the funding provided by the Exchequer to Comhaltas Ceoltóirí Éireann; if this is the only funding given to support Irish culture by him; and if he will make a statement on the matter. [16354/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 96 and 111 together.

In 2004, Comhaltas Ceoltóirí Éireann launched a five year Capital Development Programme with the aim of enhancing its network of regional development resource centres around the country and in Northern Ireland, in order to build on and support its existing activities. Stemming from the agreed Capital Development Programme, my Department paid out capital grants to the value of €15.6m to Comhaltas Ceoltóirí Éireann from 2005 up to the end of 2008. In the same period, current funding totalling €57,000 was paid to Comhaltas.

My Department's 2009 (REV) Estimates provides a further €2.775m for that programme, which is now almost complete.

Comhaltas Ceoltóirí Éireann plays an important role in maintaining and developing traditional arts and music through its hundreds of branches in Ireland and around the world. This work has been ongoing since the 1950s and has helped to sustain our traditional music culture both at home and abroad. Comhaltas provides music, dance, storytelling and language classes through this network of branches. The organisation also runs the Fleadh Cheoil Irish music competition that culminates annually in the Fleadh Cheoil na hÉireann all-Ireland final.

In 2009 my Department is providing almost €169m to support the arts, culture and film sector in Ireland. Each of these sectors is an essential component of the Irish cultural milieu. At 1.6% of available funding, Comhaltas' allocation from those resources is by no means disproportionate.

*Question No. 97 answered with Question No. 87.*

### **Departmental Agencies.**

98. **Deputy Michael D'Arcy** asked the Minister for Arts, Sport and Tourism his plans to implement the key recommendations of the two reviews of Ireland's performance in the Beijing Olympics carried out by the Irish Sports Council and the Olympic Council of Ireland; his views on the divergent views in these reports; and if he will make a statement on the matter. [16240/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I wish to refer the Deputy to priority question number 77 (16367/09) which I have answered earlier today.

99. **Deputy Joan Burton** asked the Minister for Arts, Sport and Tourism his views on the fact that Tourism Ireland received €19.5 million in Budget 2009 and the Marketing Fund received over €48.5 million; the way Tourism Ireland can justify its budget; and if he will make a statement on the matter. [16361/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Tourism Ireland was established on foot of the Good Friday Agreement and formally incorporated on 11 December 2000. The Company is accountable to the North South Ministerial Council with funding for its operations being provided by the Department of Enterprise, Trade and Investment in Northern Ireland and by my Department in the South in accordance with agreed ratios. The current agreed ratios are 3.4:1 for administration costs and 2:1 for marketing costs with my Department providing the higher proportion in both cases. The Tourism Ireland budget line is used to, inter alia, meet the costs of its staffing and offices in Dublin and Coleraine and supports its marketing presence in 22 locations overseas.

The Tourism Marketing Fund supports the marketing of Ireland internationally on an all-island basis, the marketing of access routes and the international marketing of niche special interest products.

Tourism Ireland's primary remit is to promote the entire island of Ireland as a holiday destination in overseas markets and it is generally regarded as being highly successful in this regard. Last year alone, over 7.8 million overseas visitors came to the Republic of Ireland generating an estimated €4.8 billion in revenue (including carrier receipts and cross border expenditure). Accordingly, I am satisfied that the money spent on overseas marketing is justified and provides real and significant benefits for the Irish economy.

Tourism Ireland prepares a detailed Business Plan for its activities each year to be approved by the North South Ministerial Council. The plan sets out in detail how its targets will be achieved and contains a specific section highlighting how value for money for all planned expenditure will be secured.

### Departmental Reviews.

100. **Deputy Jan O’Sullivan** asked the Minister for Arts, Sport and Tourism when the Horse and Greyhound Fund review will be completed and published; if party spokespersons will have an opportunity to review same before further legislation regarding this fund is brought before Dáil Éireann; and if he will make a statement on the matter. [16363/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Government support for the horse and greyhound racing industries is provided under the Horse and Greyhound Racing Fund, which was established under the Horse and Greyhound Racing Act, 2001.

In 2004, the Government put in place regulations to increase the limit of the Horse and Greyhound Racing Fund from €254m to €550m to continue the Fund for a further four years to 2008. By the end of 2008 a total of €545.8m was paid out of the Fund. The remaining balance in the Fund at the start of 2009 was €4.2m. €68.1m has been allocated to the Fund for 2009.

Funding of both of these agencies supports two very important productive industries and helps to sustain the important role of horse and greyhound breeding & training enterprises in the development of the rural economy. These industries, together, account for an estimated 27,500 direct jobs, generate very substantial economic activity and make a vital contribution to the rural economy including farm incomes. The funding given to the greyhound racing sector helps in sustaining a tradition that has existed for hundreds of years and in underpinning the economic activity in what are in many instances less affluent regions of the country.

This funding has allowed Ireland to develop into a world centre of excellence for horseracing. Horse Racing Ireland has undertaken a capital investment programme that has underpinned growth in the sector.

The Fund has also contributed significantly to the almost €90 million that has been invested in the improved facilities now available at greyhound tracks around Ireland.

A review of the Fund is nearing completion and will be submitted to the Government in due course in the context of deciding on the future funding of these industries. Any extension of the Fund will require the approval of the Government and the Oireachtas. In finalising the review of the Fund I intend to take into account the comments made by the members of the Oireachtas during the recent discussions at the meetings of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs and in the House itself during the making of the Horse and Greyhound Racing Fund Regulations, 2009.

I have already given an undertaking to the Joint Committee to have a discussion on the review and I will adhere to this.

### Arts Funding.

101. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he intends to provide ongoing support and encouragement to the arts in its various forms at local and national level for the future; and if he will make a statement on the matter. [16413/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** Government Policy on the Arts is set out in the Programme for Government and is elaborated further in my Department’s Statement of Strategy. My policy on the arts is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

The State appreciates and values the contribution the arts sector makes to the internationally renowned artistic reputation of this country. Even within the current economic constraints I do not consider investment in the arts culture and creative sectors as somehow “discretionary”.

The Arts Council is the State agency charged primarily with the promotion and funding of the arts. I continue to monitor and review the resources at my disposal to facilitate the Council in its vital work so as to enable it to provide ongoing support and encouragement to the arts in its various forms at local and national level.

*Question No. 102 answered with Question No. 82.*

*Question No. 103 answered with Question No. 84.*

#### **Cultural Institutions.**

104. **Deputy Jim O’Keeffe** asked the Minister for Arts, Sport and Tourism if an audit has been conducted on the security arrangements in place at the National Gallery, the National Museum and other such institutions here; and his views on proposals in this regard. [16244/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The onus is on each National Cultural Institution to ensure that all necessary security measures are taken to protect and secure the collections in their care, the buildings in which they are housed and the safety and security of all staff and visitors. The Boards and management of the institutions are very aware of this responsibility.

Security reviews are undertaken as appropriate, and, self-evidently, are not a matter of public discourse.

#### **Departmental Reports.**

105. **Deputy Ruairí Quinn** asked the Minister for Arts, Sport and Tourism the reason for the lack of progress on implementing the Arts and Education Report; his views, in view of the lack of action being taken by him on this issue, on whether it is a priority; and if he will make a statement on the matter. [16349/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** As I stated in previous replies on this topic, the recommendations contained in this comprehensive Report have implications for this Department, the Department of Education and Science and the Arts Council. These issues will have to be considered in the light of final 2009 financial allocations to all concerned, but with overall reduced funding, it is probable that all available resources will be concentrated on maintaining existing services and commitments rather than embarking on new areas of expenditure.

The recommendations will be kept under review in the light of future allocations and changing circumstances.

#### **Departmental Agencies.**

106. **Deputy Joe Costello** asked the Minister for Arts, Sport and Tourism his views on whether it is possible to merge Tourism Ireland and Bord Fáilte to save money, create efficiencies and ensure that there is one unified body for tourism here; and if he will make a statement on the matter. [16360/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** As part of the Good Friday Agreement, tourism was designated an area for cooperation under the North-South Ministerial Council. In December 1998, the parties to the Agreement decided that a publicly owned limited company would be established by the Northern Ireland Tourist Board and the then Bord Fáilte Éireann to carry out functions aimed at promoting tourism to the island of Ireland. The company, Tourism Ireland Limited, was formally incorporated on 11 December 2000.

[Deputy Martin Cullen.]

The Company is accountable to the North South Ministerial Council with funding for its operations being provided by the Department of Enterprise, Trade and Investment in Northern Ireland and by the Department of Arts, Sport and Tourism in the South. The primary remit of the company is to promote the entire island of Ireland as a tourist destination in overseas markets. It is generally regarded as being highly successful in this regard, by its international peers as well as the tourism industry on the island, with estimated overseas visitors to the island of Ireland increasing from 6.96 million in 2001 to 8.8 million last year representing growth of 26% over that period. The company has offices in Dublin and Coleraine as well as representation in 22 locations overseas. It works closely with Fáilte Ireland, NITB, and the tourism industry in delivering its remit.

Fáilte Ireland was established under the National Tourism Development Authority Act 2003 to encourage, promote and support tourism as a leading indigenous component of the Irish economy. In this regard, its primary functions are the development of quality tourism product, domestic tourism marketing, tourism standards, enterprise support, capacity building and human resource development for the tourism industry. While it makes a vital contribution and does an excellent job, Fáilte Ireland does not have an all-island remit.

In summary, Tourism Ireland's role is to maximise the number of visitors coming to the island of Ireland from overseas while Fáilte Ireland's role is to ensure that the tourism experience in the south is to the highest possible standard. I am satisfied that both organisations have key complementary roles to play in maintaining the valuable contribution of tourism to Ireland's economy. I do not believe that a return to pre-1998 arrangements is appropriate.

Both organisations are aware of the need to ensure maximum value for the money received from the Exchequer and this is reflected in the close cooperation between the two agencies in their operations as well as in their business planning.

### **Sports Facilities.**

107. **Deputy Ciarán Lynch** asked the Minister for Arts, Sport and Tourism the timeframe for receiving reports from the remaining local authorities regarding the National Audit of Sports Facilities; and if he will make a statement on the matter. [16348/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The nationwide audit of sports facilities is being carried out in stages to help speed up the availability of information. Phase one, which focuses on national and regional sports facilities, has now been completed within my Department. Phase two of the audit, which is a more complex undertaking to establish a record of existing sports facilities at local level and identifying the need for future provision, commenced in 2008 with the assistance of the Department of Environment, Heritage and Local Government and the Local Authorities. My Department has to date received 20 completed returns and reminders have been sent to the Local Authorities who had not submitted their returns by the end of January closing date.

The audit is part of a wider exercise to put in place a more strategic approach to the provision of sports facilities in Ireland. My Department is currently finalising a five-year strategic plan to inform the future development of necessary sporting facilities throughout the country. The aim of the strategy is to provide high-level policy direction for future investment and grant assistance at national, regional and local level. The strategy also identifies the wider economic, health and social case for continued investment in sports facilities. It aims to prioritise areas for future investment and to ensure continued impact in the relevant areas.

*Question No. 108 answered with Question No. 82.*



*Question No. 109 answered with Question No. 92.*

### **Olympic Games.**

110. **Deputy Jack Wall** asked the Minister for Arts, Sport and Tourism his views on requests to establish a committee to oversee preparation for the London Olympic and Paralympic Games 2012; and if he will make a statement on the matter. [16366/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** The London 2012 Olympics and Paralympics Task Force was established in August 2006 to ensure Ireland can identify and maximise the complete range of opportunities arising from our proximity to the Olympic and Paralympic Games in London 2012. The Task Force included experts from the sport, tourism, cultural and business sectors and was supported by staff within my Department.

The Task Force report makes a number of recommendations arising from an audit carried out of high quality sports facilities in Ireland and the findings of a report by Indecon International Economic Consultants on the economic evaluation of the benefit to the island of Ireland of the London 2012 Olympic and Paralympic games. It highlights the opportunities for Ireland from the London 2012 Games in the sport, tourism, cultural and business sectors.

I am considering the implementation of the recommendations of the London 2012 Task Force Report taking account of the current economic situation and my meetings with the key high performance stakeholders to identify the challenges which must be met in the preparation of our team for the London Games.

The Irish Sports Council (ISC), which is funded by my Department, has statutory responsibility for encouraging the promotion, development and co-ordination of competitive sport and the achievement of excellence in competitive sport. In this regard the ISC works in partnership with the Irish Institute of Sport, the Olympic Council of Ireland, the Paralympic Council of Ireland and the relevant national governing bodies of sport in the preparation of Irish athletes for the Olympic and Paralympic Games.

The ISC established a review group to examine the preparations and performances at the 2008 Beijing Games in order to prepare for the 2012 London Games. The overall aim of the review was to make recommendations to the ISC in respect of structures, programmes and investment policy that should be pursued based on the outcomes of the 2008 Olympic and Paralympic Games. The Olympic Council of Ireland (OCI) have also carried out a review of the performance of Irish Athletes at the Beijing Games.

Since the completion of the Beijing Games I have completed a series of meetings with a number of the key stakeholders involved in the support of our elite athletes to discuss how we can best build on the success we had in Beijing and the supports required in terms of coaching, programmes, facilities and funding to ensure the optimum performance of Irish athletes at the London 2012. I have also met with representatives of the Irish Sports Council and the Olympic Council of Ireland to discuss their views on the existing high performance structure in place and suggested improvements for the London 2012 Olympics including the targeting of a small number of Olympic sports in an effort to win more medals.

The key challenge arising from these meetings and the findings in the reviews undertaken by the ISC and the OCI 2012 is to ensure that the high performance strategy for the London 2012 games is reflective of these findings and it is my intention that this will happen.

*Question No. 111 answered with Question No. 96.*

### Equal Opportunities Employment.

112. **Deputy Róisín Shortall** asked the Taoiseach the extent to which his Department is meeting the agreed national target figures for employment of persons with a disability; and when in each case this target will be met or surpassed. [16127/09]

**The Taoiseach:** My Department exceeds the 3% employment requirement of people with disabilities with 5.9% of the current employees having disclosed disability. Part 5 of the Disability Act 2005 gave legal status to this 3% employment requirement which, formerly, had been a target.

### Departmental Expenditure.

113. **Deputy Leo Varadkar** asked the Taoiseach the number of expense account credit cards paid by his Department; the credit limit on each card; the amount spent on expense account credit cards since 2004 to date in 2009; the instances in which the annual expenditure on a single card exceeded €5,000 with the grade of the credit card holder; and if he will make a statement on the matter. [16169/09]

**The Taoiseach:** The total number of official credit cards currently held by my Department is 25. One official has a credit limit of €6,350, five of the cards have credit limits of €4,000, and the remaining nineteen have credit limits of €2,500.

The following table details the annual expenditure on official departmental credit cards from 2004 to end of March 2009:

Year	Total amount spent on credit cards by Department
	€
2004	108,820
2005	93,333
2006	132,843
2007	129,508
2008	88,520
2009 (Jan-March)	7,633

The table below details the instances where the annual expenditure on a single card exceeded 5,000 and grade of the card holder in each instance.

Instances where annual expenditure on a single card exceeded 5,000 and grade of the card holder in each instance

2004	2005	2006	2007	2008	2009
7 instances	4 instances	11 instances	9 instances	3 instances	No card holder has exceeded 5000 in this period
Programme Manager (1) Head of Government Information Services (1) Assistant Secretaries (2) Assistant Principals (3)	Director (1) Assistant Principals (3)	Assistant Secretary (1) Director (1)  Programme Manager (1) Government Press Secretary (1) Deputy Government Press Secretary (1) Principal Officers (3) Assistant Principals (3)	Secretary General (1) Assistant Secretary (1)  Directors (2) Principal Officer (1)  Assistant Principals (3) Private Secretary (1)	Director (1) Principal Officer (1)  Assistant Principal (1)	

Departmental credit cards are used for official purposes only. They are also allocated to officials where the facility will be of practical use in meeting the requirements of official business, for example, to facilitate meeting of travel expenses and official entertainment while away from the office, the procurement of goods and services such as on-line conferences bookings, air travel, purchase of IT equipment and library supplies.

The use of official credit cards is closely monitored by the Department's Finance Unit. Expenditure must be supported by receipts which must be submitted by card holders each month as part of the approval process for the associated expenditure. The allocation and use of official credit cards are reviewed on an ongoing basis, with a view to minimising the number of cards allocated, and credit limits are assigned in line with requirements for official use on a case by case basis.

### **Legislative Programme.**

114. **Deputy Finian McGrath** asked the Taoiseach the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16336/09]

**The Taoiseach:** The only legislation from my Department enacted in the years 2007 and 2009 was the Statute Law Revision Act 2007. The Act repealed some 3,200 statutes enacted before 6 December 1922. It did not originate from Brussels.

### **Departmental Staff.**

115. **Deputy Leo Varadkar** asked the Taoiseach the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17369/09]

**The Taoiseach:** There are 48 Public Servants currently serving in my Department who are in receipt of Long Service Increments at a gross cost of €135,293.27. This amount is subject to Tax, PRSI, income and pension levies.

### **Company Closures.**

116. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will support staff of a company (details supplied); and the position regarding investment talks. [16215/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Since the company announced its plans to close its Dublin operations, IDA Ireland and I have had numerous meetings with the company to express my concern regarding the effect the closure will have on the economy of North Dublin and the effect of the loss of 1135 highly skilled jobs on the Irish aviation sector.

IDA Ireland and Enterprise Ireland established a team to market the operation internationally through their overseas office network and have held discussions with over 15 companies to encourage them to put forward investment proposals to take over all or part of the operation. Following receipt of proposals, a full evaluation will take place and each proposal will be considered on its merits and long-term viability.

The company has indicated that it has received up to 30 expressions of interest in parts of the operation and has stated that any approach or proposal would be considered in detail and evaluated in full on its merits and potential long term benefit.

[Deputy Mary Coughlan.]

At this stage, SR Technics has received 5 bids from interested parties for parts of the business and are currently assessing these bids. Following the assessment process, SR Technics will select a successful bidder. In tandem with this process the agencies are in discussions with the interested parties on an ongoing basis to assess the viability of the bids so as to be in a position to offer appropriate support to the successful bidders to maximize the level of sustainable employment in the resulting operations.

#### **Work Permits.**

117. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment if Romanian and Bulgarian nationals may be fully entitled to work in the State without a work permit; and if she will make a statement on the matter. [16153/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** In 2006, the Irish Government decided that, following their accession to the EU, nationals of Romania and Bulgaria would still have to apply for work permits in order to work in Ireland. Following a review of the situation in 2008, Government decided to maintain this requirement. The considerable challenges now posed as a result of the downturn in the global economic environment and its direct impact on the labour market have been factors influencing this decision.

While nationals of Romania and Bulgaria have to apply for employment permits in order to work in Ireland, they are given preferential access to our labour market, ahead of non-EEA nationals. In addition, many Romanians and Bulgarians are enabled to work in Ireland without an employment permit, including certain Romanians and Bulgarians who were resident in Ireland prior to January 2007, those who are the spouse or dependant of an EU national and those who are self employed in the State. In addition, Romanians and Bulgarians who have been in the State on a valid employment permit for an uninterrupted period of 12 months or longer are not required to renew their employment permit in order to remain in the workplace.

#### **Redundancy Payments.**

118. **Deputy Dan Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will ensure statutory redundancy is awarded without further delay to a person (details supplied) in County Limerick. [16214/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am pleased to inform the Deputy that the Redundancy Payments Section of my Department has processed the redundancy lump sum application for the person concerned. Payment of the claim will issue before the end of week ending 1 May 2009.

#### **Departmental Agencies.**

119. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of the proposal to amalgamate the National Consumer Agency and the Competition Authority; the date by which this amalgamation is expected to be completed; and if she will make a statement on the matter. [16284/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** As the Deputy is aware, during the course of the Budget speech last October, my colleague the Minister for Finance announced the merger of the National Consumer Agency and the Compe-

tion Authority as part of the rationalisation of State Agencies. It is my intention to bring forward legislation during the course of 2009 to implement this merger.

### **Departmental Reports.**

120. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 121 of 31 March 2009, if she is satisfied that the situation with regard to late payments is as portrayed in a survey (details supplied); if in view of the findings of that report, she will commission a comprehensive survey of late payments; and if she will make a statement on the matter. [16285/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I am aware of the survey to which the Deputy refers and the reported findings in relation to late payments.

As indicated in the response to Parliamentary Question No. 121 of 31 March 2009, developments in the financial sector and wider economy have broadened the concerns for SMEs in gaining access to working capital. Initiatives to address access to working capital were also addressed in that response.

I have no plans to undertake a survey of late payments at this stage. As the Deputy may be aware, the European Commission has just recently made proposals for amending the Late Payments Directive, 2000/35/EC. My Department has sought comments from the SME representative bodies in advance of negotiations of the proposal in the relevant EU Council working group.

### **Work Permits.**

121. **Deputy Dan Neville** asked the Tánaiste and Minister for Enterprise, Trade and Employment if a work permit will be processed without further delay for a person (details supplied) in County Limerick. [16298/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Employment Permits Section informs me that it has no record of an application in this case.

### **Departmental Funding.**

122. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Enterprise, Trade and Employment the level of funding she has provided to Skillnets for the years 2007, 2008 and 2009; and if she will make a statement on the matter. [16300/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Public funding provided to all training programmes managed by Skillnets Limited amounted to €24.5m in 2007, to €26.7m in 2008 and to €10.3m to date this year.

The pressures on public finances and increased levels of unemployment have resulted in increased funding being applied to training those without work and part-time workers. It is in this context that funding for the Skillnets Training Network Programme for those in work is being reduced this year.

My Department's total budgetary allocation for training people in employment as set out in the recent Revised Estimates Volume is €122m. An amount of approximately €14.6m is being provided to fund Skillnets training for those at work.



### Legislative Programme.

123. **Deputy Finian McGrath** asked the Tánaiste and Minister for Enterprise, Trade and Employment the legislation approved by Dail Éireann in 2007 and 2009 pertaining to her Department; and if he will list and clarify what originated from Brussels and what was purely national. [16329/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The information requested by the Deputy in relation to legislation enacted or made by my Department in 2007 is available as Appendices 6 and 7, respectively, in the 2007 Annual Report for my Department and which is available on our website at [www.entemp.ie](http://www.entemp.ie). Appendix 9 of the Report contains information in relation to EU Directives transposed during the year. The same information up to end March 2009 is set out in the table below.

The Question asked by the Deputy does not request such information in respect of 2008; however, this information is being compiled at present for publication in my Department's 2008 Annual Report, which will, or course, be available on my Department's website.

Name of Legislation Made or Enacted in Jan-Mar 09	If EU-based, please cite relevant reference	National (Y/N)
Companies (Auditing and Accounting) Act 2003 (Commencement) Order 2009 (S.I. 13 of 2009)	N/A	Y

### Company Closures.

124. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Enterprise, Trade and Employment the status of all the expressions of interest for a company (details supplied) at Dublin Airport; when she expects progress on these proposals to maintain jobs at this centre of aviation maintenance and engineering; if she has recently met with the chief executive officer of the company; if not, the reason for same; the efforts she and her colleagues are taking to facilitate the 26 senior apprentices at the company who want to finish and qualify as aviation technicians; and if she will make a statement on the matter. [16397/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Since the company announced its plans to close its Dublin operations, IDA Ireland and I have had numerous meetings with the company to express my concern regarding the effect the closure will have on the economy of North Dublin and the effect of the loss of 1135 highly skilled jobs on the Irish aviation sector.

IDA Ireland and Enterprise Ireland established a team to market the operation internationally through their overseas office network and have held discussions with over 15 companies to encourage them to put forward investment proposals to take over all or part of the operation. Following receipt of proposals, a full evaluation will take place and each proposal will be considered on its merits and long-term viability.

The company has indicated that it has received up to 30 expressions of interest in parts of the operation and has stated that any approach or proposal would be considered in detail and evaluated in full on its merits and potential long term benefit.

At this stage, SR Technics has received 5 bids from interested parties for parts of the business and are currently assessing these bids. Following the assessment process, SR Technics will select a successful bidder. In tandem with this process the agencies are in discussions with the

interested parties on an ongoing basis to assess the viability of the bids so as to be in a position to offer appropriate support to the successful bidders to maximize the level of sustainable employment in the resulting operations.

As regards apprentices, FÁS is currently engaging with other stakeholders in the Air Craft Maintenance Sector (Public and Private) in an effort to source on-the-job training for this group of Air Craft Mechanics.

### **Industrial Development.**

125. **Deputy Willie Penrose** asked the Tánaiste and Minister for Enterprise, Trade and Employment the support and assistance available for new business start ups, and small businesses; and if she will make a statement on the matter. [16595/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The County and City Enterprise Boards (CEBs) can provide support to new business start-ups and micro-enterprises (i.e. small businesses with 10 employees or fewer). Subject to certain eligibility criteria new and developing enterprises may qualify for financial support from the CEBs in the form of Feasibility, Employment and Capital grants. All of the CEBs operate to the same criteria in relation to the assistance which they can offer i.e. they can support the establishment and/or the development of enterprises provided that the projects, which should generally be in the manufacturing and internationally traded services sector, have the capacity to achieve commercial viability and which over time may develop into strong exporting entities. In addition, the CEBs deliver a range of non-financial supports to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow.

The CEBs also work to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level. During 2009 they will continue to support enterprise development through the provision of both direct financial assistance (in the form of capital, feasibility and employment grants) and through indirect or “soft support” assistance, ensuring that available funds are targeted to maximise entrepreneurial development.

### **Community Employment Schemes.**

126. **Deputy Billy Timmins** asked the Tánaiste and Minister for Enterprise, Trade and Employment the process in place to enable community employment schemes to take on a new member in view of the fact that all new appointments have to be sanctioned by the Minister for Finance; and if she will make a statement on the matter. [16616/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Community Employment (CE) is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a fixed term basis. CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills.

The CE programme is sponsored by groups wishing to benefit the local community, namely voluntary organisations and public bodies involved in not-for-profit activities.

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Community Employment participants and supervisors are employed by the local community sponsors, who are separate legal entities under the Companies Act and, as such, sanction for their recruitment by the Minister for Finance is not required.

The Government Decision of 27/3/09 in respect of Implementation of Savings Measures for Public Service numbers does not relate to participants or supervisors on Community Employment Schemes.

### **Company Closures.**

127. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment her progress in finding a new buyer for a company (details supplied); and if she will make a statement on the matter. [16636/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Since the company announced its plans to close its Dublin operations, IDA Ireland and I have had numerous meetings with the company to express my concern regarding the effect the closure will have on the economy of North Dublin and the effect of the loss of 1135 highly skilled jobs on the Irish aviation sector.

IDA Ireland and Enterprise Ireland established a team to market the operation internationally through their overseas office network and have held discussions with over 15 companies to encourage them to put forward investment proposals to take over all or part of the operation. Following receipt of proposals, a full evaluation will take place and each proposal will be considered on its merits and long-term viability.

The company has indicated that it has received up to 30 expressions of interest in parts of the operation and has stated that any approach or proposal would be considered in detail and evaluated in full on its merits and potential long term benefit.

At this stage, SR Technics has received 5 bids from interested parties for parts of the business and are currently assessing these bids. Following the assessment process, SR Technics will select a successful bidder. In tandem with this process the agencies are in discussions with the interested parties on an ongoing basis to assess the viability of the bids so as to be in a position to offer appropriate support to the successful bidders to maximize the level of sustainable employment in the resulting operations.

### **Industrial Relations.**

128. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the action she has or will take in ensuring that a company (details supplied) is kept open; and if she will make a statement on the matter. [16637/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Lufthansa Airmotive currently employs some 460 workers at its Rathcoole facility and has been planning to introduce a new engine facility, which would both secure the future and lead to increased jobs at the plant. As part of this process, the company has been seeking agreement with the workers for the introduction of flexible working arrangements and work practice reforms.

Following failure to agree, I discussed the situation with both management and unions and the full services of the Labour Relations Commission and the Labour Court were provided to assist in finding a way forward. Following six LRC hearings and a full Labour Court hearing,

the staff at the plant, last week, voted against the proposals drawn up by the Labour Court by a margin of 17 votes out of 279 cast. In a statement last Wednesday, the company said it had halted the planned investment in the new engine line and had also issued protective notice to all workers.

Following this, as a further and maybe a final opportunity to try and resolve the problem, the National Implementation Body, consisting of Government, employer and union representatives met with representatives from Lufthansa Technik Airmotive and UNITE, SIPTU and TEEU regarding the implications for the future of the Rathcoole plant.

In the course of discussions, both sides recognised the seriousness of the situation and expressed a firm desire to reach a speedy solution in the interests of maintaining the Rathcoole facility. The NIB recommended that both parties engage in urgent and intensive discussions, in the context of the Labour Court's Recommendation and presided over by IBEC and ICTU, to allow the \$40m investment and jobs to be secured.

I understand that, following intensive discussions, a new set of proposals were agreed by unions and management at the facility and that the workers accepted these proposals.

I very much welcome this outcome which has come about due to the pragmatic and constructive approach adopted by management and unions at the Rathcoole facility.

### **Employment Rights.**

129. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment if there is a legal mechanism to allow an employer to ballot all staff within a company on a matter relating to the employment of staff, and not just those within a recognised union; and if she will make a statement on the matter. [16638/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The Employees (Provision of Information and Consultation) Act 2006 enables employers and employees to agree a variety of arrangements whereby employees within a company may cast their preference for certain types of information and consultation arrangements.

The main purpose of the Act is to provide for the establishment of a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings with at least 50 employees. It provides a general right to information and consultation for employees from their employer on matters that directly affect them.

The Act does not lay down a detailed procedure for an employer to conduct a ballot of all staff within a company but refers at Sections 8, 9 and 11 to a procedure “for the casting of a preference” by those employees. The statutory provision is sufficiently flexible to allow employers to choose from a variety of methods in facilitating their employees in approving different types of information and consultation arrangements. The Act requires employers to ensure, however, that any approval method adopted is secure, confidential and can be independently verified in the event of a dispute.

The Act also prescribes procedures for the election of employee representatives where this accords with the preference of employees. In the event of arrangements being approved for the democratic election or appointment of employees' representatives, the employer is obliged to facilitate such arrangements and to cover the cost of the nomination and selection procedure. Where it is the practice of an employer to conduct collective bargaining negotiations with a trade union or excepted body, which represents 10% or more of the employees, the employees

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who are members of that Trade Union or excepted body are entitled to elect or appoint their own employees' representative(s) on a pro rata basis.

The Employees (Provision of Information and Consultation) Act, 2006, affords employers and employees a wide degree of autonomy in devising their own information and consultation arrangements. In order to encourage agreement on such arrangements, the conditions and limitations attached to them under the Act are few. This affords the parties the opportunity to develop information and consultation arrangements that are tailor-made to their particular needs.

### **Work Permits.**

130. **Deputy Jack Wall** asked the Tánaiste and Minister for Enterprise, Trade and Employment the position of a person on a work permit when the employer can no longer continue trading; if the person can seek a new employment; the State entitlements to which they are entitled; if the person can remain in this State; and if she will make a statement on the matter. [16643/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** The position is that if a foreign national on a valid work permit is made redundant then they have a period of 3 months, assuming their immigration status is in order, to source other employment and apply for a new employment permit.

Access to State entitlements is a matter for the Department of Social and Family Affairs.

### **Industrial Development.**

131. **Deputy Denis Naughten** asked the Tánaiste and Minister for Enterprise, Trade and Employment if she will request that Enterprise Ireland expedite a project (details supplied) in County Roscommon; and if she will make a statement on the matter. [16759/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** I understand from Enterprise Ireland (EI) that details of the project in question were received by the agency on 21 April, 2009. This is an alternative proposal to the one approved by EI in June, 2006. As is the case with all re-submissions for funding, due diligence is being conducted on the alternative proposal. This proposal will then have to go to a decision making Board within EI. Notwithstanding this, I understand from EI that all efforts are being made to expedite the matter.

### **Departmental Staff.**

132. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Enterprise, Trade and Employment the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if she will make a statement on the matter. [17363/09]

**Tánaiste and Minister for Enterprise, Trade and Employment (Deputy Mary Coughlan):** Long Service Increments are part of the standard terms and conditions that apply to particular grades across the Civil Service. As in the case of all increments, Long Service Increments are only payable subject to a satisfactory performance rating being achieved under the Performance Management Development System.



215 members of staff of my Department are currently in receipt of long service increments at a cost of €615,292 for 2009.

### **Motor Taxation.**

133. **Deputy James Bannon** asked the Minister for Finance the reason a person (details supplied) in County Longford who lived in the UK but returned to live with their parents here due to ill health, should be charged €4,088 VTR on a second-hand car costing €6,000, which they bought while on a visit to the UK in December 2008; and if he will make a statement on the matter. [16275/09]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that the person in question declared the vehicle for registration at Tullamore Vehicle Registration Office on 24 March 2009. The V5 UK registration document, which was presented in support of the application, was issued on 24 February 2009 by the UK Authorities and shows the date of acquisition of the vehicle as 12 February 2009.

Since 1 July 2008 Vehicle Registration Tax (VRT) is based on the CO<sub>2</sub> emissions from a car and is calculated as a percentage of the Open Market Selling Price in the State, which was €11,357 in the case of this vehicle. The CO<sub>2</sub> emissions specified on the supporting documentation attracted the highest rate of VRT of 36% resulting in a charge of €4,088.

In relation to the person having resided in the United Kingdom, the Permanent Relief (including exemption from VRT) under Transfer of Residence Regulations provides that, in the case of VRT, a person must have had their normal residence outside the State at the time of transfer and have had possession of and have actually used the vehicle outside the State for at least 6 months before your transfer to Ireland. Consequently, the person in question does not satisfy the necessary criteria in this regard.

### **Tax Code.**

134. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if his attention has been drawn to the anomaly whereby a cohabiting couple are treated as a single household for social welfare eligibility purposes, yet for Revenue Commissioner purposes they are treated as two individuals and may not benefit from each other's tax credits; and if he will make a statement on the matter. [16139/09]

**Minister for Finance (Deputy Brian Lenihan):** The position is that cohabitating couples are expressly recognised for the purpose of social welfare law but are not recognised for the purposes of income tax law. Although this may appear contradictory, the main aim of both the welfare code and the tax code is to uphold the constitutional right of married couples not to be treated less favourably than unmarried couples.

The basis for the current tax treatment of married couples derives from the Supreme Court decision in *Murphy vs the Attorney General* (1980) which held that it was contrary to the Constitution for a married couple to pay more tax than two single people living together and having the same income.

The treatment of cohabiting couples for the purposes of social welfare is primarily a matter for the Minister for Social Community and Family Affairs. However, my understanding is that it is also based on the principle that married couples should not be treated less favourably than cohabiting couples. This was given a constitutional underpinning following the Supreme Court decision in *Hyland v Minister for Social Welfare* (1989) which ruled that it was unconstitutional

[Deputy Brian Lenihan.]

for the total income a married couple received in social welfare benefits to be less than the couple would have received if they were unmarried and cohabiting.

#### **Ministerial Staff.**

135. **Deputy Richard Bruton** asked the Minister for Finance the employment terms under which persons (details supplied) were employed; and if these positions or contracts were open to public competition. [16164/09]

**Minister for Finance (Deputy Brian Lenihan):** In March, the Government, on my request appointed Dr Alan Ahearne as one of my Special Advisers. The manner in which such appointments are required to be made is specified under the Standards in Public Office Act 2001 and does not involve public competition. That Act also requires me to lay before the Houses of the Oireachtas, within 60 days of the appointment, certain documents including Dr Ahearne's contract of employment. Arrangements to do so are in train.

The other person mentioned by the Deputy is not employed in my Department.

#### **Judicial Remuneration.**

136. **Deputy Joe Behan** asked the Minister for Finance if the members of the judiciary are liable to pay the income levy; if the members of the judiciary who opt in to pay the pension levy will be identified; the number of members of the judiciary who have decided to not opt in to pay the pension levy; and if he will propose a change to Bunreacht na hÉireann to ensure that all members of the judiciary, without exception, be compelled to pay the pension levy. [16171/09]

**Minister for Finance (Deputy Brian Lenihan):** I can confirm that Members of the Judiciary are liable to pay the income levy. The Deputy will be aware that in early April, the Chief Justice announced that arrangements have been made to enable judges to pay the pension related deduction voluntarily. I will not be announcing the names of those who choose to pay the contribution as it is entirely a personal matter for each judge. I have no proposals to make a constitutional change of the kind suggested by the Deputy.

#### **Tax Code.**

137. **Deputy Finian McGrath** asked the Minister for Finance his views on a matter (details supplied). [16200/09]

**Minister for Finance (Deputy Brian Lenihan):** The position is that Mortgage Interest Relief for principal private residences will continue for first-time buyers and others who bought their homes within the last 7 years. From the first of May 2009 Mortgage Interest Relief is only being withdrawn for those individuals that have already been in receipt of mortgage interest relief for more than seven years. I believe the decision to curtail the relief is justified given the significant recent reduction in interest rates and in house prices. In addition relief will continue to be available for qualifying loans taken out to purchase a new home, or for the repair, development or improvement of an individual's principal private residence.

It is important to point out that the maximum reduction in relief available to individuals as a result of this curtailment will be €900 per annum or €75 per month for a couple and €450 per annum or €38 per month for a single person.

### Average Industrial Wage.

138. **Deputy Seán Connick** asked the Minister for Finance if he will confirm the average industrial wage for each of 2005, 2006, 2007 and 2008; and if he will make a statement on the matter. [16222/09]

**Minister for Finance (Deputy Brian Lenihan):** The average industrial wage for 2005 was €30,310 as measured by the old CSO survey 'Industrial Earnings and Hours Worked'.

The average industrial wage as measured by the new release 'Earnings and Labour Costs' is used for the subsequent years. The two measures are not directly comparable but the new series provides better coverage of earnings data.

The averages for 2006 and 2007 were €31,010 and €32,730, respectively. Data for Q4 2008 is not available from the CSO and is due to be released no later than April 30th. As a result, the average industrial wage for 2008 has not been confirmed. However, the average industrial wage for the four quarters to Q3 2008 is estimated at €33,355.

From Q4 2004 to Q3 2008, the cumulative increase in the average industrial wage was 11.4%.

### Tax Code.

139. **Deputy Richard Bruton** asked the Minister for Finance if he will clarify if the income exemption limits that apply to the new levy introduced in 2009 are to be calculated excluding social welfare income which is not subject to the levy. [16271/09]

**Minister for Finance (Deputy Brian Lenihan):** The position is that all payments made by the Department of Social and Family Affairs, and similar type payments made by other government departments and agencies, are specifically exempted from the income levy and are disregarded for the purposes of determining an individual's income for the application of the income levy.

### Departmental Schemes.

140. **Deputy Leo Varadkar** asked the Minister for Finance if Members of the Oireachtas may avail of the three year paid career break for public servants; and if he will make a statement on the matter. [16286/09]

**Minister for Finance (Deputy Brian Lenihan):** As Members of the Oireachtas are not employed in a civil or public service capacity they will not be eligible to participate in the three year career break scheme announced in the Supplementary Budget. By virtue of their constitutional status, the granting of career breaks would not be compatible with the role and duties of Members of the Oireachtas.

### Departmental Staff.

141. **Deputy Leo Varadkar** asked the Minister for Finance the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [16287/09]

**Minister for Finance (Deputy Brian Lenihan):** Long service increments, payable after 3 and 6 years' service on the maximum of the scale, were introduced as part of restructuring deals agreed for various grades under the Programme for Competitiveness and Work (PCW). Payment of such increments is dependent on the individual recipients attaining the appropriate rating under the Performance Management and Development System (PMDS).

[Deputy Brian Lenihan.]

The following table lists the information requested by the Deputy in respect of my Department and Offices under the aegis of my Department.

Organisation	Number of staff in receipt of long service increments	Cost
Department of Finance	175	€590,121
Office of the Revenue Commissioners	2,251	€3.9m
Office of Public Works	224	€75,836
Valuation Office	52	€198,591
State Laboratory	20	€51,000
Public Appointments Service	18	€57,707
Commission for Public Service Appointments	Nil	—
Office of the Comptroller and Auditor General	21	€75,836
Office of the Ombudsman	22	€72,500
Office of the Appeal Commissioner	Nil	—

It should be noted that in most cases, the amounts concerned represent the maximum cost in a full year. In the time available, it would not be possible to calculate the exact cost, having regard to the timing of the payments during the year, or if periods of unpaid leave were taken, which would impact on the timing of the increments.

#### **Investment Securities.**

142. **Deputy Ciarán Lynch** asked the Minister for Finance the value of funds held in bearer bonds here; the way such bonds are assessed by the Revenue Commissioners; and if he will make a statement on the matter. [16294/09]

**Minister for Finance (Deputy Brian Lenihan):** There is no data available on the total value of funds held in bearer bonds here. These debt securities can be issued by both public and private institutions.

In general, income arising from or gains on the disposal of bearer bonds is liable to tax in the same manner as income or gains arising on other bonds.

In the case of an Irish resident individual, interest or discount income arising on the bonds would be taxable at the beneficial owner's marginal rate of income tax.

Where the bond is held by a company, the rate of tax applicable depends on whether the income arises in the course of the company's trade. If the income is trading income, then the appropriate tax rate is 12.5% whereas if the income is considered to be investment rather than trading income, the rate of corporation tax applicable will be 25%.

Interest income arising on securities issued under the authority of the Minister for Finance or issued by certain public bodies is exempt from tax where the securities are beneficially owned by persons who are not ordinarily resident in the State.

Withholding tax does not apply to interest payments on securities issued under the authority of the Minister for Finance or issued by certain public bodies.

As regards other (non-Government) securities, in general withholding tax at the standard rate must be deducted by a company from payments of interest to persons whose usual place of abode is in the State.

Bearer bonds are chargeable assets for capital gains tax (CGT) purposes unless they are securities issued under the authority of the Minister for Finance or issued by certain public bodies.

### **Financial Services Regulation.**

143. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied). [16319/09]

**Minister for Finance (Deputy Brian Lenihan):** I presume the Deputy's question refers to the redemption fee applied by mortgage providers in circumstances that a customer seeks to break a fixed rate mortgage. Mortgage lenders in Ireland generally seek to recover costs of funds when a borrower with a fixed rate mortgage agreement seeks to terminate the agreement some time before the term agreed.

Traditionally redemption fees were articulated with the institution specifying that a given number of months interest would apply. Over time, they have generally moved towards a mechanism which reflects the difference between the contracted rate and current market rates applied to the amount outstanding for the remaining fixed period. Where a redemption fee is payable on a housing loan the mortgage agent has to inform the consumer about it at the outset.

Compensation sought by the lender reflects the cost to the institution of obtaining the funds on the capital market at a certain cost, as against selling them on at a related price. Institutions fund the fixed rate agreement through funding on markets, generally through interest rate swaps. This allows them to hedge their exposure to interest rate fluctuations. Where the borrower seeks to repay the loan before the contractually agreed fixed term in an environment where interest rates have declined, the institution is exposed to re-investment risk, i.e., it will be unable to re-lend the funds at a rate related to their cost, due to intervening market fluctuations.

Ireland is relatively unusual in the EU context in that borrowers have an absolute legal right to repay their loan early as set out in Section 121(1) of the Consumer Credit Act 1995. However Section 121 goes on to recognise that while a consumer will not be liable to pay an early redemption fee with respect to a variable rate loan, this exemption from redemption fees does not apply where the rate of interest is fixed or is fixed for one year.

The Deputy may wish to note that as part of the preparations for the EU White Paper on Mortgage Market Integration, which was published in December 2007, the Mortgage Industry and Consumer Expert Group agreed that lenders should receive a compensation when a consumer repays his or her fixed rate loan earlier than at its contractual termination.

There are significant benefits for both individual householders and for the stability of the housing and financial sector overall from greater take-up of fixed rate mortgages and it would not be advisable to embark on any course of action which could impact adversely on the cost and availability of fixed rate mortgages in the future.

On 26 March 2009, I undertook, in this House, to contact the Consumer Director of the Financial Regulator on the subject of customers who wish to switch from a fixed rate mortgage. On foot of that my Department has contacted the Financial Regulator to request confirmation that the redemption costs for switching from a fixed rate mortgage cover funding costs only and that there are no other costs included in these charges. The Financial Regulator has confirmed to my Department that it is looking into this matter and that it will revert shortly. I will advise the Deputy of the outcome of the Financial Regulator's consideration of this matter.



### Legislative Programme.

144. **Deputy Finian McGrath** asked the Minister for Finance the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16331/09]

**Minister for Finance (Deputy Brian Lenihan):** The details requested by the Deputy are contained in the following table.

Legislation pertaining to the Department of Finance

Year	Legislation	Did the legislation originate from Brussels or was it purely national
2007	Finance Act	National*
2007	Finance (No. 2) Act	National*
2007	Ministers and Secretaries (Ministers of State) Act (No. 33 of 2007)	National
2007	Appropriation Act	National
2007	Assets Covered Securities (Amendment) Act (No. 13 of 2007)	Partly required by Ireland's EU obligations
2007	Markets in Financial Instruments and Miscellaneous Provisions Act (No. 37 of 2007)	Partly required by Ireland's EU obligations
2008	Finance Act	National*
2008	Finance (No. 2) Act	National*
2008	Appropriation Act	National
2008	Credit Institutions (Financial Support) Act (No. 18 of 2008)	National
2009	Investment of the National Pensions Reserve Fund and Miscellaneous Provisions Act (No. 7 of 2009)	National
2009	Anglo Irish Bank Corporation Act (No. 1 of 2009)	National
2009	Financial Emergency Measures in the Public Interest Act	National

\*Primarily National but may also include some provisions resulting from directives adopted at EU level.

### National Pension Reserve Fund.

145. **Deputy Lucinda Creighton** asked the Minister for Finance the amounts he plans to pay into the National Pension Reserve Fund annually in 2009, 2010 and 2011; the location from which these funds will be sourced; and if he will make a statement on the matter. [16521/09]

**Minister for Finance (Deputy Brian Lenihan):** The Supplementary Budget for 2009 published on 7 April 2009 provides for a contribution of €3 billion from the Exchequer to the National Pensions Reserve Fund (NPRF) in 2009. It projects that no contribution will be required in 2010 and that the contribution in 2011 will be €1.449 billion.

The National Pensions Reserve Fund Act 2000 requires the payment from the Exchequer to the Fund each year of an amount equivalent to 1% of GNP as estimated at the time of the Budget. The Investment of the National Pensions Reserve Fund and Miscellaneous Provisions Act 2009 amended the 2000 Act to provide that the Minister for Finance may, in certain circumstances, direct the National Pensions Reserve Fund Commission to invest in listed credit institutions and that the Minister may contribute to the Fund for the purpose of such a directed investment, with any such additional contribution to be offset in following years against the requirement to make an annual contribution. These amendments arose from the Government's decision, announced on 11 February 2009, to provide a total of €7 billion to recapitalise Allied Irish Banks and Bank of Ireland, of which €4 billion would be provided by the NPRF from its

own resources and the balance of €3 billion from the Exchequer, by means of a frontloading of the Exchequer contributions to the NPRF for 2010 and 2011.

The Budget for 2009 published on 14 October 2008 had provided for a payment of €1.584 billion from the Exchequer into the National Pensions Reserve Fund. The provision for a payment of €3 billion from the Exchequer to the Fund in 2009 contained in the 2009 Supplementary Budget involves the payment of an additional €1.416 billion to the NPRF this year. The projections for GNP for 2010 and 2011 contained in the Supplementary Budget would require annual contributions to the NPRF of €1.403 billion and €1.463 billion in 2010 and 2011 respectively. Based on these projections, the additional €1.416 billion contribution in 2009 means that no annual contribution would be needed in 2010 and would reduce the 2011 annual contribution to €1.449 billion, as published.

The contributions to the NPRF are funded from the Exchequer in the same way as any other expenditure commitment.

### **Redundancy Payments.**

146. **Deputy Richard Bruton** asked the Minister for Finance if his attention has been drawn to the potential unfairness of applying the composite rate of levies which he proposes for 2009 which appears to apply to redundancy payments made before 1 May 2009. [16545/09]

**Minister for Finance (Deputy Brian Lenihan):** The treatment of taxable redundancy payments paid prior to 1 May will be considered in the context of the preparation of the forthcoming Finance Bill.

### **Tax Code.**

147. **Deputy Richard Bruton** asked the Minister for Finance if he has had inquiries from members of the public regarding changes in the tax treatment of retirement lump sums; and if he plans to make clear his policy in this area in order that people can make these important decisions for their lives on an informed basis. [16546/09]

151. **Deputy Simon Coveney** asked the Minister for Finance if there are proposals to change the system of taxation of retirement lump sum payments; and if he will make a statement on the matter. [16592/09]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 147 and 151 together.

My Department has been receiving enquiries on this issue and there have been a number of other Parliamentary Questions in recent months.

The position is that under statutory pension schemes and pension schemes approved by the Revenue Commissioners, there is no liability to income tax in respect of retirement gratuities or lump sums paid to members of such schemes on retirement. Provided members of such schemes and any lump sum payments comply with Revenue rules in this area, there is no liability to income tax on the retirement lump sum payment. In this regard, it should be noted that the tax arrangements for retirement lump sums apply in respect of pension schemes in both the public and private sectors.

As I mentioned in my budget speech on 7 April last, the Commission on Taxation is examining various aspects of pension tax treatment, including the treatment of retirement lump sum payments and I expect to be dealing with the Commission's recommendations in the 2010 budget in December.

148. **Deputy Richard Bruton** asked the Minister for Finance his views on introducing a differential rate of tax on rental income instead of the restriction on the allowability of interest payments; and the arguments that led him to choose the restriction on interest as opposed to other measures that might have raised extra taxation from this sector. [16547/09]

**Minister for Finance (Deputy Brian Lenihan):** As part of the normal lead-up to the budget, an examination of tax incentive schemes and tax reliefs is undertaken in the context of the ongoing development of budgetary and economic policy. Arising from an examination of the various schemes which provide tax relief for rental income properties, I decided to reduce the interest relief from 100% to 75% as a deductible expense in calculating income tax on rental income from residential properties. This is part of the process of unwinding tax expenditure in this area. I have also asked the Commission on Taxation to investigate options in this area, which I plan to return to in the near future.

#### **Departmental Schemes.**

149. **Deputy Leo Varadkar** asked the Minister for Finance if he is satisfied that by participating in the cycle to work scheme employers do not have a duty of care towards the employee in relation to those employees cycling to and from work; and if he will make a statement on the matter. [16569/09]

**Minister for Finance (Deputy Brian Lenihan):** I assume the Deputy is referring to the cycle to work scheme that became available from 1 January this year. There is no provision in the tax code that imposes a duty of care on employers toward employees who participate in the scheme. Such issues are a matter for agreement between each employer and its participating employees. Accordingly, the circular implementing the cycle to work scheme in the Civil Service, and which may also be used by the wider public service will, for example, set out the responsibilities of the employee in relation to the proper use and maintenance of the bicycle.

#### **Tax Code.**

150. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare is due a tax rebate; and if he will make a statement on the matter. [16579/09]

**Minister for Finance (Deputy Brian Lenihan):** I have been advised by the Revenue Commissioners that the tax liability of the person concerned has been reviewed and that a refund will issue next week.

*Question No. 151 answered with Question No. 147.*

152. **Deputy James Bannon** asked the Minister for Finance his plans to reduce VAT on tractors which stands at 21.5% in the Republic of Ireland as opposed to 15% in Northern Ireland, leading to farmers purchasing tractors in the North and the UK which potentially will result in 99% of tractor businesses here being closed by the end of 2009; and if he will make a statement on the matter. [16622/09]

**Minister for Finance (Deputy Brian Lenihan):** The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. In many cases, new tractors are subject to Irish VAT irrespective of where they are purchased, and as such VAT would not be a factor that would influence a farmer in purchasing tractors outside the State. A new tractor purchased in the UK by an Irish VAT-registered farmer is treated as an intra-community acquisition and is subject to Irish VAT. The VAT registered farmer must

account for VAT at 21.5% and is entitled to an input credit for the VAT if the tractor is used in his farming business.

If a farmer is not registered for VAT, he is obliged to register if he makes purchases totalling more than €41,000 from other EU Member States in any year. In these circumstances the farmer must also account for Irish VAT but may not be entitled to a corresponding input credit. If a farmer is not registered for VAT and his purchases from other EU Member States do not exceed €41,000 in any year, he will be subject to UK VAT on a new tractor purchased in Northern Ireland, however because of the cost of new tractors, this is unlikely to arise. With regard to second-hand tractors being imported from the UK, such vehicles are subject to UK VAT.

It would not be possible to reduce the VAT rate applicable to farm machinery without reducing the rate on all goods and services to which the standard VAT rate of 21.5% applies. A 1% reduction in the standard rate of VAT would cost €390 million in a full year.

I am conscious of the difficulties being encountered by the farm machinery business, however, given the current Exchequer deficit position, the budget 2009 policy decision of increasing the standard VAT rate continues to be necessary in order to support the public finances. We are borrowing to fund day to day public services which is unsustainable as future generations will be required to pay higher taxes unless we correct our public finances.

Regarding the differential in VAT rates resulting from the temporary reduction in the UK standard VAT rate from 17.5% to 15% up to the end of 2009, the VAT rate is not the only factor in the differentials North and South of the border. The weakening of sterling has had, and is having, a far more significant impact on relative prices than any VAT changes in this regard.

As a small open economy, many of our standard rated goods are imported, and cutting the VAT rate could benefit the economies from which we import more than our own. In other words, while, it might help the consumer, it would not be the most effective way of helping our own economy.

#### **National Asset Management Agency.**

153. **Deputy Michael McGrath** asked the Minister for Finance the human resource requirements anticipated at the National Asset Management Agency; the recruitment procedures that will be deployed; and if he will make a statement on the matter. [16693/09]

**Minister for Finance (Deputy Brian Lenihan):** Legislation to establish and govern the operation of the National Asset Management Agency (NAMA) will be introduced during the summer legislative session. Initial work on the preparation of the legislation is under way in parallel with preparation for the operation of the NAMA. I am currently considering the establishment of NAMA on a non-statutory interim basis with a view to undertaking the initial scoping work required. This will include work on assessment of the human resource requirements and potential recruitment processes.

#### **Public Service Contracts.**

154. **Deputy Michael McGrath** asked the Minister for Finance the procurement procedures that apply to construction projects of all public bodies in terms of tendering within Ireland and in the EU; and the different requirements that apply depending on the value of contract involved. [16694/09]

**Minister for Finance (Deputy Brian Lenihan):** The procurement procedure for a public works contract comprises a qualitative selection and an award stage. Qualitative selection involves the assessment by a public body of all applicants who have expressed an interest in a tender competition in order to determine which of them have the competency to undertake the work. The award stage, on the other hand, deals with the evaluation of tenders received from selected candidates, with the contract being awarded to the most competitive tenderer.

In relation to the procurement procedures that apply to projects above the EU thresholds, public bodies must comply with directives 2004/17/EC and 2004/18/EC, as transposed into national law by SI No. 50 of 2007 and SI No. 329 of 2006. With regard to contracts below the EU threshold, the principles of transparency, non-discrimination, proportionality and fairness under the EU treaties must be observed.

#### **Pension Provisions.**

155. **Deputy Michael Ring** asked the Minister for Finance the reason a person would have to pay a pension levy in view of the fact that the person is pension age and continues to work a small number of hours. [16754/09]

**Minister for Finance (Deputy Brian Lenihan):** I am fully aware of people's concerns following the introduction of the pension-related deduction. However, the key objective is the realisation of the savings needed from the public service pay bill, given the severe economic and budgetary circumstances we face.

The approach to the pension related deduction is that it applies generally given the fact that public servants enjoy the benefits of a public service pension which provides for greater security and more favourable terms than the generality of private sector pensions. It is not limited to those below pension age or to those in full time work. The criteria for making the deduction is set out in section 2(1)(b) of the Act. The pension related deduction is a reasonable means of reconciling the need to achieve the necessary savings while the recent Supplementary Budget changes have ameliorated the impact on lower paid staff.

#### **Child Care Services.**

156. **Deputy Jack Wall** asked the Minister for Health and Children the grants available through her Department for assisting with the running of a community facility (details supplied) in County Kildare; and if she will make a statement on the matter. [16267/09]

**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 Scheme (NCIP) 2006-2010 under which the Community Childcare Subvention Scheme (CCSS) is being implemented.

Applications for grant funding under the NCIP are processed in the first instance, by the County Childcare Committees (CCC's) and are then forwarded to Pobal, who assess and administer grant applications on behalf of my Office. I understand, from inquiries I made with Pobal, that an application by the group concerned for funding under the CCSS, which provides subvention to community child care providers to enable them to deliver child care services at reduced rates to eligible parents, is currently in the assessment process with Kildare County Childcare Committee.

#### **Health Service Staff.**

157. **Deputy Brian Hayes** asked the Minister for Health and Children when an appointment



will be made for an occupational therapist for the Dublin west area for children with special needs from six years of age upwards; and if she will make a statement on the matter. [16599/09]

**Minister for Health and Children (Deputy Mary Harney):** Almost 130,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other healthcare professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the healthcare needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of its Annual Service Plan for the delivery of health and personal social services to the public. As this is a service matter it has been referred to the HSE for direct reply.

#### **Dormant Accounts Fund.**

158. **Deputy P. J. Sheehan** asked the Minister for Health and Children when she expects to make grants available under the Dormant Accounts Fund suicide prevention measure; if she will confirm that the economic climate will not effect the provision of these grants; and if she will make a statement on the matter. [16631/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** Funding decisions are made by Government on the basis of recommendations made by the Economic and Social Disadvantage Interdepartmental Committee, which is chaired by my colleague, the Minister for Community, Rural and Gaeltacht Affairs. The Department of Community, Rural and Gaeltacht Affairs, through POBAL, invited applications for funding under the suicide prevention measure.

My Department is considering the assessments made by POBAL of the applications received and, in light of the current national economic situation, is also considering the timeframe for the funding of this measure. Recommendations in this regard will be made to the Interdepartmental Committee shortly.

#### **Pension Provisions.**

159. **Deputy Leo Varadkar** asked the Minister for Health and Children the reason staff at the Central Remedial Clinic are subject to the pension levy; and if she will make a statement on the matter. [16639/09]

**Minister for Health and Children (Deputy Mary Harney):** The Central Remedial Clinic is a public sector employer for the purposes of the Financial Emergency Measures in the Public Interest Act, 2009 (section 1(i) refers). All employees of the Central Remedial Clinic have access to the Voluntary Hospital Superannuation Schemes 1969 and 1977.

#### **Health Levy.**

160. **Deputy Michael Ring** asked the Minister for Health and Children the position in relation to an issue regarding the health levy (details supplied). [16706/09]

**Minister for Health and Children (Deputy Mary Harney):** In accordance with the provisions of the Health (Miscellaneous Provisions) Act 2008, any person who is over 70 years of age is

[Deputy Mary Harney.]

exempt from paying the health levy contributions. This exemption applies regardless of whether a person over 70 years of age holds a medical card or not.

### **Departmental Reports.**

161. **Deputy Damien English** asked the Minister for Health and Children if there are barriers preventing the publishing of the report compiled by the Vaccine Damage Steering Group that was presented recently to her; if she intends to publish the report in the public domain; and if she will make a statement on the matter. [16860/09]

165. **Deputy James Reilly** asked the Minister for Health and Children when she will publish the report on options for compensation in respect of individuals damaged by a vaccine (details supplied); and if she will make a statement on the matter. [16154/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 161 and 165 together.

I have recently received the report of the Vaccine Damage Steering Group and I am currently considering its recommendations. It is my intention to publish the report when I have completed my deliberations.

### **Services for People with Disabilities.**

162. **Deputy James Reilly** asked the Minister for Health and Children if adequate funding will continue to be made available for the provision of training programmes in Prosper Fingal in September 2009 for adults who attend the long term disability services provided by Prosper Fingal; and if she will make a statement on the matter. [17112/09]

219. **Deputy Terence Flanagan** asked the Minister for Health and Children if she will respond to a query (details supplied); and if she will make a statement on the matter. [16527/09]

225. **Deputy Richard Bruton** asked the Minister for Health and Children if her attention has been drawn to the threat to the day care service for people with a disability at a centre (details supplied) in County Dublin; and if she will seek a report from the Health Service Executive to ascertain if the plan is consistent with stated objectives. [16561/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I propose to take Questions Nos. 162, 219 and 225 together.

As the Deputies questions relate to service matters I have arranged for the questions to be referred to the Health Service Executive for direct reply.

### **Medical Cards.**

163. **Deputy Noel Grealish** asked the Minister for Health and Children the number of non-Irish nationals who have full GMS cards and doctor visit cards; the cost of same to the State; and if she will make a statement on the matter. [16130/09]

**Minister for Health and Children (Deputy Mary Harney):** The information sought by the Deputy is not provided as a matter of routine by the Health Service Executive (HSE) to my Department. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

### Child Care Services.

164. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [16152/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year of Early Childhood Care and Education (ECCE) which was announced recently by the Minister of Finance.

The scheme will allow children to avail of a free playschool place in their pre-school year, which will be provided for three hours per day, five days per week for 38 weeks. It will also allow children in their pre-school year who are attending a full or part-time daycare service to avail of a free session of two hours and 15 minutes per day, five days per week for 50 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010 and children availing of the scheme in January 2010 will have a reduced period of free pre-school provision.

Participating children must, normally be aged between three years three months and four years six months on 1 September of each year. Exceptions will be allowed where children have special needs or it is necessary to accept children at an older age due to the enrolment policy of the local primary school. Participating services will receive capitation of €64.50 per week where children attend for 38 weeks, and €48.50 where they attend for 50 weeks of the year. Services will receive payments at the start of each term. Where the child is attending full-day or part-time childcare, the service will be required to reduce the child care fees by the amount of the capitation.

The scheme will be open to almost 5,000 private and voluntary pre-school services and officials in my Office will be writing to these by the end of May 2009 to provide further details and to advise them of the application process. Pre-school leaders will be expected to have a qualification in child care to FETAC level 5 or 6 qualifications, or equivalent or to be in the process of completing their qualification. All services will be required to provide an educational programme consistent with the principles of Síolta and appropriate to the age of participating children. A national team of Síolta co-ordinators will assist services in meeting these standards.

*Question No. 165 answered with Question No. 161.*

### Hospital Services.

166. **Deputy Paul Connaughton** asked the Minister for Health and Children the reason there are no neurosurgical facilities at University College Hospital Galway; if her attention has been drawn to the fact that such facilities would be of benefit to the population of Galway; and if she will make a statement on the matter. [16158/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### Nursing Homes Repayment Scheme.

167. **Deputy Paul Connaughton** asked the Minister for Health and Children the reason an application for refund of nursing home charges on behalf of a person (details supplied) has not been processed; and if she will make a statement on the matter. [16160/09]

**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.

168. **Deputy Richard Bruton** asked the Minister for Health and Children if her attention has been drawn to the problems that have arisen since the processing of medical cards for persons aged 70 and over have been centralised away from local offices to the primary care reimbursement service; if she has requested detailed reports on delays, on unexplained withdrawal of cards, and confusion; and if she will make a statement on the matter. [16163/09]

**Minister for Health and Children (Deputy Mary Harney):** Up to the start of this year, medical card and GP visit card applications were processed in the 32 local health areas. However, under the Health Service Executive's (HSE) 2009 Service Plan, the processing of all medical card and GP visit card applications will be centralised and will transfer to the Executive's Primary Care Reimbursement Service (PCRS) in Dublin. The change is being implemented on a phased basis and has commenced with the PCRS processing all medical card applications for persons aged 70 or over.

Following enactment of the Health Act 2008, the HSE wrote to all medical card holders aged 70 years and over in January 2009. Persons who were in receipt of a medical card on a non means tested basis were requested, if over the income limits set out in the Act, to make a declaration to the Executive, on or before 2 March 2009.

The HSE has reported to my Department that to-date, 19,954 medical cards for persons aged 70 and over have been returned or removed from the medical card register. 10,690 of these cards were returned to the HSE by persons aged 70 or over whose weekly income was in excess of the specified thresholds and a further 9,264 medical cards were removed from the medical card register as part of a data quality exercise, where for example, the HSE had been advised that the card holder is deceased or the card holder was not known at the address, etc. The vast majority of people in the over 70s age group retained their medical cards.

The Executive has also reported to my Department that it has advised doctors regarding clients that have been notified to the Primary Care Reimbursement Service (PCRS) as deceased, gone away or where duplicates exist. In circumstances where a card holder has been removed from the medical card register and they are still entitled to a medical card, the person or their GP should advise the HSE immediately and as soon as the details are confirmed, the client's medical card eligibility will be restored. The HSE has received contact from a number of doctors and individuals in this regard and these cases are being worked through.

The introduction of the new over 70s medical card scheme has resulted in a high number of telephone calls and inquiries to the PCRS. The Executive reports that while there can be delays experienced at certain times of the day, over 94% of callers speak to a customer service representative on the day that they call. The new central office has dealt with in excess of 80,000 telephone inquiries in the first quarter of 2009, and has processed in excess of 7,000 new medical card applications.

The Executive reports that Local Health Offices continue to deal with queries of a general nature about the medical card scheme and will provide any assistance needed with the application process, and, along with the National Helpline (1850 24 1850), will deal with inquiries from clients in respect of their medical card entitlements and completion of application forms.

### Child Care Services.

169. **Deputy Richard Bruton** asked the Minister for Health and Children the preliminary costings on the proposed year of pre-school announced in the 7 April 2009 budget; the participation levels assumed in the costings; the capital grants which are envisaged to establish the

service; the annual running costs; and her role in the development of the scheme and its implementation. [16166/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy will be aware I have responsibility for the introduction of the recently announced scheme to provide a free Pre-School Year in Early Childhood Care and Education (ECCE).

The scheme is expected to cost approximately €170 million per annum. This figure has been estimated on the basis that the capitation grant of over €2,400 per annum will be paid in respect of some 70,000 participating children. As parents are not required to enrol their children in the pre-school year, a participation rate of 90% of eligible children has been assumed. As the age range for eligibility covers a 15 month period (i.e. children must be aged between three years three months and four years six months at 1 September), the participation rate of 90% takes account of the full cohort of children who could be enrolled. (The number of live births in Ireland in 2005 was 61,042, rising to 64,237 in 2006 and 70,620 in 2007.) As the majority of children start school at the age of five, most participating children in January 2010 are expected to be aged four with a significant minority aged three. The 15 month age range is provided for to facilitate parents in aligning their children's pre-school year with the year they commence school.

Pre-school services include full- and part-time day care services as well as sessional playschool services and a wide range of fees apply across these services, which number almost 5,000. Almost 1,000 of these services are not for profit voluntary services participating in the Community Childcare Subvention Scheme (CCSS) and the average fee charged for sessional playschool in these services is €50 per week. The annual capitation fee of over €2,400 amounts, in the case of a sessional playschool, to €64.50 per week over 38 weeks. For full- and part-time services providing a pre-school year of two hours 15 minutes per day, five days a week for 50 weeks, the annual capitation fee amounts to €48.50 per week. The capitation fee and its application on a weekly basis are considered reasonable. They also compare very favourably to the capitation fee paid to private and voluntary pre-school services participating in Northern Ireland's Pre-School Programme Expansion Scheme, which amounts to £30 per week.

Many of the 5,000 existing private and voluntary pre-school services will have already received capital grant aid under the Equal Opportunities Childcare Programme (EOCP) and or the National Childcare Investment Programme (NCIP). More than 65,000 additional child care places will have been created by the end of 2010 as a result of this investment. Additional capital funding to make more places available is not considered necessary and I am aware from representations received from pre-school services in recent months that many are currently reporting vacancy rates of up to 25% in their facilities. I am also aware of a number of people now considering investing in a child care business of their own, many of them existing qualified child care workers, as this new scheme will allow them a degree of certainty which exists in very few areas of economic life today. Finally, many services which to date have only been open in the morning, citing lack of demand for an afternoon session, are now considering offering an additional session to meet an increase in local demand. As I said at the time of the announcement, some instances of under-supply may arise in the initial period of implementation of the scheme, however my Office and the city and County Childcare Committees will monitor the situation carefully, to maximise the beneficial impact of the scheme for parents and children.

The scheme to provide a free Pre-School Year in Early Childhood Care and Education (ECCE) will be administered directly by officials in the Childcare Directorate of my Office, working in liaison with the Early Years Education Policy Unit of the Department of Education and Science which is co-located in my Office. The City and County Childcare Committees



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and the National Childcare Voluntary Organisations are also expected to play key roles in implementing the scheme. The cost of administering the scheme is expected to be small, certainly less than 1% of funding allocated to the scheme.

### **Medical Cards.**

170. **Deputy Thomas P. Broughan** asked the Minister for Health and Children the number of general medical services scheme patients nationally who were sent review forms in 2007 and 2008; the number of forms returned; the process for following up non-returned review forms; the number of patients deleted from the GMS patient list in 2007 and 2008; the categories of reasons for deletion from the list; and if she will make a statement on the matter. [16175/09]

**Minister for Health and Children (Deputy Mary Harney):** Details of the number of medical card holders and GP visit 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 information sought by the Deputy is not provided as a matter of routine by the HSE to my Department. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to address this matter and to have a reply issued directly to the Deputy.

### **Health Service Staff.**

171. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if staffing allocation levels at the primary care reimbursement service have changed in view of recent plans to centralise the PCRS review of medical cards; and if she will make a statement on the matter. [16176/09]

**Minister for Health and Children (Deputy Mary Harney):** Under the Health Service Executive's (HSE) 2009 Service Plan it has been agreed that the processing of medical card applications will be centralised and will transfer to the Executive's Primary Care Reimbursement Service (PCRS) in Dublin. The change is being implemented on a phased basis and is designed to deliver a better and more cost effective service.

The Executive reports that there are no plans to close any of local offices that currently process medical card applications and there have been no changes to the staffing allocation levels at the PCRS. However, the process will involve a reassignment of existing human resources within the HSE. Under the new arrangements, the HSE will be aiming for a turn-around time of 15 days or less for all medical card applications. Emergency applications will be dealt with immediately with a card issuing within 24 hours. There will be no affect on the assessment of people whose income exceeds the income guidelines but have a case to be considered on medical or hardship grounds.

Local Health Offices will continue to provide advice and necessary supports to people applying for medical cards. They will also deal with queries of a general nature about the medical card scheme and, along with the HSE National Helpline (1850 24 1850), will handle inquiries from clients in respect of their medical card entitlements. The new arrangements will also deliver significant efficiencies by making greater use of shared services for both internal administration and direct service delivery.

This is a good example of the type of innovation signalled in the Transforming Public Services Programme announced by the Taoiseach last November. It demonstrates how the HSE can

deliver improved services within the more limited resources available in a way which meets the needs of citizens in a modern society.

#### **Health Services.**

172. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a person (details supplied) in Dublin 9. [16189/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Health Service Executive Property.**

173. **Deputy John O'Mahony** asked the Minister for Health and Children the premises that are being rented or leased in the Health Service Executive western area; the location of each unit and the cost of renting each for 2007 and 2008 in tabular form; and if she will make a statement on the matter. [16191/09]

**Minister for Health and Children (Deputy Mary Harney):** Arrangements in relation to the rental or leasing of premises is a service matter and the question has therefore been referred to the Health Service Executive for direct reply.

#### **Hospital Services.**

174. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive a date for admission to St. Vincent's Hospital, Elm Park, Dublin; and if she will make a statement on the matter. [16205/09]

**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.

#### **Medical Cards.**

175. **Deputy James Reilly** asked the Minister for Health and Children if she will expedite a medical card due to a person (details supplied) in County Dublin; and if she will make a statement on the matter. [16216/09]

**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.

#### **Hospital Services.**

176. **Deputy Christy O'Sullivan** asked the Minister for Health and Children the medical, surgical and consultative services currently provided in Bantry General Hospital, County Cork; and the budget provided for the running of Bantry General Hospital in 2009 and each of the previous four years. [16223/09]

**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.

#### **Health Services.**

177. **Deputy Michael McGrath** asked the Minister for Health and Children when a child (details supplied) in County Cork will receive further speech therapy sessions. [16233/09]

**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.

### **Child Care Services.**

178. **Deputy Denis Naughten** asked the Minister for Health and Children the eligibility criteria for child care facilities that wish to cater for the new pre-school year scheme; and if she will make a statement on the matter. [16234/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free Pre-School year in Early Childhood Care and Education (ECCE), which was announced recently by the Minister of Finance.

The scheme will allow children to avail of a free playschool place in their pre-school year, which will be provided for three hours per day, five days per week for 38 weeks. It will also allow children in their pre-school year who are attending a full or part-time day care service to avail of a free session of two hours and 15 minutes per day, five days per week for 50 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010 and children availing of the scheme in January 2010 will have a reduced period of free pre-school provision.

Participating children must, normally be aged between three years three months and four years six months on 1 September of each year. Exceptions will be allowed where children have special needs or it is necessary to accept children at an older age due to the enrolment policy of the local primary school. Participating services will receive capitation of €64.50 per week where children attend for 38 weeks, and €48.50 where they attend for 50 weeks of the year. Services will receive payments at the start of each term. Where the child is attending full-day or part-time child care, the service will be required to reduce the child care fees by the amount of the capitation.

The scheme will be open to almost 5,000 private and voluntary pre-school services and officials in my Office will be writing to these by the end of May 2009 to provide further details and to advise them of the application process. Pre-school leaders will be expected to have a qualification in child care to FETAC level 5 or 6 qualifications, or equivalent or to be in the process of completing their qualification. All services will be required to provide an educational programme consistent with the principles of Síolta and appropriate to the age of participating children. A national team of Síolta co-ordinators will assist services in meeting these standards.

### **Positive Ageing Strategy.**

179. **Deputy Jan O'Sullivan** asked the Minister for Health and Children when the first inter-departmental group charged with managing the National Positive Ageing Strategy first met; the number of times it has met since that date; when the promised public consultation on the National Positive Ageing Strategy is due to commence; the form that consultation will take; and if she will make a statement on the matter. [16235/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The cross-Departmental group to assist in the preparation of the National Positive Ageing Strategy comprises representative from ten Government departments as well as the Central Statistics Office. Formal meetings of the group took place on 9 December 2008 and 21 January 2009.

At the moment I am finalising my plans for the public consultation process to inform the strategy, the details of which I will be announcing in the next week or so.

The intention is that the staff of the National Council on Ageing and Older People will be subsumed into the Department of Health and Children and will join the Office for Older People to support the preparation of the new strategy. The legislation to dissolve the council, the Health (Miscellaneous Provisions) Bill 2009, is now at Second Stage in the Dáil.

### **Water Quality.**

180. **Deputy Andrew Doyle** asked the Minister for Health and Children if the presence of dioxins in bottled water exposed to sunlight has been determined; and if precautionary public health measures are required to minimise exposure to dioxins. [16246/09]

**Minister for Health and Children (Deputy Mary Harney):** I have been advised by the Food Safety Authority of Ireland that the formation of dioxins in bottled water as a result of exposure to sunlight is highly unlikely as dioxin formation requires very high temperatures which would not be reached during exposure to sunlight in this way. Accordingly, it has not been considered necessary to establish maximum levels for dioxins in bottled water at European level given that their presence or formation is highly unlikely.

181. **Deputy Andrew Doyle** asked the Minister for Health and Children the number of bottled water companies here which source their water from public water sources; the number of bottled water companies which source their water from private water schemes; and if fluoridated water in bottles should be labelled as such. [16247/09]

**Minister for Health and Children (Deputy Mary Harney):** The information requested in relation to where bottled water companies source their water from is being collated by the Food Safety Authority Ireland in conjunction with the Health Service Executive and will be forwarded to the Deputy as soon as possible.

With regard to the requirements for labelling of fluoridated water the position is that there are three categories of bottled water — natural mineral water, spring water and other water, that is water which is neither a natural mineral water nor a spring water. European legislation and the corresponding Irish regulations (S.I No 225 of 2007) require that in the case of natural mineral waters with a fluoride concentration exceeding 1.5 milligrams per litre the label shall bear the following words (a) “contains more than 1.5 mg/l of fluoride: not suitable for regular consumption by infants and children under seven years of age”, and (b) an indication as to the actual fluoride content.

### **Hospital Waiting Lists.**

182. **Deputy Michael McGrath** asked the Minister for Health and Children when a person (details supplied) in County Cork will be given an appointment for an operation. [16258/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply. The National Treatment Purchase Fund 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.

### **Health Services.**

183. **Deputy Fergus O'Dowd** asked the Minister for Health and Children her views on the

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issues raised in correspondence from a group (details supplied); and if she will make a statement on the matter. [16259/09]

**Minister for Health and Children (Deputy Mary Harney):** The Health Service Executive has assigned overall co-ordinating responsibility for this matter to the Area Manager for Consumer Affairs in the North East area. The Area Manager is available to liaise with former patients or support groups on the issues raised. A professional counselling support service has been put in place by the HSE for former patients of the person concerned. The service is provided by the National Counselling Service and will continue to be made available as required. The need for additional support will also be monitored by the HSE.

The National Counselling Service is a professional, accredited and confidential counselling and psychotherapy service. Counselling is provided in a confidential and supportive setting and is available at 60 locations nationwide. Individuals may of course choose to make alternative arrangements for counselling, but this is a private matter between themselves and the provider involved.

I have referred the correspondence in question to the Health Service Executive for consideration and direct reply.

#### **Health Expenditure.**

184. **Deputy James Reilly** asked the Minister for Health and Children, further to her statement in Dail Éireann on 10 March 2009, the amount that is spent on private health insurance, out of pocket medical expenses (details supplied) and health insurance provided by public employers; and if she will make a statement on the matter. [16263/09]

**Minister for Health and Children (Deputy Mary Harney):** The OECD publication “Health at a Glance 2007” indicates that in the case of Ireland the proportion of total expenditure on health in 2005 between public and private was 78% public and 22% private. The cost of private expenditure on health care as described by the OECD is intended to represent private sources of funding on all health care, including out-of-pocket payments (both over-the-counter and cost sharing) and including expenses such as charges for doctors, dentists, opticians, prescribed medicines, hospital charges, together with private insurance programmes, charities and occupational health care. The private health insurance market in Ireland includes open membership undertakings such as VHI, Quinn Healthcare, Hibernian as well as restricted membership such as the ESB Staff Medical Provident Fund, St. Pauls Garda Medical Aid Society, Prison Officers Medical Aid Society, and others. There tends to be some delay in the availability of OECD figures. Accordingly, in order to come to a more recent estimate on a provisional basis the percentages referenced in the above OECD publication can be used together with the public funding provided for the Health Group of Votes, both current and capital, so as to estimate that the value of private expenditure on health care in 2009 may be in the region of €4 billion currently.

#### **Health Services.**

185. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment date for an outpatients clinic in the Midland Hospital, Portlaoise; and if she will make a statement on the matter. [16266/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.



### **Nursing Home Closure.**

186. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if she has received petitions and representations from the people of Carlow opposing the closure of a nursing home (details supplied); the action she has taken in response to these representations; and if she will make a statement on the matter. [16272/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I have received the petitions and representations referred to by the Deputy regarding the closure of a nursing home in Carlow. The Deputy will be aware that the Health Service Executive commissioned a review of elderly services within the Carlow-Kilkenny region, which included Bethany House. Following consideration of the review a decision was made on Tuesday 13 January 2009 by the HSE to relocate residents from Bethany House to alternative accommodation. This decision was approved as part of 2009 HSE South Service Plan.

During 2009 my Department has received and responded to various representations concerning this decision by the Executive to close Bethany House. In addition, on 20 March 2009 my Department received correspondence from the Clerk of the Joint Committee on Health and Children which included a copy of a petition calling on the Executive to review its decision to close Bethany House. Following receipt of this correspondence my Department was informed by the HSE that the last resident was relocated from Bethany House on Saturday 28 March 2009. The Executive confirmed that each person was relocated with their consent and that of a relative. On 31 March the Executive advised that it had followed up with all of the residents that were relocated and confirmed that they had all adjusted extremely well to their new surroundings.

Bethany House will continue to be used as a health care facility for the delivery of health care to the people of Carlow including some day services for the elderly.

### **Hospital Waiting Lists.**

187. **Deputy Ciarán Lynch** asked the Minister for Health and Children when a person (details supplied) in County Cork who is awaiting surgery will be treated; and if she will make a statement on the matter. [16273/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply. The National Treatment Purchase Fund 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.

### **Medical Cards.**

188. **Deputy Thomas Byrne** asked the Minister for Health and Children the status of a medical card application by a person (details supplied) in County Meath. [16277/09]

**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.

189. **Deputy Thomas Byrne** asked the Minister for Health and Children the status of a medical card application by a person (details supplied) in County Meath. [16278/09]

**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.

### Departmental Agencies.

190. **Deputy Leo Varadkar** asked the Minister for Health and Children the status of proposals 16, 17, 18, 19, 20, 21, 22 and 23 contained within annex D of budget 2009; and if she will make a statement on the matter. [16288/09]

**Minister for Health and Children (Deputy Mary Harney):** The primary aim of the programme of agency rationalisation within the health sector is to streamline service delivery, professional registration and policy making in a number of areas, through the integration and /or amalgamation of functions. The rationalisation programme involves a significant legislative programme and a considerable amount of work is ongoing in this area at present. In parallel, discussions with the agencies concerned is ongoing with a view to progressing the programme.

The Post Graduate Medical & Dental Board was successfully rationalised into the HSE on 1 January, 2009 as part of this programme. The following is a summary of the current position in respect of the legislative programme: The Second (Dail) stage of the Health Miscellaneous Provisions Bill 2009 commenced on 2 April 2009. The Bill will facilitate the rationalisation of:

- The National Council for Ageing & Older People;
- The Women's Health Council;
- The Drug Treatment Centre;
- The Crisis Pregnancy Agency;
- The National Cancer Screening Service.

The Health Information Bill will include provisions relating to Population Health Registries and those provisions will be of relevance to the incorporation of the functions of the National Cancer Registry into the HSE.

The draft general scheme of a new Nurses and Midwives Bill has been approved by Government for the drafting of the Bill. This will include provision for the dissolution of the National Council for Professional Development of Nursing & Midwifery and the incorporation of its functions into the HSE & Bord Altranais as appropriate.

The legislative changes required subsuming the Children Acts Advisory Board into the Office of the Minister for Health and Children will be put in place via the Child Care (Amendment) Bill 2009.

The Health & Social Care Professionals Act, 2005 provides for the subsuming of the National Social Work Qualifications Board. Separate legislative provisions will have to be made for the dissolution of the Pre Hospital Emergency Care Council (PHECC) and the Opticians Board and their subsuming into the H&SCPC. This is currently under discussion in the context of finding the most appropriate fit for the various functions of PHECC and the Opticians Board, consistent with national health policy.

The amalgamation of the Food Safety Authority of Ireland, the Office of Tobacco Control and the Irish Medicines Board is a very complex undertaking requiring primary legislation for the dissolution of three statutory agencies and their establishment as one statutory Authority with an extensive range of powers and duties. Discussions will have to take place with a wide range of stake holders prior to the preparation of legislation.

### Departmental Expenditure.

191. **Deputy Leo Varadkar** asked the Minister for Health and Children if she received or

sought legal advice before attempting to abolish the training grant, living out allowance and paid lunch break for non-consultant hospital doctors; and if she will make a statement on the matter. [16289/09]

**Minister for Health and Children (Deputy Mary Harney):** The implementation of cost containment measures for non-consultant hospital doctors is a matter for the Health Service Executive. I have therefore asked the Executive to investigate the matter and reply to the Deputy directly.

#### **Health Services.**

192. **Deputy Richard Bruton** asked the Minister for Health and Children if she plans to award moneys to allow hospitals on Dublin's northside to involve patients, whose acute care is complete, to suitable convalescent or nursing home care who are not fit to discharge directly to their homes; and if her attention has been drawn to the fact that in some hospitals more than 13% of beds are occupied by delayed discharge patients. [16307/09]

**Minister for Health and Children (Deputy Mary Harney):** I am aware that a significant percentage of acute hospital beds are currently occupied by patients whose discharge is delayed and that a number of major hospitals have recently made arrangements for the continuing care of patients outside of the hospital setting. The HSE has been requested to reply directly to the Deputy on the specific query raised.

#### **Medical Cards.**

193. **Deputy Catherine Byrne** asked the Minister for Health and Children if a person (details supplied) in Dublin 6W is entitled to a medical card based on being married to a medical card holder who is over 70 years; if so, when this card will issue; and if she will make a statement on the matter. [16315/09]

**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.

#### **Compensation Payments.**

194. **Deputy Michael McGrath** asked the Minister for Health and Children the number of claims settled and compensation payments paid by the Health Service Executive, split by county, for the years 2006, 2007 and 2008, in respect of all claims against the health service; the procedure involved in settling claims; the nature of the clinical claims settled; and the consequences for individual clinicians responsible for any medical negligence leading to the settlements. [16321/09]

**Minister for Health and Children (Deputy Mary Harney):** I have asked the State Claims Agency to compile the information requested by the Deputy and will arrange for it to be forwarded to him.

#### **Child Care Services.**

195. **Deputy Ruairí Quinn** asked the Minister for Health and Children the way the 70,000 places required for the universal preschool programme will be provided; if there will be a substantial reliance on child care places provided for by the private sector; the percentage of the 70,000 places that will be provided for by public or community run child care facilities; and if she will make a statement on the matter. [16322/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy will be aware I have responsibility for the implementation of the new scheme to provide a free PreSchool year in Early Childhood Care and Education (ECCE), which was announced recently by the Minister of Finance. The scheme will allow children to avail of a free play-school place in their preschool year, which will be provided for 3 hours per day, 5 days per week for 38 weeks. It will also allow children in their preschool year who are attending a full or part-time day day-care service to avail of a free session of 2 hours and 15 minutes per day, 5 days per week for 50 weeks. As the new scheme will be introduced from January next, the first full year will be from September 2010 and children availing of the scheme in January 2010 will have a reduced period of free preschool provision.

Participating children must, normally be aged between 3 years 3 months and 4 years 6 months on the 1 September of each year. Exceptions will be allowed where children have special needs or it is necessary to accept children at an older age due to the enrolment policy of the local primary school. Participating services will receive capitation of €64.50 per week where children attend for 38 weeks, and €48.50 where they attend for 50 weeks of the year. Services will receive payments at the start of each term. Where the child is attending full-day or part-time child care, the service will be required to reduce the childcare fees by the amount of the capitation.

The scheme will be open to almost 5,000 private and voluntary preschool services and officials in my Office will be writing to these by the end of May 2009 to provide further details and to advise them of the application process. Approximately 80% of preschool services which are notified to the HSE are in the private commercial sector and 20% are community not for profit services. Preschool leaders will be expected to have a qualification in child care to FETAC level 5 or 6 qualifications, or equivalent or to be in the process of completing their qualification. All services will be required to provide an educational programme consistent with the principles of Síolta and appropriate to the age of participating children. A national team of Síolta co-ordinators will assist services in meeting these standards.

### **Legislative Programme.**

196. **Deputy Finian McGrath** asked the Minister for Health and Children the legislation approved by Dail Éireann in 2007 and 2009 pertaining to her Department; and if he will list and clarify what originated from Brussels and what was purely national. [16333/09]

**Minister for Health and Children (Deputy Mary Harney):** In 2007, seven Acts were approved by Dáil Eireann pertaining to my Department. These Acts are listed below. Those marked with an asterisk are the Acts which included provisions meeting or reflecting European Union requirements.

- Health (Nursing Homes) (Amendment) Act 2007 Health Insurance (Amendment) Act 2007
- Health Act 2007 Pharmacy Act 2007
- Medical Practitioners Act 2007
- Child Care (Amendment) Act 2007 Health (Miscellaneous Provisions) Act 2007.

To date in 2009 no legislation pertaining to my Department has been approved by Dáil Eireann. However, there are currently four Bills before the Oireachtas. These are:

- Nursing Home Support Scheme Bill 2008

- Adoption Bill 2008
- Health Insurance (Miscellaneous Provisions) Bill 2008
- Health (Miscellaneous Provisions) Bill 2009.

### **Health Services.**

197. **Deputy Michael Creed** asked the Minister for Health and Children when a person (details supplied) in County Cork will be given an appointment for orthodontic works; and if she will make a statement on the matter. [16341/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

198. **Deputy Michael Creed** asked the Minister for Health and Children if her attention has been drawn to the significant cut in funding by the Health Service Executive to a group (details supplied); if in view of the increased demand for their services she will review this reduction in funding; and if she will make a statement on the matter. [16342/09]

**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.

199. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the assistance that can be given towards the cost and availability of transport for a person (details supplied) in County Westmeath who has to travel monthly by bus to Beaumont Hospital, Dublin, for treatment on a non-malignant brain tumour and who has been informed that the monthly visits will have to continue indefinitely. [16344/09]

**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.

200. **Deputy Emmet Stagg** asked the Minister for Health and Children further to Parliamentary Question No. 447 of 24 March 2009, when funding will be decided upon in regard to the day placement of a person (details supplied) in County Kildare. [16369/09]

**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.

201. **Deputy Emmet Stagg** asked the Minister for Health and Children when a response will issue to Parliamentary Question No. 208 of 31 March 2009. [16370/09]

**Minister for Health and Children (Deputy Mary Harney):** My Department has made inquiries of the Health Service Executive regarding the status of its reply to the Deputy's Parliamentary Question No. 208 of 31 March 2009 and the Executive reports that a reply issued to the Deputy on 20 April, 2009 in this matter.

### **Ambulance Service.**

202. **Deputy Emmet Stagg** asked the Minister for Health and Children the controls which will be put in place, when the Kildare ambulance control centre is closed on 31 August 2009, to ensure that ambulances designated to cover Kildare on stand-by will not be rerouted by the central control centre to deal with requests in Dublin. [16371/09]



**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.

#### **Health Service Staff.**

203. **Deputy Eamon Scanlon** asked the Minister for Health and Children the reason the last rheumatoid arthritis doctor's contract was not renewed in Manorhamilton, County Leitrim; if the current doctor is a rheumatoid arthritis specialist; if not, if one will be appointed for Manorhamilton; if so, when they are expected to be appointed; and if she will make a statement on the matter. [16373/09]

**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.

#### **Positive Ageing Strategy.**

204. **Deputy Michael D. Higgins** asked the Minister for Health and Children the position regarding the national positive ageing strategy as committed to in the programme for Government 2007; and if she will make a statement on the matter. [16374/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The development of a National Positive Ageing Strategy is a key commitment for my Office. Considerable preparatory work has taken place and the Cross Departmental Group to assist in the preparation of the Strategy is in place. At the moment I am finalising my plans for the public consultation process to inform the Strategy, the details of which I will be announcing in the next week or so. In addition, the staff of the National Council on Ageing and Older People, which is being subsumed into the Department of Health and Children, will join the Office for Older People to support the preparation of the new strategy. The legislation to dissolve the Council, the Health (Miscellaneous Provisions) Bill 2009, is now at Second Stage in the Dáil.

#### **Health Services.**

205. **Deputy Michael D. Higgins** asked the Minister for Health and Children if she is satisfied that adequate transparency was observed in the tendering process undergone by nursing homes for the winter initiative scheme; and if she will make a statement on the matter. [16375/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

#### **Hospital Staff.**

206. **Deputy Seán Connick** asked the Minister for Health and Children if the moratorium on recruitment in the public service applies to hospital consultants; and if she will make a statement on the matter. [16378/09]

207. **Deputy Seán Connick** asked the Minister for Health and Children if the moratorium on recruitment in the public service applies to a position (details supplied) in County Wexford; and if she will make a statement on the matter. [16379/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 206 and 207 together.

The Government decided that, with effect from 27 March 2009 to end 2010, no post in the health sector, however arising, may be filled by recruitment, promotion, nor may the payment of an allowance for the performance of duties at a higher grade be made. The employment

control framework specifically exempts Medical Consultants from the moratorium. In line with the new contractual arrangements agreed with Medical Consultants and to provide for a consultant-led service, the number of hospital consultants will be increased but there will be compensatory savings by suppressing Non-Consultant Hospital Doctor posts. I have asked the Health Service Executive to examine the specific post referred to by the Deputy and to reply directly to him.

### **Mental Health Services.**

208. **Deputy Denis Naughten** asked the Minister for Health and Children if the proceeds from the sale of psychiatric hospitals will be retained for the development of the mental health services; and if she will make a statement on the matter. [16386/09]

**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 projects to be funded from these disposals was received from the HSE on 12 February last. At a meeting between officials from my Department and the HSE to discuss the matter, it was agreed that the HSE would forward a revised submission to my Department and this is expected shortly.

209. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 521 of 27 January 2009, the number of such facilities inspected to date; the number to be inspected in the remaining part of 2009; and if she will make a statement on the matter. [16387/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The Inspectorate of Mental Health Services Business Plan for 2009 includes the inspection of twenty community facilities. Inspections for 2009 have recently commenced, however no community facilities have as yet been inspected this year.

210. **Deputy Denis Naughten** asked the Minister for Health and Children further to Parliamentary Question No. 328 of 8 July 2008, the position regarding the national review and associated issues; and if she will make a statement on the matter. [16390/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

### **Health Services.**

211. **Deputy Michael McGrath** asked the Minister for Health and Children if she will sanction additional home help support for a person (details supplied) in County Cork. [16400/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Hospital Staff.

212. **Deputy Fergus O'Dowd** asked the Minister for Health and Children the effect of the recruitment ban in the Health Service Executive on the acute hospital services and community health services in County Louth; and if she will make a statement on the matter. [16406/09]

**Minister for Health and Children (Deputy Mary Harney):** The Government decided to introduce a moratorium across the public service, with effect from 27 March 2009 to end 2010. This means that no post in the health sector, however arising, may be filled by recruitment, promotion, nor may the payment of an allowance for the performance of duties at a higher grade be made. The HSE will be focussing on the redeployment of existing staff to assure frontline services are protected. It is seeking a high level of flexibility from staff and unions to achieve this. In addition, certain posts in the health sector may be filled, as outlined below. The employment control framework specifically exempts the following front line posts from the moratorium: Medical Consultants, Speech and Language Therapists, Occupational Therapists, Physiotherapists, Clinical Psychologists, Behaviour Therapists, Counsellors, Social Workers, and Emergency Medical Technicians. The framework actually allows for a growth in the number of those posts within the overall approved employment ceiling (111,800 wtes) for the health sector.

In line with the new contractual arrangements agreed with Medical Consultants and to provide for a consultant-led service, the number of hospital consultants will be increased but there will be compensatory savings by suppressing Non-Consultant Hospital Doctor (NCHD) posts. The focus on these key grades is in line with existing Government policy on the prioritisation of certain development areas, for which significant funding has already been provided. The overall result will be to assist in the reorientation of health employment to services delivered in primary and community care. As announced in Budget 2009, there will also be a 3% reduction in management and administrative grades in sections of the health sector. This will streamline management structures in the health service and will further reduce health employment in 2009.

As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Hospitals Building Programme.

213. **Deputy Pat Breen** asked the Minister for Health and Children if she will make funding available to refurbish facilities at a hospital (details supplied) in County Clare; and if she will make a statement on the matter. [16407/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Hospital Staff.

214. **Deputy Richard Bruton** asked the Minister for Health and Children if emergency staff will be subject to the recruitment freeze; and if she will make a statement on the matter. [16414/09]

**Minister for Health and Children (Deputy Mary Harney):** The Government decided to introduce a moratorium across the public service, with effect from 27 March 2009 to end 2010. This means that no post in the health sector, however arising, may be filled by recruitment, promotion, nor may the payment of an allowance for the performance of duties at a higher grade be made. The HSE will be focusing on the redeployment of existing staff to assure frontline

services are protected. It is seeking a high level of flexibility from staff and unions to achieve this. In addition, certain posts in the health sector may be filled, as outlined below. The employment control framework specifically exempts the following front line posts from the moratorium: Medical Consultants, Speech and Language Therapists, Occupational Therapists, Physiotherapists, Clinical Psychologists, Behaviour Therapists, Counsellors, Social Workers, and Emergency Medical Technicians. The framework actually allows for a growth in the number of those posts within the overall approved employment ceiling (111,800 wtes) for the health sector.

In line with the new contractual arrangements agreed with Medical Consultants and to provide for a consultant-led service, the number of hospital consultants will be increased but there will be compensatory savings by suppressing Non-Consultant Hospital Doctor (NCHD) posts. The focus on these key grades is in line with existing Government policy on the prioritisation of certain development areas, for which significant funding has already been provided. The overall result will be to assist in the reorientation of health employment to services delivered in primary and community care. As announced in Budget 2009, there will also be a 3% reduction in management and administrative grades in sections of the health sector. This will streamline management structures in the health service and will further reduce health employment in 2009.

### **Child Care Services.**

215. **Deputy Denis Naughten** asked the Minister for Health and Children the capital funding originally designated for each county child care committee in 2009; the capital spend in each case; the implications this will have for the new preschool scheme announced in the supplementary budget; the implications of the new preschool scheme on current funding for community child care facilities from January 2010; and if she will make a statement on the matter.  
[16417/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I wish to advise the Deputy that, as Minister for Children and Youth Affairs, I have responsibility for the National Childcare Investment Programme 2006 — 2010 (NCIP) which is implemented by my Office. As the Deputy will be aware, the finalisation of the latest portfolio of capital grant applications, under the NCIP, was delayed pending the introduction of the recent Supplementary Budget. Following decisions in the budget the capital allocation now available for 2009/2010 will be sufficient to meet existing capital grant commitments and will not provide for the approval of any additional grant applications. Pending a decision in this regard, indicative capital budgets in respect of 2009 had not issued to the City and County Childcare Committees.

The new Early Childhood Care and Education (ECCE) scheme to provide a free-preschool year, which was announced in the Supplementary Budget and which will commence in January 2010, will be funded from resources re-directed from the Early Childcare Supplement (ECS) which is being abolished from the end of this year. This scheme will be open to some 5,000 existing preschool services and is not expected to be affected by the decision regarding additional capital grant applications. Funding amounting to €170 will be allocated to provide for the new ECCE scheme and will be additional to the funding provided for the Community Childcare Subvention Scheme (CCSS). Services participating in the CCSS will also be eligible to apply for the new scheme and receive increased funding in 2010.

216. **Deputy David Stanton** asked the Minister for Health and Children the funding made available and due to be made available in 2009 through the national child care investment

[Deputy David Stanton.]

programme through capital and other types of grants; and if she will make a statement on the matter. [16515/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy will be aware I have responsibility for the National Childcare Investment Programme (NCIP) 2006-2010. The NCIP was initially allocated capital funding of €378 million to cover a five year period up until the end of 2010. Capital expenditure in the region of €170 million has been provided to support child care developments in the private and community childcare sector since the programme was introduced in 2006. However, with the economic downturn and a resulting decrease in the numbers of children attending preschool services it is not proposed to approve any new capital grant applications this year or in 2010. The investment to date is expected to create more than 25,000 additional child care places.

Funding amounting to almost €160 million has been made available to support the Community Childcare Subvention Scheme (CCSS) which was introduced in January 2008 and will run until the end of 2010. Funding provided under this scheme amounted to €52 million in 2008 and is expected to increase to €56 million in 2009. This extra funding is necessary to provide for new services participating in the scheme and for additional parents using child care services. Funding of €1million has been provided to the County Childcare Committees for 2009 to support the National Childminding Initiative and a further €0.25 million has been allocated to the Parent and Toddler initiative under the programme.

#### **Health Services.**

217. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in County Limerick. [16519/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

218. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in County Dublin. [16520/09]

**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.

*Question No. 219 answered with Question No. 162.*

#### **Hospital Services.**

220. **Deputy Ciarán Lynch** asked the Minister for Health and Children if antenatal classes will be provided for a person (details supplied) in County Cork at Cork University Maternity Hospital; and if she will make a statement on the matter. [16528/09]

221. **Deputy Ciarán Lynch** asked the Minister for Health and Children the number of places available in antenatal classes at Cork University Maternity Hospital; the number of applicants for such classes; the provision made to accommodate expectant mothers who are public patients in circumstances where there is no place available at CUMH; and if she will make a statement on the matter. [16529/09]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 220 and 221 together.



As this is a service matter, it has been referred to the HSE for direct reply.

### **Cancer Screening Programme.**

222. **Deputy Ciarán Lynch** asked the Minister for Health and Children her views on whether it is acceptable that general medical services patients are charged for the taking of cervical smears under the cervical cancer screening programme for women aged 25 to 60 years; and if she will make a statement on the matter. [16534/09]

**Minister for Health and Children (Deputy Mary Harney):** The rollout of a national cervical screening programme is the most efficient population approach to preventing and controlling cervical cancer. CervicalCheck provides free smear tests to women aged 25 to 60 who are eligible for screening.

Women can arrange an appointment to have a smear test with a CervicalCheck registered smearer (doctor or practice nurse) of their choice at a convenient time and date. In general, women aged between 25 and 44 are advised to have a smear test every three years and if aged between 45 and 60, a smear test every five years is advised.

Details of registered smearers can be found at [www.cervicalcheck.ie](http://www.cervicalcheck.ie). There are 2,700 registered smearers listed on this website.

Cervical smear testing is not currently provided by GPs or family planning clinics under the General Medical Services (GMS) Scheme. However, where cervical smears form part of recognised protocols for the ongoing treatment of individual patient illnesses, they should be provided free of charge to eligible women under the General Medical Services (GMS) Scheme. Any necessary follow-up treatment is available to all women, including medical card holders, within the public hospital system.

If the Deputy wishes to provide additional information on this particular case, the matter can be referred to the Health Service Executive for further investigation.

### **Health Service Expenditure.**

223. **Deputy Seán Sherlock** asked the Minister for Health and Children the amount the Health Service Executive south has paid to solicitors in legal fees; the number of solicitors employed for this sum; the amount paid to each individual solicitor and the percentage of this payment which was in respect of cases pursued involving the payment of hospital bills; and if she will make a statement on the matter. [16536/09]

**Minister for Health and Children (Deputy Mary Harney):** As this is an administrative matter appropriate to the HSE, it has been referred to the Executive for direct reply.

### **Mental Health Services.**

224. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the action she will take to provide accommodation for the 319 people with an intellectual disability currently living in psychiatric hospitals, despite stated policy that this is not appropriate; and if she will make a statement on the matter. [16558/09]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The discharge of clients with Intellectual Disability who are inappropriately placed in psychiatric hospitals is an important policy objective. 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.

*Question No. 225 answered with Question No. 162.*

### **Hospital Accommodation.**

226. **Deputy Richard Bruton** asked the Minister for Health and Children the number of beds dedicated to the treatment of patients with cystic fibrosis and their location; the activity rate and occupation rate of these beds by patients with cystic fibrosis; and her plans to further develop the care facilities for such patients. [16580/09]

**Minister for Health and Children (Deputy Mary Harney):** I have consistently emphasised the need to improve facilities and services to persons with cystic fibrosis and we have made considerable progress in this regard over recent years. The Government has provided additional revenue funding of €6.78 million since 2006 to the Health Service Executive to develop cystic fibrosis services. The investment to date has facilitated the recruitment of some 48 additional staff, including consultants, nursing and allied health professionals across the country. A further €1.6m has been provided by the HSE in its 2009 Service Plan.

In addition, a number of significant capital developments are being progressed for cystic fibrosis patients throughout the country, including at St. Vincent's and Beaumont Hospitals.

My Department has asked the HSE to reply directly to the Deputy on the specific service issues raised.

### **Hospital Services.**

227. **Deputy Richard Bruton** asked the Minister for Health and Children if she has received a report on the activities of the heart and lung transplant unit here; if her attention has been drawn to the fact that patients have to opt either to go on the Irish list or on the list for Newcastle-on-Tyne; the reason for requiring this restriction on choice; and if she will make a statement on the matter. [16581/09]

**Minister for Health and Children (Deputy Mary Harney):** I have received the 2008 Annual Report of the Organ Procurement Service from Beaumont Hospital. This report outlines activity data for organ donation and organ transplantation in Ireland for 2008 for all solid organs, including hearts and lungs. Heart and lung donation and transplantation are particularly challenging. In 2008, there were eighty-one organ donors, from which ten hearts, seven single-lungs and one double-lung were retrieved for transplant. Four hearts and four single-lungs were transplanted into matching patients in Ireland. The other organs were sent overseas for transplant operations.

I am aware that patients have to opt to go on one transplant list. This is to ensure that potential organ recipients in Ireland and the United Kingdom are treated equally in terms of access to organs that become available so that one group is not disadvantaged compared to the other. As the details of the operation of the organ transplant list is a service matter, it has been referred to the HSE for direct reply.

In relation to organ donation and transplantation generally, my Department has published draft proposals to regulate organ donation and transplantation for public consultation. My Department, with the HSE, is also investigating other issues in the area of organ donation and transplantation with a view to improving the system.

### **Health Service Staff.**

228. **Deputy Michael D'Arcy** asked the Minister for Health and Children her plans to deal with the understaffing that exists within the Health Service Executive department which deals with foster care in County Wexford in order that people who have expressed an interest in

providing foster care are not left for months without a response; and if she will make a statement on the matter. [16619/09]

**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.

#### **Health Service Allowances.**

229. **Deputy James Bannon** asked the Minister for Health and Children the reason a person (details supplied) in County Longford has been refused domiciliary care allowance in respect of their foster child to whom they are giving full-time care and attention; and if she will make a statement on the matter. [16620/09]

**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.

#### **Child Care Services.**

230. **Deputy James Bannon** asked the Minister for Health and Children the reason promised capital grant funding of €744,000 to a group (details supplied) for new childcare facilities is no longer available; and if she will make a statement on the matter. [16621/09]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** As the Deputy is aware the National Childcare Investment Programme (NCIP) 2006 — 2010 is implemented by my Office with the assistance of Pobal, who manage the day to day operation of the programme.

As the Deputy may be aware, the finalisation of the latest portfolio of capital grant applications, under the NCIP, was delayed pending the introduction of the recent Supplementary Budget. Following decisions in the budget the capital allocation now available for 2009/2010 will meet existing capital grant commitments but will not be sufficient to allow for the approval of any additional grant applications. It is therefore not possible to approve the capital grant application for the group referred to by the Deputy at this time. A letter issued to the group on the 21st April advising them of this outcome.

#### **Health Services.**

231. **Deputy Mary Upton** asked the Minister for Health and Children when the matter of payment of fees to chiropodists will be resolved; if her attention has been drawn to the problems that are being caused for elderly and diabetic patients due to the lack of decision in this matter; if she is satisfied that her Department is meeting the requirements of EU legislation in this matter; and if she will make a statement on the matter. [16632/09]

**Minister for Health and Children (Deputy Mary Harney):** As the Deputy's question relates to service matters it has been referred to the Health Service Executive for direct reply.

#### **Nursing Home Subventions.**

232. **Deputy Mary Upton** asked the Minister for Health and Children the support available to families whose relatives are in private nursing home facilities and where the nursing home resident has had, to date, sufficient savings to meet that cost but where those funds have been eroded; the options open to the nursing home resident and families of the resident in the absence of the fair deal legislation; and if she will make a statement on the matter. [16633/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The Nursing Home Subvention Scheme provides financial assistance to older people towards the cost of maintenance in a private nursing home.

The scheme is governed by the Health (Nursing Homes) (Amendment) Act, 2007. Under the Act, the maximum amount for basic subvention is €300 per week. The Act also provides for enhanced subvention to be paid. However, there is no maximum amount set for enhanced subvention. The amount paid is at the discretion of the HSE and will vary depending on the following criteria:

- the assessed means of the applicant,
- the cost of care in the individual case compared to the level of fees in the locality,
- the amount of basic subvention payable,
- the amount of resources available for the scheme,
- the need for the HSE to ensure that the available resources are distributed in a way that supports applicants as evenly as possible across the country.

In order to qualify for a subvention, an individual must be:

- (a) sufficiently dependent to require maintenance in a nursing home, and
- (b) unable to pay any or part of the cost of maintenance in the home. In order to determine this, they must undergo a means assessment which takes account of their income and assets.

The legislation provides for an individual's means to be reviewed. In addition, the HSE's National Guidelines for the Standardised Implementation of the Subvention Scheme state that an individual's means should be reviewed at least on an annual basis. This would take account of reductions in a person's income or level of savings. However, the Guidelines further state that reviews of means can be undertaken at any time, when the means of the client warrant a review.

At present, there are approximately 15,500 residents in private nursing homes. Of these, approximately 9,000 are in receipt of subvention. A further 3,000 are in "contracted" beds in private nursing homes. People in contract beds pay public nursing home charges and the State pays the balance of the cost.

Finally, a person may also apply to the HSE for a public long-term care bed. However, access to a public bed is subject to availability.

### **Commissions of Investigation.**

233. **Deputy Fergus O'Dowd** asked the Minister for Health and Children when she expects to receive the Leas Cross Report; if families will be given advanced copy of same; if it will be published in full; and if she will make a statement on the matter. [16696/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** The Final Report from the Commission of Investigation, established to investigate the management, operation and supervision of the former Leas Cross Nursing Home is due to be completed and submitted to me by 15th May, 2009. Before the report can be submitted, the Commissions of Investigation Act, 2004 requires that any person or persons identifiable from the report be

shown the report, or relevant portions thereof, and be given an opportunity to comment or make submissions.

This Commission was established by the Government, under the Commissions of Investigation Act 2004, in the light of the gravity of the issues raised by previous reviews into this nursing home and the resultant public concern surrounding these matters generally. This Act provides that a Commission's Final Report shall be published as soon as possible after submission to a specified Minister, subject to the other requirements of the Act. It was originally intended that the Final Report of this particular Commission would be published and I wish to re-iterate that this remains the position. Following receipt and consideration of the Final Report, I will then be in a position to determine the appropriate steps to be taken, including the issues raised by the Deputy, with a view to publishing the Report of the Commission at the earliest possible date.

#### **Medical Cards.**

234. **Deputy Joanna Tuffy** asked the Minister for Health and Children when a decision will be reached in respect of a medical card application for a person (details supplied) in County Dublin; the reason for the delay in dealing with this application; and if she will make a statement on the matter. [16708/09]

**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 Home Subventions.**

235. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if further assistance can or will be offered to a person (details supplied) in County Kildare in relation to nursing home fees (details supplied); and if she will make a statement on the matter. [16792/09]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### **Medical Cards.**

236. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue to persons (details supplied) in County Kildare; and if she will make a statement on the matter. [16793/09]

**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.

237. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16794/09]

**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 Services.**

238. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if her attention has been drawn to the condition of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [16800/09]



**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.

#### **Departmental Staff.**

239. **Deputy Leo Varadkar** asked the Minister for Health and Children the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if she will make a statement on the matter. [17366/09]

**Minister for Health and Children (Deputy Mary Harney):** Neither my Department or the HSE receive additional funding for incremental pay increases, including long service increments. My Department is expected to meet such costs if any, from within the overall pay allocation. The costs of increments, including long service increments will vary at any point in time depending on the length of service of existing staff and the replacement of those retiring or resigning from the Department. A similar situation applies to the HSE and the other agencies under my remit with no additional funding made available for such costs. The Executive and the agencies are required to address the issue from within their existing allocations. Accordingly the Department does not collect any information regarding incremental pay costs.

#### **State Airports.**

240. **Deputy Pat Breen** asked the Minister for Transport the date in 1968 on which the red zones in the vicinity of Dublin Airport were designated; and if he will make a statement on the matter. [16145/09]

**Minister for Transport (Deputy Noel Dempsey):** As set out in previous replies to the House, the present 'red zones' were proposed in March 1968 by the then Department of Transport and Power, which was at that time responsible for functions currently carried out by the Dublin Airport Authority (DAA) (formerly Aer Rianta) and by the Irish Aviation Authority (IAA). The incorporation of the red zones into the local authorities' Development Plans was, and is, a matter for the local authorities.

#### **Landing Rights.**

241. **Deputy Thomas P. Broughan** asked the Minister for Transport his views on recent proposals by the European Commission to temporarily freeze the EU's 80% requirement rules on the use of landing slots at EU airports in order for an airline to maintain the slots from season to season in view of the difficulties in the airline sector; if he or his Department have made a submission to the European Commission on this matter; and if he will make a statement on the matter. [16195/09]

**Minister for Transport (Deputy Noel Dempsey):** Regulation (EC) No. 95/93, commonly referred to as the EU Slots Regulation, lays down rules for the allocation of take-off and landing 'slots' at airports in the Community where capacity is constrained. The Commission has adopted a legislative proposal to amend the EU Slots Regulation to suspend the 'use it or lose it' rule set out in the Regulation under which a carrier must use slots allocated to it for 80% of the time during the relevant season in order to be entitled to the same series of slots for the following season. The legislative proposal is subject to co-decision by the Council and the European Parliament is currently being discussed in both fora.

Following consultations with stakeholders in the aviation sector in Ireland, I consider that the adoption of the proposal would not be in the best interests of stakeholders in the aviation

sector in Ireland. At Dublin Airport which is the only slot coordinated airport in the State, the proposal could increase the likelihood of some carriers withdrawing services for summer 2009 season as they would not face the consequences of losing the slots for summer 2010 season if they were not operated in summer 2009. The proposal could also negatively impact on Irish carriers growth plans, particular Ryanair and Aer Lingus services from bases outside of Ireland.

In the discussions to date on the proposal in the Council, Ireland has indicated that it is opposed in principle to the proposal on the basis that it could negatively impact on competition amongst carriers and on consumer choice and that it could also restrict the ability of airports to manage capacity in the most efficient manner.

#### **Departmental Agencies.**

242. **Deputy Leo Varadkar** asked the Minister for Transport the status of proposal number 14 in annex D of Budget 2009; and if he will make a statement on the matter. [16292/09]

**Minister for Transport (Deputy Noel Dempsey):** Outline proposals for the amalgamation of the Air Accident Investigation Unit of the Department of Transport, the Railway Accident Investigation Unit of the Railway Safety Commission and the Marine Casualty Investigation Board are being prepared by officials of my Department.

When these proposals are sufficiently developed, I will bring the matter to Government as necessary.

#### **Legislative Programme.**

243. **Deputy Finian McGrath** asked the Minister for Transport the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16337/09]

**Minister for Transport (Deputy Noel Dempsey):** The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

#### **Road Network.**

244. **Deputy Phil Hogan** asked the Minister for Transport the precise revised reductions in expenditure for non-national roads for each local authority area for 2009; and if he will make a statement on the matter. [16385/09]

255. **Deputy Fergus O'Dowd** asked the Minister for Transport the reduction for each local authority in the State in the previous allocation for local and regional roads; and if he will make a statement on the matter. [16701/09]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 244 and 255 together.

The improvement and maintenance of regional and local roads, in its area, is a statutory function of each individual local authority to be funded from its own resources supplemented by State road grants paid by my Department.

Following the Supplementary Budget of 7 April 2009, revised allocations were notified to local authorities on 14 April 2009, in respect of regional and local roads. The initial and the revised allocations are set out in the following Table.

[Deputy Noel Dempsey.]

	2009 Initial Allocations	2009 Revised Allocations
	€	€
<i>County Councils</i>		
Carlow	7,503,699	5,196,199
Cavan	18,396,025	13,052,025
Clare	21,767,498	16,032,498
Cork	61,242,343	43,880,723
Donegal	38,392,397	28,664,397
Dunlaoghaire-Rathdown	8,711,699	6,109,699
Fingal	8,170,866	5,788,866
Galway	33,557,804	24,234,746
Kerry	24,361,139	17,985,097
Kildare	24,578,264	15,769,264
Kilkenny	15,396,813	11,373,699
Laois	12,453,928	9,045,928
Leitrim	12,622,699	8,960,699
Limerick	18,330,598	13,190,198
Longford	8,798,799	6,380,799
Louth	13,158,636	10,920,631
Mayo	30,351,746	22,316,746
Meath	21,312,473	16,566,473
Monaghan	17,018,199	12,445,199
North Tipperary	14,739,598	11,008,598
Offaly	11,351,699	8,180,699
Roscommon	17,847,265	13,118,265
Sligo	14,924,751	10,706,899
South Dublin	13,826,899	8,250,899
South Tipperary	15,029,998	10,762,998
Waterford	17,601,699	13,672,699
Westmeath	17,748,365	13,941,365
Wexford	17,744,046	12,784,498
Wicklow	23,878,820	20,603,820
<i>City/Borough Councils</i>		
Cork	6,979,000	4,264,000
Dublin	18,325,656	12,682,450
Galway	3,805,000	1,674,000
Limerick	4,210,000	2,294,000
Waterford	5,170,000	2,289,000
Clonmel	721,740	488,903
Drogheda	644,000	405,000
Kilkenny	625,000	393,000
Sligo	2,225,000	1,993,000
Wexford	675,000	443,000
<i>Town Councils</i>		
Arklow	287,000	177,000
Athlone	581,000	359,000

	2009 Initial Allocations	2009 Revised Allocations
	€	€
Athy	287,000	177,000
Ballina	287,000	177,000
Ballinasloe	287,000	177,000
Birr	287,000	177,000
Bray	624,000	385,000
Buncrana	287,000	177,000
Bundoran	204,000	126,000
Carlow	605,000	373,000
Carrickmacross	287,000	177,000
Carrick-On-Suir	287,000	177,000
Cashel	204,000	126,000
Castlebar	287,000	177,000
Castleblaney	204,000	126,000
Cavan	287,000	177,000
Ceannanus Mor	287,000	177,000
Clonakilty	287,000	177,000
Clones	204,000	126,000
Cobh	287,000	177,000
Dundalk	624,000	385,000
Dungarvan	287,000	177,000
Ennis	605,000	373,000
Enniscorthy	287,000	177,000
Fermoy	287,000	177,000
Killarney	287,000	177,000
Kilrush	204,000	126,000
Kinsale	287,000	177,000
Letterkenny	581,000	359,000
Listowel	287,000	177,000
Longford	287,000	177,000
Macroom	204,000	126,000
Mallow	287,000	177,000
Midleton	287,000	177,000
Monaghan	287,000	177,000
Naas	605,000	373,000
Navan	605,000	373,000
Nenagh	287,000	177,000
New Ross	287,000	177,000
Skibbereen	204,000	126,000
Templemore	204,000	126,000
Thurles	287,000	177,000
Tipperary	287,000	177,000
Tralee	605,000	373,000
Trim	287,000	177,000
Tullamore	287,000	177,000
Westport	287,000	177,000
Wicklow	287,000	177,000
Youghal	287,000	177,000

[Deputy Noel Dempsey.]

245. **Deputy Denis Naughten** asked the Minister for Transport the steps that will be taken to address the funding issue for south Roscommon roads following his meeting with the National Roads Authority on 16 April 2009; and if he will make a statement on the matter. [16399/09]

**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 construction, improvement and maintenance of individual national roads is a matter for the National Roads Authority under the Roads Act 1993 in conjunction with the local authorities concerned.

246. **Deputy Paul Kehoe** asked the Minister for Transport the percentage of budget cuts planned for regional and non-national roads from the 2009 budget; and if he will make a statement on the matter. [16522/09]

**Minister for Transport (Deputy Noel Dempsey):** The improvement and maintenance of regional and local roads, in its area, is a statutory function of each individual local authority to be funded from its own resources supplemented by State road grants paid by my Department.

The Supplementary Budget of 7 April 2009 revised the road grant allocations originally notified to local authorities on 2 February 2009. That initial allocation has been reduced by 26%.

247. **Deputy Paul Kehoe** asked the Minister for Transport the amount of funding allocated to non-national, regional and local roads in each county for each year from 2000 to date in 2009; and if he will make a statement on the matter. [16523/09]

**Minister for Transport (Deputy Noel Dempsey):** The improvement and maintenance of regional and local roads, in its area, is a statutory function of each individual local authority to be funded from its own resources supplemented by State road grants paid by my Department.

Regional and Local Road Grant allocations from 2000-2009 are set out in the following tables.

Table 1: Regional & Local Road Grant Allocations 2000-2004

	2000 Allocation	2001 Allocation	2002 Allocation	2003 Allocation	2004 Allocation
<i>County Council</i>					
Carlow	3,241,666	3,664,752	4,024,089	4,208,389	3,969,741
Cavan	12,370,943	14,156,146	15,554,708	15,439,921	15,659,376
Clare	12,790,872	14,560,787	15,988,519	15,718,621	16,799,620
Cork	30,009,692	34,706,670	37,546,826	36,554,163	38,510,640
Donegal	20,319,514	23,531,152	26,909,708	27,173,437	27,901,208
Dun Laoghaire-Rathdown	10,348,365	16,038,374	12,578,000	9,007,366	9,166,000
Fingal	4,710,560	7,473,678	9,916,076	9,288,000	12,821,954
Galway	19,217,562	22,151,926	24,083,665	24,940,326	24,959,334
Kerry	14,090,964	16,041,954	17,640,884	18,145,534	18,496,892
Kildare	11,916,509	25,119,282	21,180,925	15,207,097	18,486,215
Kilkenny	8,065,122	9,305,530	10,653,092	10,536,092	10,604,497



	2000 Allocation	2001 Allocation	2002 Allocation	2003 Allocation	2004 Allocation
Laois	6,375,863	7,295,284	7,908,803	7,788,303	7,954,332
Leitrim	7,900,945	9,078,099	9,958,487	9,998,862	10,117,491
Limerick	12,040,519	13,647,964	14,741,492	16,224,892	16,880,350
Longford	5,581,324	6,421,838	7,156,680	7,056,879	7,234,891
Louth	4,877,572	5,583,623	6,221,884	6,337,859	6,199,055
Mayo	15,948,884	18,514,492	20,476,759	19,918,068	22,829,132
Meath	11,585,090	17,758,938	19,928,284	21,224,098	23,289,825
Monaghan	10,882,176	12,569,124	13,618,512	13,674,097	13,787,629
North Tipperary	7,324,814	8,381,926	9,110,002	9,098,072	9,407,733
Offaly	6,084,204	6,944,602	7,592,621	7,448,621	7,876,394
Roscommon	10,556,983	11,900,667	12,963,417	12,723,076	13,031,804
Sligo	7,653,956	8,819,089	9,532,110	9,956,755	10,154,111
South Dublin	5,723,979	7,235,488	12,143,177	14,498,904	20,667,760
South Tipperary	7,729,404	8,856,293	9,613,423	9,432,748	9,756,443
Waterford	7,221,153	8,868,360	9,317,562	9,650,734	10,500,595
Westmeath	6,006,369	6,840,063	7,547,835	7,319,835	7,617,161
Wexford	9,630,188	11,066,071	12,075,894	12,900,392	12,714,613
Wicklow	7,341,372	9,153,606	8,946,226	10,302,118	10,879,317
<i>City/Borough Council</i>					
Cork	3,762,234	5,377,341	5,747,322	6,034,695	8,016,208
Dublin	19,470,164	21,190,077	19,836,758	14,929,000	11,547,837
Galway	2,412,502	2,180,977	2,682,000	2,758,015	1,822,000
Limerick	1,664,553	2,790,122	3,996,182	3,735,000	4,269,668
Waterford	2,134,624	2,698,193	4,619,482	6,707,000	10,637,072
Clonmel	552,336	690,738	488,000	508,000	775,000
Drogheda	495,198	469,803	548,670	568,500	570,000
Kilkenny	173,954	457,106	505,000	525,000	552,000
Sligo	606,935	897,705	1,065,000	1,150,000	1,105,000
Wexford	173,954	436,790	488,000	508,000	530,000
<i>Town Council</i>					
Arklow	173,954	217,125	240,000	240,000	253,000
Athlone	173,954	436,790	488,000	488,000	510,000
Athy	173,954	217,125	240,000	240,000	253,000
Ballina	173,954	217,125	240,000	240,000	253,000
Ballinasloe	173,954	217,125	240,000	240,000	253,000
Birr	123,165	217,125	240,000	240,000	253,000
Bray	379,652	469,803	522,000	522,000	550,000
Buncrana	123,165	217,125	240,000	240,000	253,000
Bundoran	148,559	590,428	169,000	169,000	178,000
Carlow	173,954	217,125	240,000	240,000	532,000
Carrickmacross	123,165	152,369	169,000	169,000	178,000
Carrick-on-Suir	173,954	217,125	240,000	240,000	253,000
Cashel	123,165	152,369	169,000	169,000	178,000
Castlebar	173,954	344,099	540,000	340,000	503,000
Castleblaney	123,165	152,369	169,000	169,000	178,000
Cavan	123,165	217,125	240,000	240,000	253,000

[Deputy Noel Dempsey.]

	2000 Allocation	2001 Allocation	2002 Allocation	2003 Allocation	2004 Allocation
Clonakilty	123,165	152,369	169,000	169,000	178,000
Clones	123,165	152,369	169,000	169,000	178,000
Cobh	173,954	217,125	240,000	240,000	253,000
Dundalk	379,652	469,803	522,000	522,000	550,000
Dungarvan	173,954	217,125	240,000	240,000	253,000
Ennis	352,987	436,790	488,000	488,000	532,000
Enniscorthy	123,165	217,125	240,000	240,000	253,000
Fermoy	123,165	217,125	240,000	240,000	253,000
Kells	123,165	152,369	169,000	169,000	253,000
Killarney	427,902	534,560	390,000	240,000	253,000
Kilrush	123,165	152,369	169,000	169,000	178,000
Kinsale	123,165	152,369	169,000	169,000	178,000
Letterkenny	173,954	350,448	415,000	240,000	510,000
Listowel	377,112	406,316	232,500	189,000	178,000
Longford	173,954	217,125	240,000	240,000	253,000
Macroom	123,165	152,369	169,000	169,000	178,000
Mallow	173,954	217,125	240,000	240,000	253,000
Midleton	123,165	217,125	240,000	240,000	253,000
Monaghan	173,954	217,125	240,000	240,000	253,000
Naas	173,954	217,125	240,000	240,000	532,000
Navan	123,165	217,125	240,000	240,000	532,000
Nenagh	173,954	217,125	240,000	240,000	253,000
New Ross	173,954	217,125	240,000	240,000	253,000
Skibbereen	123,165	152,369	169,000	169,000	178,000
Templemore	123,165	152,369	169,000	169,000	178,000
Thurles	173,954	217,125	240,000	240,000	253,000
Tipperary	123,165	217,125	240,000	240,000	253,000
Tralee	558,685	584,080	755,000	780,000	789,500
Trim	123,165	217,125	240,000	240,000	253,000
Tullamore	173,954	217,125	240,000	240,000	253,000
Westport	237,441	217,125	240,000	240,000	253,000
Wicklow	173,954	217,125	240,000	240,000	253,000
Youghal	173,954	217,125	240,000	240,000	253,000

Table 2: Regional &amp; Local Road Grant Allocations 2005-2009

	2005 Allocation	2006 Allocation	2007 Allocation	2008 Allocation	2009 Allocation*
<i>County Council:</i>					
Carlow	6,102,486	7,178,227	7,667,071	7,714,650	5,196,199
Cavan	15,918,634	17,564,357	18,853,428	18,358,422	13,052,025
Clare	17,771,307	20,776,281	22,144,959	21,753,949	16,032,498
Cork	41,933,282	52,825,361	60,726,347	65,334,761	43,880,723
Donegal	28,298,562	39,005,923	44,595,166	43,118,931	28,664,397
Dun Laoghaire-Rathdown	8,901,296	9,205,000	14,841,650	9,384,150	6,109,699
Fingal	9,433,138	7,345,389	7,119,239	9,853,556	5,788,866

	2005 Allocation	2006 Allocation	2007 Allocation	2008 Allocation	2009 Allocation*
Galway	25,284,849	30,767,341	33,623,386	31,780,947	24,234,746
Kerry	19,055,022	23,161,906	25,250,677	24,328,557	17,985,097
Kildare	27,765,517	27,083,874	23,685,337	28,178,630	15,769,264
Kilkenny	11,056,629	13,414,112	15,131,887	15,120,272	11,373,699
Laois	8,626,569	10,622,428	12,935,313	12,659,467	9,045,928
Leitrim	10,609,518	12,606,066	13,375,901	12,617,525	8,960,699
Limerick	15,668,823	17,613,559	18,666,457	18,575,936	13,190,198
Longford	7,467,448	8,628,741	9,444,621	9,063,015	6,380,799
Louth	6,767,287	7,718,475	8,874,488	10,078,775	10,920,631
Mayo	22,033,841	28,062,577	31,625,821	30,435,187	22,316,746
Meath	29,513,483	29,913,888	29,653,934	28,402,945	16,566,473
Monaghan	14,008,038	15,804,200	17,006,610	17,094,626	12,445,199
North Tipperary	9,747,139	11,506,830	12,775,794	12,964,147	11,008,598
Offaly	8,610,161	14,322,051	11,563,685	11,483,649	8,180,699
Roscommon	13,361,089	16,002,409	17,938,263	18,514,628	13,118,265
Sligo	11,111,773	13,385,596	15,371,958	14,890,390	10,706,899
South Dublin	14,170,464	10,290,069	12,594,380	10,702,000	8,250,899
South Tipperary	10,660,265	13,187,054	14,662,008	15,016,875	10,762,998
Waterford	10,398,222	12,805,364	16,189,769	16,327,914	13,672,699
Westmeath	8,399,789	10,431,125	16,148,885	21,314,765	13,941,365
Wexford	14,445,997	16,733,657	17,576,319	17,742,026	12,784,498
Wicklow	12,593,413	18,378,522	20,147,558	23,983,866	20,603,820
<i>City/Borough Council</i>					
Cork	6,570,037	7,360,000	7,797,795	7,544,000	4,264,000
Dublin	14,442,957	14,523,816	14,727,000	14,934,061	12,682,450
Galway	2,083,155	2,203,000	2,795,000	3,305,000	1,674,000
Limerick	4,258,846	4,220,122	5,590,655	4,150,000	2,294,000
Waterford	9,268,688	3,773,142	6,060,859	7,300,075	2,289,000
Clonmel	970,000	583,000	707,000	702,500	488,903
Drogheda	621,000	647,000	676,200	644,000	405,000
Kilkenny	566,000	607,000	625,000	625,000	393,000
Sligo	1,146,000	1,277,000	3,565,000	3,300,000	1,993,000
Wexford	545,000	583,000	673,250	715,000	443,000
<i>Town Council</i>					
Arklow	260,000	279,000	287,000	287,000	177,000
Athlone	525,000	563,000	581,000	581,000	359,000
Athy	260,000	279,000	287,000	287,000	177,000
Ballina	260,000	279,000	287,000	287,000	177,000
Ballinasloe	260,000	279,000	287,000	287,000	177,000
Birr	260,000	279,000	287,000	287,000	177,000
Bray	565,000	606,000	624,000	624,000	385,000
Buncrana	260,000	279,000	287,000	287,000	177,000
Bundoran	183,000	197,000	204,000	204,000	126,000
Carlow	546,000	587,000	605,000	605,000	373,000
Carrickmacross	183,000	197,000	204,000	287,000	177,000
Carrick-on-Suir	260,000	279,000	287,000	287,000	177,000

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	2005 Allocation	2006 Allocation	2007 Allocation	2008 Allocation	2009 Allocation*
Cashel	183,000	197,000	204,000	204,000	126,000
Castlebar	460,000	379,000	287,000	287,000	177,000
Castleblaney	183,000	197,000	204,000	204,000	126,000
Cavan	260,000	279,000	287,000	287,000	177,000
Clonakilty	183,000	197,000	204,000	287,000	177,000
Clones	183,000	197,000	204,000	204,000	126,000
Cobh	260,000	279,000	287,000	287,000	177,000
Dundalk	565,000	606,000	624,000	624,000	385,000
Dungarvan	260,000	279,000	287,000	287,000	177,000
Ennis	546,000	587,000	605,000	605,000	373,000
Enniscorthy	260,000	279,000	287,000	287,000	177,000
Fermoy	260,000	279,000	287,000	287,000	177,000
Kells	260,000	279,000	287,000	287,000	177,000
Killarney	260,000	279,000	287,000	287,000	177,000
Kilrush	183,000	197,000	204,000	204,000	126,000
Kinsale	183,000	197,000	204,000	287,000	177,000
Letterkenny	525,000	563,000	581,000	581,000	359,000
Listowel	183,000	197,000	204,000	287,000	177,000
Longford	260,000	279,000	287,000	287,000	177,000
Macroom	183,000	197,000	204,000	204,000	126,000
Mallow	260,000	279,000	287,000	287,000	177,000
Midleton	260,000	279,000	287,000	287,000	177,000
Monaghan	260,000	279,000	287,000	287,000	177,000
Naas	546,000	587,000	605,000	605,000	373,000
Navan	546,000	587,000	605,000	605,000	373,000
Nenagh	260,000	279,000	287,000	287,000	177,000
New Ross	260,000	279,000	287,000	287,000	177,000
Skibbereen	183,000	197,000	204,000	204,000	126,000
Templemore	183,000	197,000	204,000	204,000	126,000
Thurles	260,000	279,000	287,000	287,000	177,000
Tipperary	260,000	279,000	287,000	287,000	177,000
Tralee	821,000	587,000	605,000	605,000	373,000
Trim	260,000	279,000	287,000	287,000	177,000
Tullamore	260,000	279,000	287,000	287,000	177,000
Westport	260,000	279,000	287,000	287,000	177,000
Wicklow	260,000	279,000	287,000	287,000	177,000
Youghal	260,000	279,000	287,000	287,000	177,000

\*2009 Allocation following the Supplementary Budget of 7 April 2009.

**Road Safety.**

248. **Deputy Ciarán Cuffe** asked the Minister for Transport if he will take steps to ensure that vehicle owners receive a reminder by post or e-mail prior to their vehicle being due for a National Car Test; and if he will make a statement on the matter. [16537/09]

**Minister for Transport (Deputy Noel Dempsey):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) this is a matter for the Road Safety Authority.

#### **Air Accident Investigations.**

249. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will report on the new air accident investigation unit report into an incident (details supplied); if he is reviewing the staffing levels of air traffic control personnel in Dublin Airport and all national and regional airports at night in view of the AAUI report; and if he will make a statement on the matter. [16565/09]

**Minister for Transport (Deputy Noel Dempsey):** The Air Accident Investigation Unit (AAIU) of my Department has statutory responsibility for investigating aircraft accidents and serious incidents in the State under the Air Navigation (Notification and Investigation of Accidents and Incidents) Regulations, 1997 (S.I. No. 205 of 1997).

The Chief Inspector submitted a report on this incident to me on 9th April. Three safety recommendations are made in the report including a recommendation that the Irish Aviation Authority (IAA) examine the manning levels at the tower at Dublin airport at night and during periods of routine maintenance.

Under the Regulations, a national authority to whom a safety recommendation is addressed must submit a statement to the Chief Inspector, as soon as practicable after receiving the recommendation, indicating the corresponding preventative action taken or under consideration or the reasons why no action will be taken.

I understand that the IAA has recently advised the Chief Inspector that they accept the safety recommendation.

#### **Traffic Management.**

250. **Deputy Thomas P. Broughan** asked the Minister for Transport his views on proposals to ban cars in Dublin city centre; the time frame he envisages for the introduction of a ban on cars in Dublin city centre; and if he will make a statement on the matter. [16566/09]

**Minister for Transport (Deputy Noel Dempsey):** Traffic management in Dublin City centre, including any proposal to ban cars in the city, is a matter for Dublin City Council, and I have no function in the implementation of such schemes.

However I fully support Dublin City Council in their efforts to improve the quality and reliability of public transport services through the implementation of bus priority measures, such as the College Green Bus Gate.

#### **Departmental Investigations.**

251. **Deputy Thomas P. Broughan** asked the Minister for Transport if he will report on his investigation into the granting of an international haulage licence to a convicted drug dealer; if he is reviewing his Departmental structures and procedures for the granting of international haulage licences; if he is further reviewing, in conjunction with An Garda Síochána, all international haulage licences that have been issued in view of this discovery; the contacts he has had with An Garda Síochána on this matter; and if he will make a statement on the matter. [16686/09]

**Minister for Transport (Deputy Noel Dempsey):** I am in the process of reviewing all aspects of the decision to award a licence to the individual in question. I have already received a preliminary report on this matter, and a full report is being prepared for me. I have referred this matter to the Attorney General for advice regarding the legal issues involved. In the circumstances, it would be inappropriate to make any further comment on this matter at this moment in time.

### Road Haulage Licences.

252. **Deputy Fergus O'Dowd** asked the Minister for Transport the number of national and international road haulage licences applied for in each year since 2003; the number of such applications refused; the reasons given; the number of licences which have not been renewed for each such year; the reasons given; the number of cases referred to the gardaí for further checks; the outcome of same; and if he will make a statement on the matter. [16698/09]

**Minister for Transport (Deputy Noel Dempsey):** The table below shows the total number of road haulage operator licences issued each year since 2003:

2003	2004	2005	2006	2007	2008
619	701	1373	1243	1368	954

The current licensing regime is based on EU legislation on access to the market and the profession. In general, only those who know that they will meet the criteria for obtaining a licence apply for such a licence. If an application is incomplete or does not clearly show that an applicant meets all the criteria to obtain a licence, then the application is returned and no licence issues.

If the applicant cannot subsequently correct the problems and clarify the issues raised, the licence application is refused. Such an applicant may not re-apply unless they can meet the eligibility criteria.

A road haulage licence is valid for a five year period. It is not renewable on a yearly basis. There are several reasons as to why a licence might not be renewed including the death of the operator, changed circumstances, failure to satisfy the legislative requirements, the business may have ceased trading or may have been sold.

Failure to renew a licence after a five year period is followed up by the section and referred to the appropriate authorities for further investigation where necessary, but no statistics are available on the total number of cases involved.

253. **Deputy Fergus O'Dowd** asked the Minister for Transport if he has ever received complaints from inside or outside the State in relation to persons holding road haulage licences who had convictions; the number of such complaints received; the action taken; and if he will make a statement on the matter. [16699/09]

**Minister for Transport (Deputy Noel Dempsey):** A number of complaints have been received in the Road Transport Operator Licensing Unit of my Department. These complaints come from a variety of sources, including the Road Safety Authority and the Revenue Commissioners. However, it is not possible to indicate the exact number of complaints as this would involve an inspection of a substantial number of files over a number of years.

Some of the complaints received relate to licensed hauliers who may have a conviction, for example, in relation to green diesel offences.



Each complaint received is investigated by the section and enquires made with the appropriate authorities to check if the licence holder continues to comply with all the licensing requirements, including good repute, financial standing, professional competence, and vehicle documentation.

254. **Deputy Fergus O'Dowd** asked the Minister for Transport the number of persons prosecuted for not having a valid national or international road haulage licence for each year since 2003; and if he will make a statement on the matter. [16700/09]

**Minister for Transport (Deputy Noel Dempsey):** The enforcement of road transport operator licensing legislation and any prosecutions arising for non compliance with the legislative requirements is a matter for the Road Safety Authority and An Garda Síochána.

*Question No. 255 answered with Question No. 244.*

### **Departmental Staff.**

256. **Deputy Leo Varadkar** asked the Minister for Transport the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17370/09]

**Minister for Transport (Deputy Noel Dempsey):** There are 166 civil servants in receipt of long service increments in my Department.

Long service increments are the last two pay points of the agreed pay scales. To progress to the first long service increment, an officer must complete three years satisfactory service on the previous point of the pay scale. To progress to the second long service increment, an officer must complete a further three years satisfactory service.

It is not possible to furnish the information in respect of the cost of the progression of the individuals concerned to their current long service increment within the time available. This information will be forwarded to the Deputy once compiled.

### **Irish Language.**

257. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform if he has been contacted by representatives of the approximately 5,000 people who use Irish sign language on a regular basis towards making the language into an officially recognised language; if so, if their request has been acted upon; and his position on the issue. [16150/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Representations seeking recognition of Irish sign language as an official language have been made on a number of occasions to my Department. The position is that the Government has no proposals to give recognition to Irish sign language as a third official language.

However, policy in the area of language for people with disabilities is reflected in the Education Act 1998 (learning through Irish Sign Language), the Education for Persons with Special Educational Needs Act 2004 (language assessment) and the Disability Act 2005 (Code of Practice on Accessibility of Public Services and Information provided by Public Bodies).

### **Proposed Legislation.**

258. **Deputy Richard Bruton** asked the Minister for Justice, Equality and Law Reform when it is proposed to put the National Property Services Regulatory Authority on a statutory footing

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and establish clearly all the powers, authorities and regulations which will govern its operation. [16571/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I expect that the Property Services (Regulation) Bill, which will put the Property Services Regulatory Authority on a statutory footing, will be published in the very near future.

### **Asylum Applications.**

259. **Deputy Noel Grealish** asked the Minister for Justice, Equality and Law Reform the number of people living here awaiting a decision on asylum status; the cost of accommodating these people across the country; the breakdown of the nationality of these people; and if he will make a statement on the matter. [16131/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT) which make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted.

The number of asylum applicants awaiting a decision at first instance (ORAC) as at 31 March, 2009 was 1,013, of which 189 were on hands for over six months. The number of asylum applicants awaiting a decision at appeal stage (RAT) as at 31 March, 2009 was 3,325, of which 2,161 were on hands for over six months. A breakdown by nationality of asylum applications on hand at 31 March, 2009 is set out in the table below.

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 RIA currently operates 59 centres across 22 counties, accommodating 6,953 persons. Direct provision policy provides asylum seekers with full board accommodation and certain ancillary services while their applications for asylum are being processed. The outturn of the RIA for direct provision in 2008 was €91.4m.

The Deputy should be aware that the RIA also provides accommodation to persons whose asylum applications have been dealt with but who have made a request to the Minister for Leave to Remain in the State for other reasons.

Various efficiency and cost reduction measures are being implemented across INIS with a view to reducing the costs associated with asylum applications (including the cost of accommodation): implementation of the Government decision dated the 3 February, 2009 in relation to achieving an 8% reduction in spending on professional fees; engagement with contractors for asylum seeker accommodation to achieve an 8% reduction in RIA expenditure; commencement of Government agreed Value for Money (VFM) Review of spending by RIA on asylum seeker accommodation; implementation of strategies aimed at reducing asylum application numbers; establishment of ORAC Presenting Panel and an on-line system of access to Tribunal decisions, both of which are intended to speed up appeal hearings and reduce backlogs in the RAT; consolidating shared services related activities across INIS and redeploying resources to processing areas; and strategies aimed at reducing the delays and costs associated with Judicial Review proceedings, such as greater use of in-house training, expertise and precedents, resulting in less use of counsel; ongoing review of practices and procedures; and quality-proofing of decisions.

Table: Asylum applications on hand at first instance and appeal stage at 31 March 2009 by nationality

Nationality	No. of Cases on Hand
Nigeria	1,117
Pakistan	307
DR Congo	230
Somalia	191
Georgia	188
Zimbabwe	180
Iraq	157
Sudan	146
Afghanistan	113
Iran	101
Ghana	98
Albania	86
Cameroon	82
Angola	74
China	68
Algeria	67
Moldova	63
Uganda	60
Bangladesh	50
Kenya	46
Eritrea	44
Russia	43
Bhutan	42
Sierra Leone	39
Palestine	38
Guinea	37
Kosovo	37
Ivory Coast	35
South Africa	35
Ukraine	34
Togo	31
Liberia	30
Burundi	23
Malawi	23
Sri Lanka	23
Morocco	22
Belarus	20
Mauritius	19
Ethiopia	17
Croatia	16
India	16
Israel	16
Armenia	15
Congo	15
Rwanda	15
Kuwait	14

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Nationality	No. of Cases on Hand
Nepal	14
Egypt	13
Niger	12
Syria	12
Brazil	11
Benin	10
Malaysia	10
Others	133
Total	4,338

### Garda Deployment.

260. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform when a community garda will be appointed for Cashel, County Tipperary. [16132/09]

261. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform when a community garda will be appointed for Carrick-on-Suir, County Tipperary. [16133/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 260 and 261 together.

I am informed by the Garda authorities that according to the most recent figures available, there were 16 Gardaí attached to the Community Policing Unit in the Tipperary Division spread across the following stations:-

Tipperary	Sergeant	Garda	Total
Borrisokane	3	3	6
Clonmel	1	5	6
Cahir	0	1	1
Grangemoekler	0	1	1
Tipperary	0	2	2
Total	4	12	16

The Commissioner recently launched a new National Model of Community Policing for An Garda Síochána. This new model will build on the success of existing good community policing practice and I look forward to the implementation of this plan. A National Community Policing Office will be established within the Garda Community Relations Section and it is intended that every District Officer throughout the country will take ownership of community policing within their area of responsibility. Community Policing personnel will be appointed to each Community Policing Area which is to be designated at local level in consultation with the National Community Policing Office.

### Garda Stations.

262. **Deputy Brian O'Shea** asked the Minister for Justice, Equality and Law Reform if he will provide an undertaking that no one man rural garda station in County Waterford will be closed; and if he will make a statement on the matter. [16138/09]

264. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Crusheen Garda Station, County Clare; and if he will make a statement on the matter. [16177/09]

265. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Lissycasey Garda Station, County Clare; his further views on the impact that this will have on the education which underpins the tourism industry; and if he will make a statement on the matter. [16178/09]

266. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Quin Garda Station, County Clare; and if he will make a statement on the matter. [16179/09]

267. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Doonbeg Garda Station, County Clare; and if he will make a statement on the matter. [16180/09]

268. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Labasheeda Garda Station, County Clare; and if he will make a statement on the matter. [16181/09]

269. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Kilmihil Garda Station, County Clare; and if he will make a statement on the matter. [16182/09]

270. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Broadford Garda Station, County Clare; and if he will make a statement on the matter. [16183/09]

271. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Mounshannon Garda Station, County Clare; and if he will make a statement on the matter. [16184/09]

272. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Ballyvaughan Garda Station, County Clare; and if he will make a statement on the matter. [16185/09]

273. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Corofin Garda Station, County Clare; and if he will make a statement on the matter. [16186/09]

274. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform if he has had discussions with An Garda Síochána regarding Inagh Garda Station, County Clare; and if he will make a statement on the matter. [16187/09]

292. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the discussions he has had to date with the Garda Commissioner on the closure of one member rural garda stations; his plans to discuss the matter with him and the issue of rural policing; and if he will make a statement on the matter. [16416/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 262, 264 to 274, inclusive, and 292 together.

[Deputy Dermot Ahern.]

I am unaware of any proposal to shut rural garda stations.

The Garda Commissioner is currently preparing a long-term accommodation strategy for the Force. The strategy will seek to identify future Garda accommodation needs, taking into account anticipated policing demands. Any proposal by the Commissioner to close a station would by law have first to be included in the Garda Síochána's annual policing plan before approval by me and then laid before the Houses. The Commissioner recently stated that the Garda accommodation strategy is not targeted towards recommending the closure of Garda stations; rather it is about ensuring that Garda accommodation is safe, secure and fit for operational purpose to facilitate the ongoing delivery of the highest and most up-to-date standards of professional policing into the future.

On the question of rural policing, I was pleased to be present at the recent official opening of Ballymun Garda station when the Commissioner launched the National Model for Community Policing. This model is currently being implemented throughout the country.

### **Probation and Welfare Service.**

263. **Deputy Ciarán Cuffe** asked the Minister for Justice, Equality and Law Reform his plans for a premises (details supplied) in Dublin 9; and if he will make a statement on the matter. [16174/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** My Department, through the Probation Service, provides funding to over 50 voluntary bodies to assist with the management of adult offenders in the community and to add value to the core work of the Probation Service. The PACE organisation is one such facility which provides training and accommodation services for ex-offenders. In 2008, my Department through the Probation Service provided €1.5m to PACE.

I can confirm that my Department has not received any application from PACE for additional funds for the development of the premises the subject of this Parliamentary Question.

*Question Nos. 264 to 274, inclusive, answered with Question No. 262.*

### **Citizenship Applications.**

275. **Deputy Phil Hogan** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation will be finalised for a person (details supplied) who applied in March 2006; and if he will make a statement on the matter. [16192/09]

**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 March 2006.

Officials in that Division inform me that processing of the application is complete and the file will be submitted to me for a decision in due course.

### **Detention Centres.**

276. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform the number and location of all detention places for young offenders; the average monthly occupancy rate in each facility for the past 12 months; and if he will make a statement on the adequacy of the number of such places. [16203/09]



**Minister of State at the Department of Justice, Equality and Law Reform (Deputy Barry Andrews):** I assume the Deputy is referring to offenders under the age of 18 who are detained by Order of the Courts.

There are 5 places of detention for young offenders aged under 18 years of age in the State. There are 4 Children Detention Schools which come under the remit of the Irish Youth Justice Service, namely Oberstown Boys School, Oberstown Girls School and Trinity House School at Oberstown Campus, Lusk, Co. Dublin and Finglas Child and Adolescent Centre at Finglas, Dublin 11. Boys aged 16-17 years old are currently detained in St. Patrick's Institution, North Circular Road, Dublin 7, which is under the remit of the Irish Prison Service.

The certified maximum capacity and average monthly occupancy rate in 2008, (the latest period for which figures are readily available) in the 4 Children Detention Schools were as follows:

Children Detention School	Certified Capacity	Average Monthly Occupancy Rate for 2008
Oberstown Boys School	20 places	73%
Oberstown Girls School	12 places	31%
Finglas Child and Adolescent Centre	18 places	63%
Trinity House School	27 places	58%

St. Patrick's Institution is a closed medium security place of detention which houses males aged 16 to 21 years of age and has a bed capacity of 216. Juvenile offenders are defined as those aged 16 years but under 18 years of age.

The figures for the average monthly occupancy rate for this facility for the past twelve months are currently being compiled and will be provided to the Deputy as soon as they become available.

I am satisfied that the capacity of the facilities is adequate and meets the needs of the Courts.

#### **Residency Permits.**

277. **Deputy Michael Noonan** asked the Minister for Justice, Equality and Law Reform the position of an application for residency in respect of a person (details supplied); and if he will make a statement on the matter. [16206/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned has been granted temporary Leave to Remain in the State for a one year period to 21 April 2010. This decision was conveyed to the person concerned by letter dated 21 April 2009.

#### **Asylum Applications.**

278. **Deputy Ciarán Lynch** asked the Minister for Justice, Equality and Law Reform the status of the application for refugee status of persons (details supplied); and if he will make a statement on the matter. [16219/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** If an application for asylum has been made by the persons concerned, the Deputy should note that it is not the practice to comment in detail on individual asylum applications.

279. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform the status of the application by a person (details supplied) in County Cork. [16303/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 29 June 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 10 November 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. 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, following consideration of this application, it was determined that the person concerned was not eligible for Subsidiary Protection in the State. The person concerned was notified of this decision by letter dated 12 May 2008.

The case file of the person concerned now falls to be considered in accordance with the provisions of Section 3 of the Immigration Act, 1999 (as amended). All representations submitted, by and on behalf of the person concerned, will 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 overall consideration has been completed, the case file of the person concerned is passed to me for decision.

280. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application for residency on humanitarian grounds by a person (details supplied) in County Cork. [16304/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 25 February 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 4 August 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.

The person concerned initiated Judicial Proceedings in the High Court challenging the decision of the Refugee Appeals Tribunal in his case. The High Court refused the Judicial Review Leave Application with the consequence that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood.

The case file of the person concerned now falls to be dealt with in accordance with the provisions of Section 3 of the Immigration Act, 1999 (as amended). All representations submitted by and on behalf of the person concerned 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.

### Deportation Orders.

281. **Deputy Bernard Allen** asked the Minister for Justice, Equality and Law Reform if he will revoke the deportation order on a person (details supplied). [16305/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 8 October 2003. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner. The person concerned was notified of his entitlement to appeal this determination to the Refugee Appeals Tribunal but he did not do so.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 8 September 2004, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were submitted on behalf of the person concerned.

Following consideration of his case 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, a Deportation Order was signed in respect of the person concerned on 3 December 2004. Notice of this Order was served by registered letter dated 31 January 2005. This communication advised the person concerned of the legal requirement that he present himself at the Offices of the Garda National Immigration Bureau on a specified date in order to make travel arrangements for his deportation from the State.

The person concerned, through his legal representative, subsequently lodged an application for the revocation of his Deportation Order, pursuant to the provisions of Section 3 (11) of the Immigration Act, 1999 (as amended). 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 meantime, as a person subject of a valid Deportation Order, the person concerned must comply with all reporting requirements placed on him by the Garda National Immigration Bureau.

### Prisoner Releases.

282. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform if day release will be granted to a person (details supplied) 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. [16309/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Irish Prison Service that this request has been refused. The person referred to by the Deputy was given a six year prison sentence (with two years suspended) for possession of drugs for the purposes of sale or supply and is not due to be released until late 2010.

### Asylum Applications.

283. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to a residency application in the case of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [16310/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to Parliamentary Question No. 1004 of Wednesday, 24 September 2008 and the written Reply to that Question.

The person concerned applied for asylum on 22 December 2004. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 21 March 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.

284. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for leave to remain here in the case of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [16311/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned applied for asylum on 29 September 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 13 November 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. 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 initiated Judicial Proceedings in the High Court challenging the decision of the Refugee Appeals Tribunal in his case. The High Court refused the Judicial Review Leave Application with the consequence that the earlier decisions of the Refugee Appeals Tribunal and the Minister stood.

My Department has no record of an application for Subsidiary Protection having been submitted by or on behalf of the person concerned. Equally, my Department has no record of written representations in support of an application for Leave to Remain temporarily in the State having been submitted by or on behalf of the person concerned.

The case file of the person concerned now falls to be considered in accordance with the provisions of Section 3(6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this consideration has been completed, the file is passed to me for decision.

#### **Residency Permits.**

285. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform

the position in relation to an application for leave to remain here in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [16312/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The person concerned has been granted temporary Leave to Remain in the State for a one year period to 21 April 2010. This decision was conveyed to the person concerned by letter dated 21 April 2009.

#### **Deportation Orders.**

286. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in respect of an appeal in the case of a person (details supplied) in County Meath; if his attention has been drawn to the political situation in the homeland of the person and the threat to their well-being in the event of deportation; if full regard has been had for the appellants entitlements under international law in such situations; and if he will make a statement on the matter. [16313/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to Parliamentary Question No. 196 of Tuesday, 14 October 2008, and the written Reply to that Question.

The person concerned applied for asylum on 15 March 2005. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 17 October 2005, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. Representations were submitted on behalf of the person concerned at that time.

By letter dated 20 February 2008, the person concerned 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. The refoulement consideration will include a detailed assessment of the prevailing political and human rights situations in the country of origin of the person concerned. When this overall consideration has been completed, the case file of the person concerned is passed to me for decision.

#### **Legislative Programme.**

287. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16334/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The information requested by the Deputy is set out in the following table:



[Deputy Dermot Ahern.]

Name of Act Passed	Wholly or mainly required by EU obligations	Partly required by EU obligations	Not required by EU obligations
2007			
Courts and Court Officers (Amendment) Act 2007	—	—	Not required
Criminal Justice Act 2007	—	—	Not required
Criminal Law (Sexual Offences) (Amendment) Act 2007	—	—	Not required
Criminal Procedure (Amendment) Act 2007	—	—	Not required
Prisons Act 2007	—	—	Not required
2008			
Criminal Justice (Mutual Assistance) Act 2008	Yes	—	—
Criminal Law (Human Trafficking) Act 2008	—	Yes	—
Prison Development (Confirmation of Resolutions) Act 2008	—	—	Not required
Civil Law (Miscellaneous Provisions) Act 2008	—	Yes	—
Intoxicating Liquor Act 2008	—	—	Not required
Legal Practitioners (Irish Language) Act 2008	—	—	Not required
2009			
Legal Services Ombudsman Act 2009	—	—	Not required

288. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform when he will publish the Sale of Alcohol Bill; and if he will make a statement on the matter. [16391/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The Government Legislation Programme published on 22 April provides for publication of the Sale of Alcohol Bill in 2009.

289. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform when he will implement the regulations on the banning of below cost selling of alcohol in view of the recent EU approval; and if he will make a statement on the matter. [16394/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The position is that the period during which the European Commission and Member States may raise questions or submit observations on the draft regulations has expired and no comments have been received. My Department is now proceeding with arrangements to finalise the regulations.

In the meantime, I have written to the Minister for Social Development in Northern Ireland, Ms Margaret Ritchie, MLA, suggesting the possibility of a joint North-South initiative to tackle alcohol promotions, especially the volume-based promotions which are designed to increase alcohol sales and which, in some cases at least, result in excessive consumption and various types of alcohol-related harm. I am of course conscious that the effectiveness of any actions taken here to restrict such promotions could be reduced if action is not taken on an island-wide basis. Some retail groups operate throughout the island and it would be desirable in my view to have a common approach to dealing with the problem.



**Garda Deployment.**

290. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform the number of gardaí in each station in County Louth by rank and location for each year since 2005 to date in 2009; and if he will make a statement on the matter. [16410/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda Commissioner that the personnel strength of the Garda stations in the newly formed Louth Division on the latest date for which figures are readily available, and in those stations in County Louth which prior to the formation of the Louth Division were in the Louth/Meath Division, on 31 December 2005 to 2008, was as set out in the following tables. It should be noted that a breakdown by rank is not readily available for 31 December 2005. The Deputy will also appreciate that the strength of any Division may fluctuate from time to time due to retirements, transfers, promotions etc.

Resource levels are monitored on an ongoing basis by Garda Management in each District and Division, in conjunction with crime trends and other demands made on An Garda Síochána. The situation will be kept under review and the needs of the areas referred to by the Deputy will be fully considered within the overall context of the needs of policing requirements throughout the country.

Louth Division — current strength based on latest available figures

District/Station	CR	DC	AC	CS	SU	INS	SG	GD	Total
Ardee	—	—	—	—	1	1	3	16	21
Castlebellingham	—	—	—	—	—	—	1	2	3
Collon	—	—	—	—	—	—	2	5	7
Louth	—	—	—	—	—	—	1	1	2
Clogherhead	—	—	—	—	—	—	1	3	4
Drogheda	—	—	—	1	1	3	14	86	105
Dunleer	—	—	—	—	—	—	1	3	4
Blackrock	—	—	—	—	—	—	1	4	5
Carlingford	—	—	—	—	—	—	1	3	4
Dromad	—	—	—	—	—	—	1	5	6
Dundalk	—	—	—	—	1	3	19	94	117
Hackballscross	—	—	—	—	—	—	2	8	10
Omeath	—	—	—	—	—	—	1	4	5
<b>TOTAL</b>	—	—	—	1	3	7	48	234	293

Louth Division 31 December 2005

District/Station	Total
Ardee	10
Castlebellingham	4
Collon	2
Louth	2
Clogherhead	1
Drogheda	93
Dunleer	4
Blackrock	5

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District/Station	Total
Carlingford	3
Dromad	9
Dundalk	101
Hackballscross	12
Omeath	10
<b>TOTAL</b>	<b>256</b>

31 December 2006

District/Station	CR	DC	AC	CS	SU	INS	SG	GD	Total
Ardee	—	—	—	—	—	—	2	7	9
Castlebellingham	—	—	—	—	—	—	1	3	4
Collon	—	—	—	—	—	—	1	1	2
Louth	—	—	—	—	—	—	1	1	2
Clogherhead	—	—	—	—	—	—	1	1	2
Drogheda	—	—	—	1	1	1	12	78	93
Dunleer	—	—	—	—	—	—	1	3	4
Blackrock	—	—	—	—	—	—	1	4	5
Carlingford	—	—	—	—	—	—	1	2	3
Dromad	—	—	—	—	—	—	1	6	7
Dundalk	—	—	—	—	1	3	15	90	109
Hackballscross	—	—	—	—	—	—	2	9	11
Omeath	—	—	—	—	—	—	2	5	7
<b>TOTAL</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>41</b>	<b>210</b>	<b>258</b>

31 December 2007

District/Station	CR	DC	AC	CS	SU	INS	SG	GD	Total
Ardee	—	—	—	—	—	—	2	7	9
Castlebellingham	—	—	—	—	—	—	—	3	3
Collon	—	—	—	—	—	—	1	1	2
Louth	—	—	—	—	—	—	1	1	2
Clogherhead	—	—	—	—	—	—	—	2	2
Drogheda	—	—	—	1	1	3	13	79	97
Dunleer	—	—	—	—	—	—	1	3	4
Blackrock	—	—	—	—	—	—	1	3	4
Carlingford	—	—	—	—	—	—	1	2	3
Dromad	—	—	—	—	—	—	1	6	7
Dundalk	—	—	—	—	1	3	16	95	115
Hackballscross	—	—	—	—	—	—	2	9	11
Omeath	—	—	—	—	—	—	1	4	5
<b>TOTAL</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>40</b>	<b>215</b>	<b>264</b>

31 December 2008

District/Station	CR	DC	AC	CS	SU	INS	SG	GD	Total
Ardee	—	—	—	—	1	1	4	16	22
Castlebellingham	—	—	—	—	—	—	1	2	3
Collon	—	—	—	—	—	—	2	5	7
Louth	—	—	—	—	—	—	1	1	2
Clogherhead	—	—	—	—	—	—	1	3	4
Drogheda	—	—	—	1	1	3	14	85	104
Dunleer	—	—	—	—	—	—	1	3	4
Blackrock	—	—	—	—	—	—	1	4	5
Carlingford	—	—	—	—	—	—	1	3	4
Dromad	—	—	—	—	—	—	1	6	7
Dundalk	—	—	—	—	1	3	19	96	119
Hackballscross	—	—	—	—	—	—	2	8	10
Omeath	—	—	—	—	—	—	1	4	5
TOTAL	—	—	—	1	3	7	49	236	296

### Garda Stations.

291. **Deputy Fergus O'Dowd** asked the Minister for Justice, Equality and Law Reform if improvement works have been planned for garda stations in County Louth; the nature of the works concerned; the cost of same; the expected completion date; and if he will make a statement on the matter. [16411/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána who work in close cooperation with the Office of Public Works, which has the responsibility for the provision and maintenance of Garda accommodation.

I am informed by the Garda authorities that major refurbishment works were carried out to Ardee Garda Station in advance of it becoming a District Headquarters on 1st January 2009. I am also advised that various works including interior upgrade and improvements are planned this year for Drogheda, Carlingford, Dunleer and Dromad Garda stations at an estimated cost of €80,000. It is not possible, at this stage, to say when each of these works will be completed.

*Question No. 292 answered with Question No. 262.*

### Garda Deployment.

293. **Deputy Dinny McGinley** asked the Minister for Justice, Equality and Law Reform his views on increasing the number of gardaí in the St. Johnston and Carrigans area of County Donegal; and if he will make a statement on the matter. [16555/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the personnel strength of Carrigans Garda Station, which also covers the St. Johnston area, as of the latest date which figures are readily available, was 5. Carrigans Garda Station forms part of the Letterkenny Garda District and the personnel strength of that District was 194.

It is the responsibility of the Garda Commissioner to allocate personnel throughout the Force taking everything into account. The situation will be kept under review and the allocation of

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Gardaí to the areas referred to by the Deputy will be fully considered by the Commissioner within the overall context of policing requirements throughout the country.

### **Residency Permits.**

294. **Deputy Lucinda Creighton** asked the Minister for Justice, Equality and Law Reform if he will expedite the processing of a long-term residency application by a person (details supplied); and if he will make a statement on the matter. [16562/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for long-term residency by the person referred to by the Deputy was made on 10/11/2008. Officials in the Long-Term Residency section of my Department have advised me that applications from July 2007 are currently being dealt with. In the interest of fairness, applications are processed in chronological order. As soon as a decision is made on the case, the person concerned will be notified.

### **Citizenship Applications.**

295. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if an application for citizenship is being considered at present for a person (details supplied) in County Dublin; the stage this application is at; and if he will make a statement on the matter. [16612/09]

**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 May 2008. That Division is currently commencing further processing of applications received in late 2007.

The average processing time from application to decision is now at 23 months. 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.

The address that my Department holds on file is different from the current address provided by Deputy. Please note that it is the responsibility of the applicant to keep my Department informed of any change of address in writing.

### **Residency Permits.**

296. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform if a non-Irish national who has been living here for 11 years and whose parent has a right of residency and has Irish born siblings is entitled to an Irish passport; the criteria used to assess such eligibility; and if he will make a statement on the matter. [16613/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** In general, a person who is a national of another country has no entitlement to an Irish passport unless they apply for and are granted a certificate of Naturalisation following a period of reckonable residence in the State.

The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain

statutory conditions are fulfilled. These conditions are that the applicant must be of full age; be of good character; have had a period of one year's continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years; intend in good faith to continue to reside in the State after naturalisation; have made, either before a Judge of the District Court in open court or in such manner as the Minister for special reasons allows, a declaration in the prescribed manner, of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include — periods of residence in respect of which an applicant does not have permission to remain in the State; periods granted for the purposes of study; periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996. In the absence of further details relating to the specific case, the Deputy will appreciate that I am unable to provide a more detailed response.

### Departmental Agencies.

297. **Deputy Michael D'Arcy** asked the Minister for Justice, Equality and Law Reform the areas assigned to the 102 asset profilers working for the Criminal Assets Bureau; the breakdown by region; and if he will make a statement on the matter. [16614/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda Authorities that the Criminal Assets Bureau is being actively utilised, in pursuance of its statutory remit, to identify and target the assets of persons suspected to derive directly or indirectly from criminal conduct. To achieve this objective the Criminal Assets Bureau utilises the services of Divisional Criminal Assets Profilers throughout the country.

Divisional Profilers have responsibility for providing a criminal asset profiling service in relation to persons or suspects operating within their division, with particular reference to those involved in drug dealing and serious criminal activity. They are making a valuable contribution to the Criminal Assets Bureau in pursuing its statutory remit, as well as ensuring that criminals are deprived of the proceeds of crime.

During the first Quarter of 2009 an additional 23 Gardaí received initial training as Divisional Profilers at the Garda College, Templemore, which increased the current complement of Garda asset profilers to 102, nationally, broken down as follows:

Region	No. of Profilers
DMR	26
North	21
South	14
East	14
West	11
South-East	15
National Support Services	1

In addition, a total of 13 personnel attached to the Revenue Commissioners have also participated in the training programme. The complement and allocation of Divisional Profilers will continue to be monitored and reviewed on an on-going basis.

### **Garda Stations.**

298. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform when it is proposed to render safe the top floor in the garda station at Annagry, County Donegal in order to give access to toilet and bathroom facilities for the gardaí based there; and if he will make a statement on the matter. [16626/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** The maintenance of Garda accommodation is based on priorities established by An Garda Síochána who work in close cooperation with the Office of Public Works, which has the responsibility for the provision and maintenance of Garda accommodation.

I am advised by the Garda authorities that some upgrade works have recently been carried out at the station and that local Garda management are in contact with the Office of Public Works with a view to carrying out a survey to assess the need for possible remedial works.

### **Residency Permits.**

299. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding a long-term residency application for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16644/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for long-term residency by the person referred to by the Deputy was made on 20/02/2008. Officials in the Long-Term Residency section of my Department have advised me that applications from July 2007 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

300. **Deputy Jack Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for long-term residency in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16645/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** An application for long-term residency by the person referred to by the Deputy was made on 20/02/2008. Officials in the Long-Term Residency Section of my Department have advised me that applications from July 2007 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

### **Departmental Bodies.**

301. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the activities of the National Consultative Committee on Racism and Interculturalism since it was established as an advisory board as announced within annex D of budget 2009; and if he will make a statement on the matter. [16709/09]

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran):** On 6 March, 2009, the chairperson of the National Consultative Committee on Racism and Interculturalism (NCCRI) wrote to my predecessor on behalf of the Board of the NCCRI. In the course of that letter, the chairperson stated that that body is currently in the process of winding down. She also conveyed a number of recommendations on behalf of the Board regarding the need to continue to focus on addressing racism and promoting interculturalism. These recommendations will be borne in mind in the future work of my Office in this area.



### Residency Permits.

302. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the basis on which it was concluded that a person (details supplied) in County Kildare has failed to demonstrate current residency as a family dependant; and if he will make a statement on the matter. [16801/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I would refer the Deputy to my reply to Parliamentary Question No. 674 for answer on 27 January 2009, in which the issues pertaining to the continuous residence in the State of the person in question were set out. Subsequent to that reply, the person concerned was invited to clarify the issue of his continuous residence on several occasions. The responses received from the person concerned did not address the issues raised to the satisfaction of my Department. In this regard I would refer the Deputy to my replies to Parliamentary Question No. 155 for answer on 12 March and Parliamentary Question No. 542 for answer on 24 March, 2009.

Subsequent to my reply to Parliamentary Question No. 326 for answer on 31 March 2009, a response has been received to the letter referred to therein. That response is currently being assessed by the relevant officials. The representations made by the person concerned will be considered in the context of section 3 of the Immigration Act, 1999, and he will be contacted directly and notified of any decisions made regarding his status in the State.

### Citizenship Applications.

303. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform when naturalisation will be granted in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [16802/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** Applications for certificates of naturalisation from the individuals referred to in the Deputy's Question were received in the Citizenship Section of my Department in August 2005. The applications were forwarded to me for decision and I decided to refuse same. Letters informing the persons concerned issued, via their solicitor, on 31 March 2009.

### Residency Permits.

304. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 385 of 22 April 2009, the status of residency in the case of a person (details supplied) in County Kildare; the eligibility of the person for residency status in view of the fact that they are resident here on whatever basis; and if he will make a statement on the matter. [16803/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** As stated to the Deputy in the reply to Question Number 385 of 22 April 2009, if an asylum application for asylum has been made by the person in question, the Deputy will be aware that it is not the practice to comment on asylum applications that are pending.

### Garda Recruitment.

305. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the number of gardaí who are expected to retire in 2009; the duration of the moratorium on recruitment; the expected impact this will have on garda numbers in the next two years; and if he will make a statement on the matter. [16805/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that there were a total of 125 retirements during the period the 1 January 2009 to the 31 March 2009 and 111 of these were voluntary. A total of 72 members of An Garda Síochána have indicated their intention to retire during the month of April 2009, 57 during the month of May 2009; and 63 during the month of June 2009. It is not possible to predict with any certainty the number of retirements which will occur in the latter half of 2009.

The moratorium on recruitment to An Garda Síochána will apply for the duration of its application to the public service generally. The Deputy will be aware that there has been a very considerable increase in Garda resources in recent years, with the number of attested members rising from 10,968 at the end of 1997 to 11,895 at the end of 2002, to 13,755 at the end of 2007 and to 14,371 in the most recent figures. Even in this year of budgetary constraints, some 900 student Gardai will become attested which, taking into account projected retirements, will further increase the strength of the Force by the end of this year. These significant increases in Garda resources mean that the Force is well-placed to absorb the impact of budgetary constraints and to continue to provide a top-class policing service.

306. **Deputy Kathleen Lynch** asked the Minister for Justice, Equality and Law Reform the position in regard to those who have been successful in their application to join the Garda Síochána and have passed their physical and medical exam but are not in the current batch of 200 recruits who have commenced or are due to commence training; and if he will make a statement on the matter. [16806/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I have been informed by the Garda authorities that 100 trainees have accepted invitations to commence training at the Garda College in May 2009. Currently An Garda Síochána is processing applications in respect of candidates who have been successful at the initial selection stages conducted by the Public Appointments Service. Following selection by the Public Appointments Service each applicant must undergo a Physical Competency Test, a Medical Examination and also Character Vetting. There are 56 candidates who have completed these final tests. Applicants successful at all three stages will remain on a panel and are available to be offered positions as Garda Trainees in a future intake.

#### **Departmental Staff.**

307. **Deputy Leo Varadkar** asked the Minister for Justice, Equality and Law Reform the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17367/09]

**Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question No. 158 of 23 October 2008.

The specific information requested is not readily available in my Department and retrieving it from our systems would require a disproportionate investment of time and effort by my officials. It should be said that increments, including long service increments, are not a gratuitous bonus paid by the State to its employees. Salary scales that involve incremental credit, based on the number of years served, are common to the majority of employments. They are designed to reflect the fact that the contribution of employees increases as they become more experienced in their roles. They also provide an incentive for continued high performance, as each year's increment is awarded on the basis of performance in the previous year. The alternative to incremental progression would be a system which paid a considerably higher starting

salary to employees, with no progression. It is unlikely that such a system would be either cheaper or more effective.

Finally, it is worth saying that long service increments were introduced in the public service, where they exist, as the local bargaining element of the Programme for Competitiveness and Work (PCW). Management and Unions agreed to the introduction of long service increments as an alternative to a flat rate increase that would have applied immediately to all staff. It is also worth noting that a Clerical Officer joining the Civil Service in 2009 would not receive their first long service increment until 2023 and their second long service increment until 2026.

### **Consular Services.**

308. **Deputy Tom Kitt** asked the Minister for Foreign Affairs the circumstances surrounding the death of a person (details supplied). [16156/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** At the outset, I would like to inform the Deputy that my Department is in ongoing contact with the family of the Irish citizen who lost his life in such tragic circumstances in Bolivia. We have liaised with them in relation to securing the release and repatriation of his remains to Ireland and we are continuing to liaise with them on all aspects of his case.

As the Deputy will be aware, after hearing of this person's death, I immediately instructed the Irish Embassy in Argentina, which is also accredited to Bolivia, to send a diplomatic officer there to represent the Government and also to look after the concerns of the family. He initially travelled to Santa Cruz, where the death of the Irish citizen occurred, and then to the Bolivian capital, La Paz.

While in Santa Cruz, the Irish Embassy representative had extensive contact with local officials, who were helpful and cooperative. As a result, it was possible to secure the timely release of the remains and for arrangements to be put in place for the body to be repatriated to Ireland for burial.

The Embassy representative also had meetings with the Bolivian Vice President, the Acting Minister for Foreign Affairs, the Vice Minister of the Interior, the Investigating Attorney in charge of the case, and the Investigating Officer from the Anti-Crime Special Force (FELCE), who is in charge of the police investigation. He expressed the Government's concern at reports on the circumstances surrounding the death and enquired from the Bolivian authorities as to the steps they were taking to discover the facts of the case.

I have spoken and written to the Acting Foreign Minister Quintana emphasising our interest in protecting the consular rights of our citizens abroad and the duty of the Irish Government to seek the facts in a case where one of our citizens was killed in a violent incident by the security forces in another country. I made clear that the Irish Government had no involvement in or sympathy with any attempt to destabilise Bolivia or in any attempt to undermine the democratically elected President of a friendly State. Mr Quintana indicated that the Bolivian Government will provide the Irish authorities with all reports on the events in Santa Cruz and will cooperate fully in establishing the truth.

I have noted comments attributed to President Morales about a possible international panel to assist with the investigation. I believe that such a panel would add value to the investigative process and the Irish Government would be willing to participate, should the Bolivian Government decide on this course of action. I can assure the Deputy that this Department through our Embassy in Buenos Aires and the Consular Section will remain in direct contact with the family of the person referred to by him and will provide all possible consular assistance to them.

### Passport Applications.

309. **Deputy Terence Flanagan** asked the Minister for Foreign Affairs if he will issue a passport to a person (details supplied) in Dublin 9 who has been waiting since December 2008; and if he will make a statement on the matter. [16279/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Passport Office has no record of an application from the person in question. An officer from my Department has been in touch with her to offer assistance with the urgent processing of a new application should this be required.

### Legislative Programme.

310. **Deputy Finian McGrath** asked the Minister for Foreign Affairs the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16332/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** In 2007 Dáil Éireann passed the European Communities Bill 2006 which was subsequently enacted as the European Communities Act 2007. This Act was enacted to take account of two landmark Supreme Court judgments (*Browne v AG* and *Kennedy v AG*) which required changes to be made in the way Ireland transposes EU measures into domestic law. While the Act related to the European Union, it did not relate to any particular EU measure.

In 2007 Dáil Éireann passed the Passports Bill 2007 which was subsequently enacted as the Passport Act 2008. The Act provides a comprehensive legislative basis for the regulation and issuance of Irish passports by the Minister for Foreign Affairs. The origin of this legislation was national.

In 2008 Dáil Éireann passed the Cluster Munitions and Anti-Personnel Mines Bill 2008 which was subsequently enacted as the Cluster Munitions and Anti-Personnel Mines Act 2008. The principal purpose of this Act is to make it a criminal offence — subject to certain exceptions — to use, develop, produce, acquire, possess, stockpile or transfer cluster munitions, explosive bomblets or anti-personnel mines, or to assist, encourage or induce any person to do so, and to provide for appropriate penalties, as required by the Convention on Cluster Munitions and the Anti-Personnel Mine Ban Convention. The Convention on Cluster Munitions was adopted at a diplomatic conference hosted by the Government in Dublin in May 2008. This legislation did not originate from Ireland's membership of the EU.

The 28th Amendment of the Constitution Bill was passed by Dáil Éireann on 29 April 2008 and by Seanad Éireann on 7 May 2008. The Bill contained the text of the proposed amendments to the Constitution to allow the State to ratify the Treaty of Lisbon. The referendum took place on 12 June when the proposed amendment was not approved by the electorate. This legislation emanated from a treaty adopted by the Member States of the European Union. In 2009 to date, no legislation has been brought forward by my Department.

### Human Rights Issues.

311. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs if he has raised with the Ambassador of Pakistan the issue of blasphemy laws which curtail freedom of speech within Pakistan; and if he will make a statement on the matter. [16775/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I am concerned about a number of human rights issues in Pakistan, including the blasphemy laws. The blasphemy laws are designed to punish those judged to have engaged in derogatory behaviour towards Islam, such

as insults to the Prophet Mohammed and the Qu'ran. As implemented, the laws can serve to interfere with the right of individuals to practise their religion freely and curtail freedom of speech within Pakistan.

The provisions in Pakistan's Penal Code which provide for a death sentence in certain blasphemy cases are also in breach of international standards on restricting the use of the death penalty to the most serious crimes. However, I am not aware of any cases of the death penalty having been imposed in cases involving blasphemy.

Human rights issues are raised with Pakistan in the context of our bilateral consultations with the Pakistani authorities, as well as at EU level. I shall seek to ensure that the issue of the blasphemy laws is included in future consultations. The subject was last raised in the bi-annual human rights demarche carried out by the EU Troika on 28 December which formed part of the human rights dialogue between the EU and Pakistan. On that occasion, the EU encouraged the Government of Pakistan to promote tolerance, to protect freedom of belief and freedom of expression effectively and to reform discriminatory legislation, in particular the blasphemy laws. EU Council Conclusions on 28 April and 8 December 2008 reaffirmed the importance of human rights in Pakistan as a central priority for the EU.

The blasphemy laws were also a subject of discussion during the Universal Periodic Review of Pakistan by the UN Human Rights Council in May 2008. Following the review, Pakistan undertook to introduce checks to regulate investigations into blasphemy and apostasy. Ireland, together with other EU Member States, actively participated in this review. The EU is carefully monitoring the progress that Pakistan is making on its commitment in this respect.

Combating religious intolerance has traditionally been a priority in Ireland's international policy in the field of human rights. Ireland has actively supported resolutions on the elimination of religious intolerance at the UN Human Rights Council and at the UN General Assembly, most recently co-sponsoring a resolution on the topic of discrimination based on religion or belief which was adopted at the tenth session of the UN Human Rights Council in March of this year.

### Departmental Staff.

312. **Deputy Leo Varadkar** asked the Minister for Foreign Affairs the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17365/09]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The current authorised number of staff in the Department of Foreign Affairs is 1578. The following table sets out the number of staff in my Department who are in receipt of long service increments (LSIs), along with the associated cost.

Number of staff	Total annual cost
241	€633,400

A first long service increment (LSI 1) may be paid after three years' satisfactory service at the maximum point of the relevant salary scale. A second long service increment (LSI 2) is payable after six years' satisfactory service at the maximum point of the scale. The cost of a long service increment has been calculated as the difference between the maximum point and the relevant LSI point of the salary scale.



### **Departmental Expenditure.**

313. **Deputy Mary Upton** asked the Minister for Arts, Sport and Tourism his views on the cutbacks introduced in the area of arts, sport and tourism under the supplementary budget on 7 April 2009; and if he will make a statement on the matter. [16368/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I would refer the Deputy to my reply to Priority Parliamentary Question No. 76 of today's date.

The Supplementary Budget for 2009 was a necessary measure dictated by the current national and global economic position. The Government has taken and will continue to take whatever measures are necessary to restore and renew our economy. These measures include stabilising our public finances and supporting and stimulating economic confidence. Against this background, the Supplementary Budget was a proportionate contribution to ensuring that we are well positioned to take full advantage of a global upturn when it occurs.

It is fair to say that no sector of society can be immune, in some shape or form, from the turbulent economic conditions which we now face. Within my own remit, this applies to the arts, sport and tourism sectors. However, what I have achieved successfully is to minimise reductions in the core budgets of these sectors, in accordance with the Government's stated priority of protecting economic sectors that contribute to job creation, foreign revenue earnings and tax yield to the Exchequer. In this regard, the centrality of the role of the arts, sport and tourism sectors is recognised by their inclusion as key drivers of the economy in the Government's Smart Economy framework document, published last December.

Specifically, expenditure in relation to arts, culture and film has been reduced by €41 million from €221 million in 2008 to €180 million in 2009, a reduction of 18.5%. Within this, the reduction in current expenditure is just 6% while the reduction in capital expenditure is 42%. However, this latter figure is somewhat misleading as it primarily reflects the reduction in expenditure due to the successful completion of once-off major capital projects such as the landmark Wexford Festival Opera House and the Gate Theatre extension.

Expenditure in relation to sports, recreation services and the horse and greyhound racing industry has been reduced by €141 million from €336 million in 2008 to €195 million in 2009, a reduction of 42%. Again, however, the 2008 figure includes a once-off expenditure of €116 million in relation to the Lansdowne Road stadium project. When this sum is excluded, the reduction in relation to sport for 2009 is actually of the order of 11%. Expenditure in relation to tourism has been reduced by €16 million from €169 million in 2008 to €153 million in 2009, a reduction of 9.5%.

In summary, while I do not pretend that reductions of any magnitude are without consequence, the real rather than headline reductions in frontline allocations to the arts, sport and tourism sectors are, in fact, quite modest. They are of an order sufficient to ensure that the sectors will be successfully husbanded over the coming period, thereby retaining their essential vigour and vitality to see them through the prevailing difficult economic conditions.

### **Irish Language.**

314. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the funding allocated by his Department for the implementation of the 2009 to 2012 scheme for the implementation of the Official Languages Act 2003 in 2009; the level of funding which will be made available over the course of the duration of the scheme; and if he will make a statement on the matter. [16220/09]



315. **Deputy Olivia Mitchell** asked the Minister for Arts, Sport and Tourism the new services which will be introduced or the existing services which will be enhanced by his Department's 2009 to 2012 scheme for the implementation of the Official Languages Act 2003; and if he will make a statement on the matter. [16221/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 314 and 315 together.

On 20 April last, I launched the Department's new scheme 2009-2012 pursuant to the Official Languages Act 2003. This scheme, the second successive one of its kind, commits the Department to the provision of a range of services in both Irish and English. In particular, the Department's new scheme continues the delivery of commitments to Irish language service provision made in its first scheme, for 2005-2008, and seeks to enhance the level of such provision over the period 2009-2012. These commitments include the maintenance of a bilingual corporate website; the provision in bilingual format of a range of corporate and policy documents, including guidelines, information leaflets and application forms; and the bilingual availability of services on an inter-personal basis in certain circumstances. Full details of the services to be made available bilingually are contained in the published scheme, available on the Department's website at *www.dast.gov.ie*.

Because the implementation of the commitments in the scheme simply constitutes one component of mainstream service delivery to the Department's customers, in this case, to those customers who wish to deal with the Department through the medium of the Irish language, the Department does not maintain a separate funding allocation for Irish language service provision. Rather, the cost of such service provision is treated as part of the normal expenditure of the Department, although records are maintained of actual costs incurred.

It is not possible to estimate in advance these costs over the lifetime of the scheme, as they are dependent, in part, on the number of publications produced by the Department and the demand for Irish language services from customers.

*Question No. 316 answered with Question No. 92.*

#### **Legislative Programme.**

317. **Deputy Finian McGrath** asked the Minister for Arts, Sport and Tourism the legislation approved by Dáil Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16324/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** No primary legislation was so approved in the time period in question. On 9 April 2009, Dáil Éireann approved the Horse and Greyhound Racing Fund Regulations 2009, which is secondary legislation of a purely national nature.

#### **Departmental Expenditure.**

318. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the intended expenditure by his Department from the proceeds of the National Lottery in 2009; the degree to which this corresponds with expenditure in previous years; and if he will make a statement on the matter. [16779/09]

319. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the degree to which proposed expenditure by his Department in 2009 from the proceeds of the National Lottery is in accordance with the criteria laid down initially for expenditure from this source;

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the way this compares with the pattern in the two previous years; and if he will make a statement on the matter. [16780/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 318 and 319 together.

As the Deputy will be aware, the allocation of the proceeds of the National Lottery is a matter for the Minister for Finance. The elements of my Department's Vote which are part-funded by proceeds of the National Lottery are as follows:

Subhead C.1 — Grants for sporting bodies and for the provision of sports and recreational facilities under the Sports Capital Programme;

Subhead C.3 — Grant-in-Aid provided to the Irish Sports Council in respect of general assistance to sports organisations and expenditure in relation to sports activities; and

Subhead D.7 — Grant-in-Aid allocation provided to the Arts Council. Details of expenditure part-funded by proceeds of the National Lottery under these subheads in the last two years, together with the Revised Estimates allocations for 2009, are outlined in the table below.

	Sports Capital Programme	Irish Sports Council	Arts Council	Totals
	€	€	€	€
2007	63,724,000	54,025,000	83,000,000	200,749,000
2008	60,137,000	57,182,000	81,620,000	198,939,000
2009	56,000,000	51,689,000	73,350,000	181,039,000

It can be seen, therefore, that there has been no change in the number or scope of subheads within my Department that are part-funded by the proceeds of the National Lottery.

### **Sports Capital Programme.**

320. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the level of expenditure proposed in respect of specific major sporting or recreational projects throughout the country in 2009; and if he will make a statement on the matter. [16781/09]

321. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which major or minor sporting or recreational facilities have been funded in the past or are expected to be funded in the future from sources other than the proceeds of the National Lottery; and if he will make a statement on the matter. [16782/09]

328. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the degree to which he proposes to offer financial support towards the provision of sporting or recreational facilities of a major or minor nature throughout County Kildare in 2009; the way this compares with 2008; and if he will make a statement on the matter. [16790/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 320, 321 and 328 together.

Under the Sports Capital Programme, which is administered by my Department and part funded from the proceeds of the National Lottery, funding is allocated to sporting and community organisations at local, regional and national level throughout the country. Since 1998, over €725 million has been allocated to over 7,400 projects across the country.

€56 million has been provided in my Department's vote in the 2009 Estimates to cover payments to be made from the C1 subhead, out of which grants are paid for the provision of sports and recreation facilities. The proportion of this funding that is from the proceeds of the National Lottery is a matter for the Minister for Finance. This money will be paid out to grantees that have been allocated funding under previous rounds of the Programme including clubs located in county Kildare.

No decision has been taken on the timing of the next round of the Programme. Under the 2008 Sports Capital Programme, 21 projects in Kildare were allocated €1,366,500.

### **Arts Funding.**

322. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the degree to which funding from the proceeds of the National Lottery can be diverted or are expected to be diverted towards the grant aiding of various bodies, groups or agencies involved in the promotion or development of the arts at local and community level throughout the country. [16783/09]

323. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism if he intends by way of policy directive to groups, bodies or others under the aegis of his Department to encourage or promote the arts specifically at local level with particular reference to such local groups that have heretofore not been recognised and are eligible for support under existing criterion; and if he will make a statement on the matter. [16784/09]

329. **Deputy Bernard J. Durkan** asked the Minister for Arts, Sport and Tourism the extent to which he proposes to offer grant aid or other assistance to community based groups throughout County Kildare involved in the development or promotion of the arts with particular reference to those groups who have to date failed to qualify under existing criterions; and if he will make a statement on the matter. [16791/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** I propose to take Questions Nos. 322, 323 and 329 together.

As I outlined in my reply of 28th January, 2009 last to Question No. 2407/09 Government Policy on the Arts is set out in the Programme for Government and is elaborated further in my Department's Statement of Strategy.

My policy on the arts is to promote and strengthen the arts in all its forms, increase access to and participation in the arts, and make the arts an integral and valued part of our national life.

Responsibility for the promotion of the arts at all levels throughout the country is primarily devolved to the Arts Council. The Arts Council is the principal agency through which State funding is channelled to the arts, a proportion of which is sourced from National Lottery funds and which is used for the purposes, inter alia, of grant aiding of various bodies, groups or agencies involved in the promotion or development of the arts at local and community level throughout the country.

Under the Arts Act, 2003, the general functions of the Council include the following: to stimulate public interest in the arts; to promote knowledge, appreciation and practice of the arts; to assist in improving standards in the arts. The Arts Council is a statutorily independent body, funded by my Department and independent in its day-to-day operations, including in relation to its funding decisions.

My Department has taken a direct role in relation to the provision of grant-aid for arts and culture infrastructure and has allocated over €150m in funding for the capital development of

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facilities around the country in recent years. A total of €108m of this was drawn down by the end of 2008. The table attached to this reply outlines expenditure on capital arts projects since 2004.

The Arts Capital Programme is designed to assist in the provision of high standard arts and culture infrastructural projects thereby enhancing access to the arts throughout the country. Under the scheme facilities funded to date include theatres, integrated arts centres, galleries, art studios and other arts production and performance spaces. 120 projects across the country have been assisted under the scheme. Many of these were community based arts groups. The programme has been widely acknowledged as a significant intervention in the provision of high quality arts and culture infrastructure around the country.

*Questions Nos. 324 to 327, inclusive, answered with Question No. 82.*

*Question No. 328 answered with Question No. 320.*

*Question No. 329 answered with Question No. 322.*

### **Departmental Staff.**

330. **Deputy Leo Varadkar** asked the Minister for Arts, Sport and Tourism the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17358/09]

**Minister for Arts, Sport and Tourism (Deputy Martin Cullen):** There are currently 37 staff in my Department in receipt of long service increments. The estimated cost per annum of these long service increments is €126,000. In those particular payscales where long service increments are payable, such increments are paid after 3 and 6 years satisfactory service at the maximum of the scales.

### **Security of the Elderly.**

331. **Deputy Paul Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the reason the community support to older people has been discontinued; and if he will make a statement on the matter. [16157/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** The Scheme of Community Support for Older People was suspended on 7th April. This was done with a view to affording my Department the opportunity to review its operation over the next few months and re-launching it later in the year.

Last week, I met with representatives of organisations involved with issues affecting older people and I have agreed with them a process that will set the broad parameters for the review and for the necessary consultation to be undertaken as part of it. I am hopeful that the review process can begin in May and be completed by mid September.

I would like to re-assure the Deputies that all applications received up to the suspension of the Scheme will be processed and approved, as appropriate, in line with the current eligibility criteria. In addition, it is important to note that the suspension of the Scheme in no way affects those who already have received a monitored alarm device.

### **Community Development.**

332. **Deputy Michael D. Higgins** asked the Minister for Community, Rural and Gaeltacht

Affairs his views on the application for the funding of a community development project in a RAPID area (details supplied); and if he will support the project. [16230/09]

335. **Deputy Pádraic McCormack** asked the Minister for Community, Rural and Gaeltacht Affairs if he has considered an application for inclusion in the community development project programme (details supplied); if funding will be secured for this project; and if he will make a statement on the matter. [16549/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** I propose to take Questions Nos. 332 and 335 together.

The Community Development Programme was closed to new applicants following a government decision in 2004. Should the programme re-open to new groups, communities in RAPID areas would receive priority consideration for inclusion. In the meantime, I have asked my officials to examine the existing resources within the locality with a view to maximising their impact in the relevant RAPID area.

#### **Legislative Programme.**

333. **Deputy Finian McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16326/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** In the years to which the Deputy refers, Dáil Éireann approved the following legislation pertaining to my Department: Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007 on 3rd July 2007; Charities Act 2009 on 11th February 2009. I can confirm for the Deputy that these were purely national legislation.

#### **Security of the Elderly.**

334. **Deputy Bobby Aylward** asked the Minister for Community, Rural and Gaeltacht Affairs when grant approval under the community support for older people will be approved for a group (details supplied) in County Waterford. [16338/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** An incomplete application was received from the group referred to by the Deputy in mid 2008. Documentation in respect of the expenditure of the previous grant awarded to this group in 2006 was not supplied with the new application, as required under the criteria for the Scheme.

Officials in my Department have been in contact with this group on several occasions requesting this further information. To date, the required information has not been received. A further reminder letter issued recently and upon receipt of the necessary documentation, the application will be processed and funding will be provided, in accordance with the payment guidelines attaching to the Scheme.

*Question No. 335 answered with Question No. 332.*

336. **Deputy Fergus O'Dowd** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications received for funding for the community support for older people scheme in County Louth for each year since 2005 to date in 2009; the number of applications received by location and by security item; and if he will make a statement on the matter. [16550/09]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy John Curran):** The purpose of the Scheme of Community Support for Older People, which was suspended on 7th April last, was to encourage and assist the community's support for older people by means of a community based grant scheme to improve the security of its older members. Funding under the Scheme was provided for door-locks, door-chains and window locks; for security lighting; for smoke alarms and for the once-off cost of installing socially monitored personal alarms.

It is my intention to review the Scheme over the next few months and re-launch it later in the year. In this context, I recently met with representatives of organisations involved with issues affecting older people and I have agreed with them a process that will set the broad parameters for the review and for the necessary consultation to be undertaken as part of it. I am hopeful that the review process can begin in May and be completed by mid September.

All applications received up to the suspension of the Scheme will be processed and approved, as appropriate, in line with the current eligibility criteria. Details of applications received and approved under the Scheme in County Louth for each year since 2005 to date are set out below:



Year	Group	Address	No of applications	Monitored Alarm Number of Recipients	Additional Pendant	Security Lighting	Smoke Alarms	Locks etc	
2009	Drogheda Senior Citizens Interest Group	Drogheda	1	53	8	0	0	0	
	Dundalk Social Service Council	Dundalk	1	1	0	0	0	0	
	Knockbridge Community Alert	Dundalk	1	26	2	23	14	19	
	Omear District Development	Omear	1	15	4	0	0	0	
	TOTAL		4	95	14	23	14	19	
2008	Carlingford Community Alert	Carlingford	2	14	0	0	0	0	
	Cooley Community Alert	Carlingford	1	16	6	14	14	18	
	Drogheda Community Services	Drogheda	2	29	0	0	0	0	
	Drogheda Senior Citizens Interest Group	Drogheda	3	115	13	0	0	0	
	Dundalk Active Retirement Group	Dundalk	1	3	0	0	0	0	
	Dundalk Social Services Council	Dundalk	1	1	0	0	0	0	
	Glenmore Castletowncooley CA	Dundalk	1	3	0	0	0	0	
	Kilsavan Castlebellingham Comm Alert	Kilsavan	1	26	0	26	26	26	
	Ravensdale & District Community Alert	Ravensdale	1	9	2	5	2	2	
	SVDP Blackrock	Dundalk	1	12	0	0	0	0	
	SVDP Dundalk	Dundalk	4	83	0	0	0	0	
	SVDP St Marys Conference	Ardee	1	7	2	1	0	1	
	Togher Community Project Group Ltd	Dunleer	1	3	1	3	1	4	
	Womens Lifestyle Development Group Ltd	Drogheda	1	28	2	27	27	27	
		TOTAL		21	349	26	76	70	78

Year	Group	Address	No of applications	Monitored Alarm Number of Recipients	Additional Pendant	Security Lighting	Smoke Alarms	Locks etc	
2007	Drogheda Community Services	Drogheda	2	27	0	0	0	0	
	Drogheda Senior Citizens Group	Drogheda	3	43	0	0	0	0	
	Dundalk Active Retired Association	Dundalk	1	4	0	0	0	0	
	Haggardstown & Dublin Road Community Alert	Haggardstown	2	14	4	9	6	11	
	SVDP Blackrock	Dundalk	1	11	0	1	0	0	
	SVDP Dundalk	Dundalk	1	14	0	0	0	0	
	Togher Community Project Group	Dunleer	1	26	2	2	2	4	
	TOTAL		11	139	6	12	8	15	
	2006	Drogheda Community Services	Drogheda	2	38	0	0	0	0
		Drogheda Senior Citizens Group	Drogheda	1	59	0	0	0	0
Dundalk Social Service Council		Dundalk	3	5	0	1	0	0	
Knockbridge Community Alert		Dundalk	1	4	0	0	0	0	
Monasterboice Community Alert		Monasterboice	2	12	0	7	21	2	
SVDP Blackrock		Dundalk	1	9	0	0	0	0	
SVDP Dundalk		Dundalk	4	80	0	0	0	0	
Tallanstown SVDP		Ardee	1	6	0	1	0	0	
TOTAL			15	213	0	9	21	2	
2005		Drogheda Community Services	Drogheda	1	28	0	0	0	0
	Drogheda Senior Citizens Group	Drogheda	1	45	0	0	0	0	
	Dundalk Active Retirement Group	Dundalk	3	0	0	0	0	0	
	Monasterboice Community Alert	Monasterboice	1	9	0	0	0	0	
	Omeath District Development	Omeath	1	4	0	4	4	4	
	Seatown Neighbourhood Watch Committee	Dundalk	1	27	0	28	9	33	
	SVDP — St Marys Conference	Ardee	1	5	0	0	0	0	
	TOTAL		9	118	0	32	13	37	

### Scéimeanna Feabhsúcháin Bóithre.

337. D'fhiafraigh **Deputy Kathleen Lynch** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an gceadófar deontas chun obair feabhsúcháin a dhéanamh i mbliana ar bhóthar áise ar Oileán Árann Mhór, Contae Dhún na nGall; agus an ndéanfaidh sé ráiteas ina thaobh. [16628/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Dírím aird an Teachta ar an bhfreagra a thug mé ar Cheist Dála Uimh 525 ar 22 Aibreán 2009.

338. D'fhiafraigh **Deputy Kathleen Lynch** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil réiteach déanta go fóill maidir le cead a thabhairt tosú ar obair feabhsúcháin ar bhóthar áise i gContae Dhún na nGall ar cheadaigh an tAire deontas ina leith i mí na Bealtaine, 2008; agus an ndéanfaidh sé ráiteas ina thaobh. [16629/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Dírím aird an Teachta ar an bhfreagra a thug mé ar Cheist Dála Uimh 628 ar 24 Márta 2009. Tá an próiseas a luaitear ansin fós idir lámha. Tuigeann an Teachta, ar ndóigh, na dúshláin atá ann don Státhiste i láthair na huaire agus nach mór do mo Roinnse a bheith in ann a chinntiú go bhfaightear luach fiúntach ar aon chaiteachas a dhéantar.

### Rural Development.

339. **Deputy Michael Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if a category (details supplied) is included in the criteria for the new funding for groups which was announced. [16703/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** Axes 3 & 4 of the Rural Development Programme Ireland 2007–13 provides a range of funding measures to support rural communities and the rural economy. These measures are being implemented in accordance with the LEADER bottom-up approach to rural development by Local Action Groups all over the country.

Direct support for tourism activities is provided through the Encouragement of Tourism Activities measure, with in excess of €45m available for such investment in rural areas during the Programming period. Funding is also available to members of farm households under the Diversification into Non-agricultural Activities for the provision of tourism facilities for such as walking, cycling, angling, pony trekking and for the development of niche tourism products such as arts and crafts, speciality food provision and open farms. Total funding of €16.66m is available under this measure.

### Irish Language.

340. **Deputy Brian O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to recognise Irish sign language as a third official language (details supplied); and if he will make a statement on the matter. [16711/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** I have no function in relation to languages other than in relation to the Irish language, and Ulster-Scots as provided for in the British-Irish Agreement Act 1999.

I can, however, inform the Deputy that Irish Sign Language has formal recognition under the Education Act 1998. Details of the functions and services that flow from that provision were set out by the Minister for Education and Science in reply to a Parliamentary Question (Ref: 8515/07) on 6 March 2007.

### Departmental Staff.

341. **Deputy Leo Varadkar** asked the Minister for Community, Rural and Gaeltacht Affairs the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17360/09]

**Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív):** It has not been possible within the time available to compile the information sought. I am arranging for this work to be compiled and the material provided directly to the Deputy as a matter of priority.

### Social Welfare Benefits.

342. **Deputy Noel Grealish** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of rent allowance through the Health Service Executive; the cost of same to the State; and if she will make a statement on the matter. [16129/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes rent supplement, is administered on behalf of the Department by the community welfare division of the Health Service Executive. There are currently over 84,760 recipients of rent supplement of which 29,800 recipients are non Irish. The weekly cost of rent supplement for non Irish recipients is €3.8 million.

343. **Deputy Noel Grealish** asked the Minister for Social and Family Affairs the number of non-Irish nationals in receipt of social welfare payments; the breakdown of these social welfare payments; the number of each nationality receiving these payments; the amount being paid for qualified adults and dependent children; the cost to the State; and if she will make a statement on the matter. [16128/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Any person who satisfies all the conditions for a particular social welfare scheme is entitled to that payment regardless of their nationality. The Department does not maintain statistics on the nationality of the recipient as nationality is not a determinant of eligibility. Statistical data on the Live Register is compiled and published by the Central Statistics Office. A table taken from their website is set out below. This data is sourced from information collected on the nationality of claimants when they first sign on the Live Register. The totals include people who are not in receipt of a payment as well as people who are in receipt of a payment.

Persons on the Live Register classified by nationality

		Nationality						
		Non-Irish Nationals						
		UK	EU15 excl. Irl. & UK	Accession states EU15 to EU27	Other	Non-Irish Nationals	Irish Nationals	Total Persons
2007	February	7,569	1,527	4,696	5,890	19,682	139,717	159,399
	March	7,483	1,447	5,242	5,678	19,850	136,019	155,869
	April	7,401	1,458	5,386	5,593	19,838	134,481	154,319
	May	7,367	1,462	5,506	5,743	20,078	133,932	154,010
	June	7,841	1,567	5,860	6,453	21,721	144,642	166,363
	July	8,137	1,614	6,139	6,601	22,491	152,103	174,594

		Nationality						
		Non-Irish Nationals						
		UK	EU15 excl. Irl. & UK	Accession states EU15 to EU27	Other	Non-Irish Nationals	Irish Nationals	Total Persons
	August	8,246	1,640	6,544	6,627	23,057	151,149	174,206
	September	7,732	1,497	6,326	5,902	21,457	138,994	160,451
	October	7,612	1,473	6,542	5,408	21,035	136,414	157,449
	November	7,851	1,516	7,433	5,439	22,239	139,483	161,722
	December	8,150	1,610	7,934	5,540	23,234	147,142	170,376
2008	January	8,756	1,759	10,064	5,909	26,488	154,961	181,449
	February	9,073	1,858	12,545	6,247	29,723	159,762	189,485
	March	9,349	1,959	13,403	6,408	31,119	166,873	197,992
	April	9,401	1,921	14,166	6,483	31,971	163,627	195,598
	May	9,600	1,945	14,738	6,996	33,279	168,477	201,756
	June	10,268	2,146	15,623	7,831	35,868	184,943	220,811
	July	10,969	2,327	16,953	8,215	38,464	199,776	238,240
	August	11,426	2,446	18,581	8,648	41,101	206,283	247,384
	September	11,186	2,419	19,381	8,228	41,214	199,003	240,217
	October	11,584	2,654	22,285	8,077	44,600	207,351	251,951
	November	12,372	2,902	26,089	8,513	49,876	218,710	268,586
	December	13,279	3,211	28,950	9,015	54,455	236,908	291,363
2009	January	14,807	3,651	35,826	10,050	64,334	263,527	327,861
	February	15,707	4,052	41,057	10,900	71,716	282,721	354,437
	March	16,299	4,245	43,559	11,510	75,613	295,658	371,271

### Social Welfare Code.

344. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if his attention has been drawn to the anomaly whereby a cohabiting couple are treated as a single household for social welfare eligibility purposes, yet for Revenue Commissioner purposes they are treated as two individuals and may not benefit from each other's tax credits; and if she will make a statement on the matter. [16140/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The social welfare and tax systems have evolved over time and in response to a variety of factors, including Constitutional imperatives as interpreted by the Courts, changing social trends and EU Directives. The EEC Equality Directive 79/9 and the subsequent Supreme Court case (Hyland v Minister for Social Welfare, 1989) led to the change in the treatment of non-married cohabiting couples in the social welfare code. The Court ruled that it was unconstitutional for the total income a married couple received in social welfare benefits to be less than the couple would have received if they were unmarried and cohabiting. Accordingly, there was a constitutional imperative for the social welfare code to treat married and cohabiting couples in a similar manner. The income tax arrangements for cohabiting couples are a matter for the Minister for Finance.

### Social Welfare Benefits.

345. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when a person

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(details supplied) in County Mayo will be approved and awarded one parent family allowance. [16162/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned applied for a one-parent family payment on 5 February, 2009. Her claim is currently with a Social Welfare Inspector for investigation of her circumstances. The inspector has made efforts to contact her on two occasions to date. On completion of enquiries, a decision will be made as soon as possible and she will be notified of the outcome.

Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers and Appeals Officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

346. **Deputy Seán Sherlock** asked the Minister for Social and Family Affairs if a person would be eligible to apply for carer's benefit if they were to take the three year career break from the public service as announced in the 7 April 2009 Budget; and if she will make a statement on the matter. [16201/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In the recent supplementary Budget on 7 April 2009, the Minister for Finance announced the 'Special Civil Service Incentive Career Break Scheme'. This scheme will allow civil servants who take a career break for 3 years to be paid an incentive payment of 33% of gross pay to a maximum of €12,500 per year. The career break may be allowed for family reasons, other domestic purposes (e.g. care of a relative), travel abroad, self-employment and educational purposes.

However, the circular from the Department of Finance setting out the specific terms for this career break scheme has not been finalized and I am not in a position to make a definitive judgment on eligibility for carer's benefit at this time. My officials will revert to the Deputy in writing on the issue of eligibility for carer's benefit as soon as possible.

#### **National Carers Strategy.**

347. **Deputy Andrew Doyle** asked the Minister for Social and Family Affairs the alternative strategy for the support of carers being proposed; and if he has decided not to publish the National Carers Strategy. [16248/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** My strategy is to continue providing the greatly improved level of services and supports for carer's which this Government has introduced over the past decade.

During that time weekly payment rates to carers have greatly increased, qualifying conditions for carer's allowance have significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit, half-rate carer's allowance and the respite care grant have been introduced and extended.

The means test for carer's allowance has been significantly eased over the years, and is now one of the most generous means tests in the social welfare system, most notably with regard to spouse's earnings. Since April 2008, the income disregard has been €332.50 per week for a single person and €665 per week for a couple. This means that a couple with two children can earn in the region of €37,200 and qualify for the maximum rate of Carer's Allowance as well as the associated free travel and household benefits. A couple with an income in the region of €60,400 can still qualify for a minimum payment, as well as the associated free travel, household



benefits package. These levels surpass the Towards 2016 commitment to ensure those on average industrial earnings continue to qualify for a full carer's allowance.

From June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care, regardless of their income. The rate of the respite care grant has also been increased to €1,700 per year in respect of each care recipient since June 2008.

In June 2006, the number of hours for which a person can engage in employment, self-employment, education or training and still be considered to be providing full time care for the purposes of carer's allowance, carer's benefit and the respite care grant was increased from 10 to 15 hours per week. Budget 2007 provided for new arrangements whereby people can receive a maximum payment equivalent to a half-rate carers allowance while receiving another social welfare payment, other than jobseekers benefit or allowance. These measures came into effect in September 2007.

In Budget 2009, I increased the rate of carer's allowance for those aged 66 or over by €7 to €239 per week and for those aged under 66 by €6.50 to €220.50 per week. These increases took effect from January 2009. Recipients of carer's allowance are also eligible for household benefits and free travel and the respite care grant.

It is estimated that the combined expenditure on carer's allowance, carer's benefit, the respite care grant and half-rate carer's allowance will be €650 million in 2009. As regards publishing a National Carers' Strategy, during 2008 an interdepartmental group, chaired by the Department of the Taoiseach, with secretariat support provided by my Department, undertook work, including a public consultation process to develop a strategy. However, because of the prevailing economic situation, it was not possible to set targets or time lines which could be achieved. In that context, rather than publishing a document which did not include any significant plans for the future, the Government decided not to publish a strategy. This position remains unchanged.

My officials recently met with the Carers Association to discuss proposals which they had put forward in the absence of the National Carers Strategy. While the majority of the proposals relate to services provided by the Department of Health and Children and the Health Services Executive, my officials are committed to working with the Association on any proposals which can be progressed by this Department within existing resources.

#### **Private Rented Accommodation.**

348. **Deputy Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs her analysis of data from the Private Residential Tenancies Board regarding trends in the private rental sector for the past 12 months. [16249/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

In recent years a significant number of people have come to rely on rent supplement for extended periods. There are currently over 84,700 people in receipt of rent supplement, an increase of almost 42% since the end of December 2007.

Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. Rent limits are set at levels that enable different types of eligible households to secure and retain basic suitable rented accommodation, having regard to different rental market conditions that prevail in various parts of the State. The objective is to ensure

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that rent supplement is not paid in respect of overly expensive accommodation having regard to the size of the household and market conditions.

Setting or retaining maximum rent limits at a higher level than are justified by the open market can have a distorting effect on the rental market, leading to a more general rise in rent levels and in landlord income. This in turn may worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes.

Maximum rent limits are prescribed in regulations and are time limited so that they can be adjusted in the light of rent levels generally. The most recent regulations cover the period to 31 December 2009.

The recent Supplementary Budget provided for changes to be made to the rent supplement scheme. One of the measures being introduced is the reduction in the maximum level of rent supplement payable by the State in respect of all new tenancies or on renewals of tenancies. The limits will be reduced by up 6% to 7% on average, ranging up to 10%, depending on the geographical area and household size and by reference to an analysis of rent supplement and the Private Residential Tenancies Board rent data as well as the downward trends in private rents as recently published by the CSO.

Data was provided to the Department by the Private Residential Tenancies Board on over 340,000 tenancies containing tenancy lease details up to mid-December 2008. The analysis of this data was confined to 116,000 property descriptions which met the equivalent household types used by the Department to determine rent limits. A high level analysis of the actual rents paid by these 116,000 tenants indicated that rent levels had fallen by varying percentages per county and depending on household type.

In reviewing rent levels, it was also necessary to take account of prevailing rent levels in the private rental sector generally, including an analysis of the “Private Rented Index” produced by the Central Statistics Office in March 2009 as well as data on asking prices for rent by Daft.ie, the property website, published in February 2009. According to the CSO private rent index, rents fall by almost 11% in 2008 on average and by 7 % between November 2008 and February 2009. Daft found that rents fell by almost 12% in the past year and that rents outside Dublin fell by 10% over the course of 2008 and by over 13% on average in Dublin. Daft also reported that the number of rental properties on the market more than doubled in that time.

Furthermore, an analysis of rent supplement data indicates that 34% of rent supplements are currently paid below the statutory rent limits indicating that accommodation is more readily available to rent supplement tenants than heretofore. All of the private rent sector indicators show that rents have fallen considerably in the past 12 months.

### **Child Support.**

349. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs when children’s allowance and child benefit were introduced; the Minister who introduced same; and if she will make a statement on the matter. [16291/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The original Children’s Allowance (CA) scheme was introduced in 1944. It was originally payable in respect of third and subsequent children on a non means tested basis but this was extended over time to cover all children. The scheme was introduced by Mr. Sean Lemass, TD, Minister for Industry and Commerce as the Department of Social Welfare was not established until 1947. Childrens Allowance was not means tested.

An element of overall targeting was introduced by means of an income tax ‘clawback’ which meant that receiving CA in respect of any child had the tax allowance for that child reduced. However this feature was abolished over time. CA was abolished in 1986 and replaced by Child Benefit (CB). CB was introduced in April 1986 with a view to providing, inter alia, a more significant independent income for mothers whose work is in the home and to help improve the incentive to take up paid work. The change also took place in the context of improved payment levels and the abolition of child tax allowances in the income taxation code. The Minister for Social and Family Affairs at that time was Ms. Gemma Hussey, TD.

### **Legislative Programme.**

350. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs the legislation approved by Dail Éireann in 2007 and 2009 pertaining to her Department; and if he will list and clarify what originated from Brussels and what was purely national. [16335/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Four social welfare Acts have been passed by the Oireachtas during the period 2007 to date, as follows.

First, the Social Welfare and Pensions Act 2007 (No. 8 of 2007 enacted 30 March 2007). This Act provided for the implementation of certain social welfare improvements announced in Budget 2007. These include increases in Child Benefit, the One-Parent Family Payment income limit and the Respite Care Grant. It also provided for enhancements to the Illness Benefit, Maternity Benefit, Adoptive Benefit and Supplementary Welfare Allowance schemes. The Act further provided for the introduction of a special rate of Carer’s Allowance which is, in specified circumstances, payable simultaneously with certain other social welfare payments. In addition, the Act provided for a number of miscellaneous amendments to the Social Welfare Consolidation Act 2005. Section 36 of the Act amended the Pensions Act 1990 in relation to Trust Retirement Annuity Contracts to ensure compliance with the IORPS directive (Directive 2003/41/EC). Finally, the Act also provided for amendments to the Combat Poverty Agency Act 1986, Family Support Agency Act 2001 in relation to attendance before the Public Accounts Committee, and the Taxes Consolidation Act 1997 in relation to employment data.

Second, the Social Welfare Act 2007 (No. 40 of 2007 enacted 20 December 2007). The Act provided for increases in the rates of social insurance and social assistance payments and improvements in Family Income Supplement and Widowed Parent Grant. It also provided for an increase in the weekly earnings limit below which PRSI is not payable, an increase in the income ceiling above which PRSI contributions are not payable by employed or optional contributors, as announced in the 2008 Budget Statement, in addition to changes to the Health Contributions Act 1979 to provide for an increase in the weekly and annual exemption thresholds for the Health Contribution Levy.

Third, the Social Welfare and Pensions Act 2008 (No. 2 of 2008). This Act provided for the implementation of certain social welfare improvements announced in Budget 2008. These include increases in Child Benefit, Early Childcare Supplement and the Respite Care Grant. Provision was also made for an increase in income limit for the One-Parent Family Payment and change in the assessment of income for the purposes of qualification for the payment. In addition, the Act provided for a number of miscellaneous amendments to the Social Welfare Consolidation Act 2005, the Pensions Act 1990, the Family Law Act 1995 and the Family Law (Divorce) Act, 1996. The Act also contains the legislative provisions for the payment of Blind Welfare Allowance and Domiciliary Care Allowance by the Department of Social and Family Affairs, scheduled to come into effect in 2009. At that time, these schemes were administered by the Department of Health and Children.

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Fourth, the Social Welfare (Miscellaneous Provisions) Act 2008 (No. 22 of 2008). This Act provided for a number of measures as announced in Budget 2009, including the increases in the rates of social insurance and social assistance payments and improvements in the Family Income Supplement scheme, PRSI changes, and amendments to the social welfare code. It also provided for amendments to the Pensions Act 1990, the Civil Registration Act and the Citizens Information Act to assign responsibility for the provision of the Money Advice and Budgeting Service functions to the Citizens Information Board. This Act also provided for the integration of the Combat Poverty Agency and the Office for Social Inclusion, which will entail the dissolution of the Combat Poverty Agency and the transfer of permanent staff of the Agency.

*Question No. 351 withdrawn.*

### **Social Welfare Appeals.**

352. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs when supplementary welfare allowance will be granted in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16383/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Health Service Executive has advised that an appeal by the person concerned against a decision on an application for supplementary welfare and rent allowance is currently before an Appeals Officer of the Executive. The person concerned will be advised of the result of the appeal in due course.

### **Grant Payments.**

353. **Deputy Denis Naughten** asked the Minister for Social and Family Affairs if she will allow for additional flexibility in the farm assist means test in view of the financial hardship being caused by Government cuts in supports to Agriculture; and if she will make a statement on the matter. [16388/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** Support for farmers on low incomes is available through the farm assist scheme which is a means-tested payment broadly similar to the jobseeker's allowance scheme. It features a more generous means test, which takes account of the specific nature of farming and, unlike jobseeker's allowance, farmers claiming this payment do not need to be available for work outside of the farm in order to qualify.

Increases in social welfare rates provided in recent years mean that it is now easier for low income farmers to qualify for support under the scheme. For instance, the personal rate of payment has been increased by €6.50 from €197.80 to €204.30 a week from the beginning of January, while the increase for a qualified adult has been raised by €4.30 from €131.30 to €135.60 a week. Increases for qualified children have also gone up from €24 to €26 a week. This means, for example, that a low income farming family with 3 children can now receive a maximum weekly payment of €417.90, i.e. an increase of €16.80 a week (4.2%), which is ahead of the projected average increase in the Consumer Price Index of 2.5% for 2009.

Improvements in the method of assessing earnings from insurable employment, which were introduced in September 2007, provide further gains for families claiming farm assist, where either spouse is also in insurable employment. In addition, the capital disregard in the means assessment increased from under €12,700 to €20,000, from June 2005. Any further improvements in the assessment of means would have to be considered in a budgetary context.

### **Social Welfare Benefits.**

354. **Deputy Charles Flanagan** asked the Minister for Social and Family Affairs her views on altering the day for payment of unemployment benefits at post offices from a Friday, having regard to the large volume of people attending post offices at the same time, resulting in inconvenience and delay for those persons receiving benefit; and if the matter of another day might be discussed. [16623/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The Department administers a variety of schemes which have weekly and monthly payment cycles. For operational and administrative reasons, and to facilitate the distribution of payments through the Post Office network, each scheme is assigned a day of the week for payment. This ensures that payments to be distributed through Post Offices are evenly spread across the week.

The majority of Job seekers benefit and allowance payments are paid on Monday and Wednesday with a small number being paid on Tuesday, Thursday and Friday. A person can collect their payment on the due date or within a number of days thereafter. The post office network, and the operation of any individual post office, is a matter for An Post.

### **Social Welfare Appeals.**

355. **Deputy Kathleen Lynch** asked the Minister for Social and Family Affairs when it is proposed to fix a date for the hearing of an appeal in relation to a carer's allowance application by a person (details supplied) in County Donegal. [16627/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned was in receipt of Carer's Allowance from July 1999 until 4 June 2008, when, following a review, payment of the allowance to him was suspended as he did not provide a Social Welfare Inspector with information regarding his means which was required to assess his continued entitlement.

Following a number of subsequent phone calls from the person concerned, the file was sent again to the Social Welfare Inspector for further investigation. His claim was eventually disallowed on 30 September 2008 on the grounds that he had failed to disclose his means.

An appeal was opened on 20 November 2008 and I am advised by the Social Welfare Appeals Office that the case has been referred to an Appeals Officer who proposes to hold an oral hearing. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office is an office of the Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

### **Departmental Agencies.**

356. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs if the Money Advice and Budgeting Service has been assigned to the Citizen Information Board; if not, when this will be completed; and if she will make a statement on the matter. [16640/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In Budget 2009 the Government announced its decision to assign responsibility for the MABS to the Citizens Information Board. The necessary legislative provision has been made in Part 4 of the Social Welfare (Miscellaneous Provisions) Act, 2008.

The legislation provides for the amendment of the Citizens Information Acts 2000 to 2007 to extend the functions of the Citizens Information Board to include responsibilities in relation to the provision of the Money Advice and Budgeting Service. The legislation provides that the



[Deputy Mary Hanafin.]

MABS will be a separate distinct service within the Citizens Information Board. There will be no change in the status of the independent MABS companies with voluntary boards of management nor in the employment status of their employees that provide the local services throughout the country. Part 4 of the legislation will be brought into effect by way of a commencement order to allow for the orderly transfer of responsibility for the MABS from the Department of Social and Family Affairs to the Citizens Information Board.

The Department is working closely with the Citizens Information Board to complete the transition arrangements. The project is being overseen by a Steering Committee comprising officials from the Department and the Citizens Information Board. It is envisaged that a six months period up to July 2009 will be required to complete the transfer arrangements. I have been advised that the project is progressing well and is on schedule for completion in early July.

357. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs if the integration of the Combat Poverty Agency and the Office of Social Inclusion into her Department has been completed; and if she will make a statement on the matter. [16641/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** In Budget 2009 the Government announced that the Combat Poverty Agency and the Office for Social Inclusion are to be integrated within the Department of Social and Family Affairs. The Government's decision was informed by the findings of a review of the Combat Poverty Agency which was undertaken on foot of a Government Decision on the 6th of June 2007.

The necessary legislative provision has been made in Part 5 of the Social Welfare (Miscellaneous Provisions) Act 2008. The legislation provides for the dissolution of the Combat Poverty Agency, the transfer of the Agency's staff, assets and liabilities to the Minister for Social and Family Affairs and for the preparation of final accounts. Part 5 is to be brought into effect by way of a commencement order to allow for completion of the main transition arrangements.

The Department is working with the Board and staff of the Agency in implementing a plan for the transition.. The project is being overseen by a Steering Committee chaired by the Secretary General of the Department and comprised of members of the Board and staff of the Agency and senior officials of the Department. It is envisaged that the period up to 1st July 2009 is required for implementation of the transition plan I have been advised that implementation is progressing well and is on schedule for completion by the deadline of 1st July 2009.

### **Social Welfare Benefits.**

358. **Deputy Michael Ring** asked the Minister for Social and Family Affairs the reason the child dependant allowance has not been granted to a person (details supplied) in County Mayo in view of the fact that this child is now four months old. [16707/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned has been awarded an increase, in respect of her son, in her one-parent family payment from 11 December 2008. Arrears of €488.00 issued to her on 23 April 2009. 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.

359. **Deputy Jack Wall** asked the Minister for Social and Family Affairs if it is appropriate that a community welfare officer should ask applicants with maintenance liabilities, seeking rent supplement under the social welfare system, to seek court assistance in having a variation



of the original amount of maintenance payment; the way a mother of a child can deal with such an instance or the preparatory application forms or direction her Department can give in such instances to ensure that the child or mother does not suffer a delay in payments or expectation of income towards their welfare; and if she will make a statement on the matter. [16710/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The purpose of the rent supplement scheme is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

An individual making an application for rent supplement who has recently become unemployed may have maintenance liabilities which they would have been in a position to meet while in employment. If the level of maintenance payments is now such that an individual finds they have inadequate funds with which to meet their basic needs, including accommodation needs, the most appropriate course of action would be for the individual to seek to renegotiate their maintenance liabilities to take account of their current financial circumstances.

Where maintenance orders have been made through the courts, either parent can at a later date apply to the court for the issue of a summons against the other party for the purpose of obtaining a 'Variation Order' to have the amount of maintenance varied. Information and advice on free legal aid for the purpose of applying to the court for a maintenance order or a variation of a maintenance order or responding to a maintenance summons can be obtained by contacting the local Citizen's Information Centre or nearest law centre.

In instances where welfare support is provided to single parents in the form of one-parent family payment, the other parent (liable relative) is legally required to contribute to the cost of this payment. Liable relatives who earn less than €18,000 per annum or whose main source of income is a social welfare payment are not deemed by the Department to be in a financial position to meet weekly maintenance payments and accordingly are not assessed with a maintenance liability.

Where welfare support is provided to single parents in the form of one-parent family payment and/or rent supplement and the amount of maintenance in payment has been reduced by court order or for any other reason, it is open to that person to contact the Department or the relevant Community Welfare Officer to seek a reassessment of their entitlements to take account of the change in their financial circumstances.

### **Social Insurance.**

360. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs if she will provide the schedule of the actual expenditure for each Estimate sub-heading for the first quarter of 2009 with a breakdown by social assistance and social insurance fund supported schemes; and if she will provide the actual income received by the Social Insurance Fund during this period. [16758/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The information requested is given in the tables. Tables A and B show actual expenditure incurred and income received in the first two months of 2009 for Vote 38 and the Social Insurance Fund, respectively. The figures given are provisional and represent the most up to date information available. Full expenditure and income data to include the month of March will not be available until early May.

[Deputy Mary Hanafin.]

Table A: Expenditure under the Department of Social and Family Affairs Vote 38, 1st January-28th February 2009 (provisional)

Expenditure	€
<i>Administration</i>	
A1 Salaries, Wages & Allowances	37,177,123
A2 Travelling & Subsistence	457,592
A3 Incidental Expenses	912,903
A4 Postal & Telecommunications	1,406,747
A5 Office Machinery/Office Supplies	1,850,830
A6 Office Premises Expenses	986,976
A7 Consultancy Services	52,883
A8 Payment for Agency Services	12,880,862
A9 Value for Money & Policy Reviews	49,517
A10 e-Government Related Projects	38,190
Administration Subtotal	55,813,623
<i>Schemes</i>	
B State Pension (Non-Con)	161,131,432
C Blind Pension	2,791,249
D Child Benefit	408,532,940
E Jobseeker's Allowance	233,894,015
F Farm Assist Scheme	13,883,568
G Employment Support Services	27,847,010
H Pre-Retirement Allowances	16,420,324
I One-Parent Family Payment	170,494,801
J Widow(er)s & Guardian Payments (Non-Con)	4,757,952
K Social Assistance & Other Allowances	956,193
L Family Income Supplement	26,766,049
M Carers Allowances	75,962,160
N Supplementary Welfare Allowances	149,532,359
O Disability Allowance	167,514,833
P Respite Care Grant	1,166,488
Q Free Schemes (Assistance)	74,703,440
R Money Advice & Budgeting Service	8,422,326
S Grant to Family Support Agency	9,467,920
T1 Grant to the Combat Poverty Agency	220,000
T2 EU Program (Progress) 2007-2013	0
U Grant to Citizens Information Board	8,200,000
V Dormant Accounts — Economic & Social Disadvantage	386,676
W. Domiciliary Care Allowance	0
X Miscellaneous Services	16,527,094
Schemes Subtotal	1,579,578,829
Gross Total	1,635,392,452
<i>Deduct</i>	
Y. Appropriations in Aid	34,841,710
Net Total	1,600,550,742

Table B: Income and Expenditure for the Social Insurance Fund, 1st January-28th February 2009 (provisional)

Income	€
Income from Contributions	1,333,666,199
Income from Investments	12,827,705
<b>Total Income</b>	<b>1,346,493,904</b>
<i>Expenditure</i>	
Illness Benefit	144,888,748
Invalidity Pension	106,739,987
Occupational Injuries Benefit	17,849,583
Maternity Benefit	51,030,124
Health & Safety Benefit	96,322
Adoptive Benefit	180,409
Treatment Benefit	12,426,447
State Pension Contributory	596,483,971
State Pension Transition	15,151,476
Jobseekers Benefit	242,355,925
Widow(er)s & Guardians (Con.) Pensions	223,890,203
Widowed Parent Grant	899,500
Deserted Wife's Benefit	15,570,428
Carer's Benefit	4,895,425
Bereavement Grant	3,090,149
Free Schemes	51,879,117
Redundancy & Insolvency	29,016,471
Administration Expenses	33,678,000
<b>Total Expenditure</b>	<b>1,550,122,285</b>

### Social Welfare Benefits.

361. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if mortgage support will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16796/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The supplementary welfare allowance scheme, which includes mortgage interest supplement, is administered on behalf of the department by the community welfare division of the Health Service Executive.

Mortgage interest supplement provides short-term support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only.

The Executive has advised that the application for mortgage interest supplement from the person concerned has been refused and he has been notified of the decision. The person concerned has also been advised of his right of appeal against this decision to the HSE Appeals Office.

362. **Deputy Bernard J. Durkan** asked the Minister for Social and Family Affairs if unemployment assistance or benefit will be granted in the case of a person (details supplied) in

[Deputy Bernard J. Durkan.]

County Kildare who has not received payment for more than three months; and if she will make a statement on the matter. [16798/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The person concerned made an application for Jobseekers Allowance on 30 January 2009. Payment of Jobseekers Allowance is subject to a means test and arrangements are being made for him to be immediately interviewed by a Social Welfare Investigator.

The person concerned person may apply for Supplementary Welfare Allowance from their local Community Welfare Officer while his application for Jobseekers Allowance is being processed.

### Departmental Staff.

363. **Deputy Leo Varadkar** asked the Minister for Social and Family Affairs the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if she will make a statement on the matter. [17368/09]

**Minister for Social and Family Affairs (Deputy Mary Hanafin):** The number of Civil Servants in my Department who are in receipt of Long Service Increments is 1,626. An Officer may become eligible for a Long Service Increment after three years on the maximum point of the standard pay scale and thereafter for the award of a second Long Service Increment after a further three years.

The difference between the total salary including Long Service Increments currently in payment and the total value of the maximum point of the standard pay scale which would otherwise have been payable to these individuals is €3,988,604. The actual additional full year cost is slightly less than this because in any given year, there are a number of first time recipients of long-service increments who receive these payments for part of the year only. Also, in any year, a number of those in receipt of Long Service Increments may work less than a full year by reason of having availed of term-time or worksharing arrangements. It is not possible in the timescale to provide a detailed analysis of the cost of these increments based on the sum of all the individual employees concerned.

### Legislative Programme.

364. **Deputy Finian McGrath** asked the Minister for Defence the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16327/09]

**Minister for Defence (Deputy Willie O’Dea):** In the period from 1 January 2007 Dáil Éireann approved the following legislation pertaining to my Department:—

Defence (Amendment) Act 2007.

This Act was not initiated to fulfil EU obligations.

### Defence Forces Reserve.

365. **Deputy Jim O’Keeffe** asked the Minister for Defence his plans for the future of the Reserve Defence Force; and if he will make a statement on the matter. [16576/09]

**Minister for Defence (Deputy Willie O’Dea):** The White Paper on Defence 2000 outlines the blueprint for the Reserve Defence Force (RDF). The Reserve Defence Force Review

Implementation Plan provides for the phased enhancement of Reserve capabilities over the period to the end of 2009.

In accordance with the Plan, revised organisation structures came into effect in October 2005. The Reserve has been re-organised along similar lines to the PDF with three brigades, a Reserve Defence Force Training Authority and a dedicated Naval Service Reserve. Improvements in clothing, equipment and training have been delivered. These factors were identified as being important issues for members of the Reserve, as well as being necessary to improve the overall capability of the Reserve.

The Implementation Plan also provides for the development of an Integrated Army Reserve. A pilot scheme for the Integrated Reserve was run in 2007 and continued into 2008. Whilst numbers participating were disappointing, valuable lessons have been learned.

As with the public service generally, the Defence Organisation is required to operate with reduced funding. While the budgetary provision for training of members of the Reserve has been reduced, it will be sufficient to allow all current members of the Reserve to undertake paid training this year.

The Government introduced a moratorium on recruitment to the Public Service with effect from 27th March 2009. This moratorium prevents the planned recruitment of members of the Reserve to the Permanent Defence Force for the purpose of overseas service. This, in addition to budgetary restrictions has meant that the planned deployment of Reservists on overseas duty cannot now proceed and has been postponed for the foreseeable future. This is a disappointing development for all concerned and I would specifically like to thank those members of the Reserve who have participated in integrated training and volunteered themselves as candidates for overseas service for the interest and commitment they have shown. In light of the moratorium and budgetary restrictions, recruitment to the Reserve has also been suspended for the present.

The Reserve Defence Force has been selected as a review topic for inclusion in the 2009-2011 round of the Government's Value for Money and Policy Review initiative. It is expected that the findings of this review, the general budgetary situation together with lessons learned through the RDF Review Implementation Plan process, will assist in informing decisions regarding future plans for the Reserve.

#### **Departmental Staff.**

366. **Deputy Leo Varadkar** asked the Minister for Defence the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17361/09]

**Minister for Defence (Deputy Willie O'Dea):** It has not been possible in the time available to compile the information requested by the Deputy. The information will be forwarded to the Deputy as soon as possible.

#### **Water and Sewerage Schemes.**

367. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government if he has received correspondence from a group (details supplied); the position regarding the reaction and response he propose to make to the suggestions contained therein with regard to the appointment of consultants; and if he will make a statement on the matter. [16840/09]

369. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a sewerage scheme for Oughterard, County Galway; the timescale involved in the current stage and subsequent stages of the process; when it is expected that work will commence on this sewerage scheme; and if he will make a statement on the matter. [16213/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 367 and 369 together.

The Oughterard Sewerage Scheme is included for funding in my Department's Water Services Investment Programme 2007-2009.

Earlier this month, I gave approval to Galway County Council to make arrangements for the short-listing and appointment of consultants for the scheme on foot of the revised brief submitted by the Council to the Department in February 2009.

The first task of the consultants when appointed will be to prepare a Design Review Report so as to ensure that the most suitable and effective scheme is put forward. Successful completion of this task will lead to the preparation of the Contract Documents, which will be used to invite bids for the construction of the scheme.

The correspondence received from the group referred to is being examined and a response will issue to them as soon as possible.

368. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if, in relation to the planning contribution scheme, all local authorities charge house holders for connections to mains water, even if such a connection is not used by the householder; and if he will make a statement on the matter. [16144/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Planning and Development Act 2000 introduced changes to the operation of the development contributions system, including the introduction of a statutory requirement that such contributions may now be levied only in accordance with a development contribution scheme drawn up by the planning authority and approved by the elected members following a public consultation process.

Section 48 of the Planning and Development Act 2000 provides that planning authorities may levy development contributions in respect of public infrastructure and facilities provided by, or on behalf of, the local authority that benefit development in the area, including recreational facilities, public transport facilities and water facilities, including water and wastewater treatment facilities, drains and watermains and any matters ancillary to these.

The adoption of development contribution schemes is a reserved function of the locally elected members of each planning authority. It is a matter for the members to determine the level of contribution and the types of development to which they will apply. Details of individual development contribution schemes are available directly from each planning authority.

*Question No. 369 answered with Question No. 367.*

#### **Register of Electors.**

370. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the closing dates for applications for the supplement to the postal and special voters lists in the local and European elections to be held on 5 June 2009; the closing date for any by-elections which may be held on the same date; if the closing date will be uniform throughout the State; and if he will make a statement on the matter. [16257/09]



**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Sections 15A(4) and 15B(4) of the Electoral Act 1992, as inserted by section 7 and 8 of the Electoral (Amendment) Act 2001, provide that an application by an elector to have his or her name entered in the supplement to the postal or special voters list, which is received by the registration authority on or after the third day after the date of the dissolution of the Dáil at a general election or on or after the third day after the date of the making of the order appointing polling day at a Dáil bye-election or a Presidential, European or local election, shall not have effect in relation to that election.

Section 15C of the Electoral Act 1992, as inserted by section 9 of the Electoral (Amendment) Act 2001, provides that where an application by an elector to have his or her name entered in these supplements is received after the closing date in relation to one election but before the closing date in relation to another election, the poll at which is to be held on the same day, the closing date for the second or subsequent election shall apply to the application.

As regards the elections to be held on 5 June 2009, I made the polling day order in respect of the local elections on 31 March 2009. I will shortly be making the corresponding order in respect of the European elections. In the event of any bye-election being held on 5 June, the closing date for these supplements in respect of all elections would be 2 days after the making of the polling day order consequent on the issuing of the writ concerned.

#### **Building Regulations.**

371. **Deputy James Bannon** asked the Minister for the Environment, Heritage and Local Government the reason persons (details supplied) in County Longford have been unable to gain satisfaction from his Department or the local council, despite assessment by the building control officer in relation to their problems regarding heat loss in their house which was built and purchased in 2006 and which are impacting adversely on their health; and if he will make a statement on the matter. [16276/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The National Building Regulations set out the legal requirements for the construction of new buildings, including dwellings. Responsibility for compliance with the Regulations is a matter for the owner or builder of a building. Responsibility for enforcement of the Regulations rests with the 37 local Building Control Authorities. The resolution of problems arising between building owners and builders are matters between the parties concerned, namely, the building owner, the builder and, where appropriate, the builder's insurer. A comprehensive reply to the case referred to in the question is in preparation and will issue from my Department this week.

372. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government the progress made in regard to the introduction of a national BER examination from June 2009; if the 41 exam centres including 25 mobile units have been selected; the distinction made with regard to new build and existing build as regards examinations; and if he will make a statement on the matter. [16301/09]

377. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to ensure that all houses for sale or rent are complying with the new building energy ratings scheme; and if he will make a statement on the matter. [16415/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I propose to take Questions Nos. 372 and 377 together.

[Deputy John Gormley.]

The EU Directive on the Energy Performance of Buildings, which was transposed into Irish law by the European Communities (Energy Performance of Buildings) Regulations 2006 — 2008, introduced a requirement for a Building Energy Rating (BER) system. Sustainable Energy Ireland (SEI), which operates under the aegis of the Minister for Communications, Energy and Natural Resources, has been designated as the Issuing Authority with responsibility for the ongoing administration of the BER Scheme.

I understand from SEI that, following a competitive tender process initiated in October 2008, a contract with the preferred tenderer will be signed shortly with a view to commencing the National BER exams from June 2009. The preferred tenderer has a nationwide coverage of testing centres with 41 exam centres (25 mobile units and 16 fixed locations). The exam, which has been written in line with the current training specification for BER assessors, contains a broad mix of questions which cover both new build and existing dwellings.

Compliance with the Regulations when houses are being sold or let is first and foremost a matter for the owner of the house, and for any agent acting on behalf of the owner in relation to the sale or letting. The Regulations require the owner or the agent to produce a copy of the BER certificate to any person expressing an interest in purchasing or taking a letting in the building. A person who contravenes the Regulations in this regard commits an offence and is liable, on prosecution by the Building Control Authority in whose functional area the building is situated, to a fine not exceeding €5,000.

SEI has already run an extensive advertising and promotion campaign to raise public awareness regarding the BER certification system and plans to run further national and regional media campaigns by mid-year. The Law Society of Ireland has confirmed that its members when acting as legal agents for vendors or purchasers in the conveyancing of property will ensure that the requirements of the Regulations have been met.

Circular Letter BC 4/2009 — Enforcing Building Regulations Part L and Building Energy Ratings — issued to all Building Control Authorities on 17 February 2009. The Circular Letter, among other things, asked all local authorities to write to estate and letting agents within their functional area drawing their attention to the mandatory requirement for BER certificates in respect of buildings offered for sale or letting on or from 1 January 2009 and indicating that full compliance was expected from building owners and agents acting on behalf of owners.

My Department will continue to work closely with the Department of Communications, Energy and Natural Resources, SEI and the 37 local Building Control Authorities to promote awareness of the obligations which arise under the Regulations.

### **Legislative Programme.**

373. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16330/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department provides a detailed list of the legislative activity (primary and secondary) undertaken during the previous year in each of its Annual Reports. These reports are published on the Department's website ([www.environ.ie](http://www.environ.ie)).

A detailed list of the primary legislation approved by the Oireachtas during 2007, 2008 and to date in 2009 is set out in the table below. In each case a brief description of the Act is provided, along with the origin of the initiative ('national' 'EU' or 'international').

## 2007 Legislation

Title	Description	Origin
Carbon Fund Act 2007	Establishes a Carbon Fund for the acquisition of Kyoto Units by the National Treasury Management Agency on behalf of the State in part fulfilment of Ireland's climate change obligations under the Kyoto Protocol.	National
Electoral (Amendment) Act 2007	Provides for two alternative mechanisms to regulate the nomination of non-party Dáil candidates at Dáil elections.	National
Building Control Act 2007	Strengthens the enforcement powers of Local Building Control Authorities; provides for the registration of titles of certain Building Professions; and transposes into Irish law the relevant parts of the EU Recognition of Professional Qualifications Directive (2005/36/EC of September 2005).	EU /National
Water Services Act 2007	Incorporates a comprehensive review, update and consolidation of all existing water services legislation, and facilitates the establishment of a comprehensive supervisory regime to ensure compliance with specified performance standards.	National
Local Government (Roads Functions) Act 2007	Provides for and facilitates the transfer of certain functions from the Minister for Environment, Heritage and Local Government to the Minister for Transport in respect of roads.	National

## 2008 Legislation

Title	Description	Origin
Motor Vehicle (Duties and Licences) Act 2008	Provides for a new motor tax system based on CO <sub>2</sub> emissions for new cars registered in 2008. Also gives a permanent legislative basis for the motor tax increases (effective from 1 February 2008) passed by Dáil Éireann in a Financial Resolution on 5 December 2007.	National
Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008	The purpose of the Bill is to confirm orders made under section 3 of the Local Government Services (Corporate Bodies) Act 1971 in relation to bodies established under that Act. The existing corporate bodies concerned are: — Local Government Computer Services Board — Dublin Transportation Office — Local Government Management Services Board — Affordable Homes Partnership — Irish Water Safety — Limerick Northside Regeneration Agency — Limerick Southside Regeneration Agency.	National
Motor Vehicle (Duties and Licences) (No. 2) Act 2008	Gives a permanent legislative basis for the motor tax increases (effective from 1 January 2009) passed by Dáil Éireann in a Financial Resolution on 14 October 2008.	National
Nuclear Test Ban Act 2008	Enables Ireland to implement its obligations under the Comprehensive Nuclear Test Ban Treaty.	National/International

[Deputy John Gormley.]

## 2009 Legislation

Title	Description	Origin
Electoral (Amendment) Act 2009	Provides for the revision of Dáil and European Parliament constituencies and provides for the number of members to be elected for such constituencies. The Act also revises the law relating to the Constituency Commission, and amends and gives statutory effect to certain aspects of the Local Elections Regulations 1995.	National
Electoral Amendment (No. 2) Act 2009	Regulates expenditure by political parties and candidates; to amend the Local Elections Disclosure of Donations and Expenditure Act 1999 and to amend the Litter Pollution Act 1997.	National
Residential Tenancies (Amendment) Act (2009)	Deals with the appointment of members of the Dispute Resolution Committee of the Tenancy Tribunal under section 102 of The Residential Tenancies Act 2004.	National

**Housing Grants.**

374. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in the allocation to local authorities of funding for the housing adaptation grant and the mobility aid grant; if his attention has been drawn to the need for the allocation to be made without further delay in view of the fact that local authorities are not permitted to carry out works until funding has been allocated; when the funding will be released; and if he will make a statement on the matter. [16381/09]

375. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 174 of 26 February 2009 if he will provide revised figures based on the new book of estimates; and if he will make a statement on the matter. [16389/09]

383. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government when funding for the disability extension scheme will be made available to Cork City Council; and if he will make a statement on the matter. [16593/09]

384. **Deputy P. J. Sheehan** asked the Minister for the Environment, Heritage and Local Government when funds will be provided by his Department to Cork County Council in order that a person (details supplied) in County Cork, an applicant for the housing aid for older people grant with Cork County Council can complete the necessary repairs to their home; and if he will make a statement on the matter. [16630/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I propose to take Questions Nos. 374, 375, 383 and 384 together.

My Department's involvement with the new Housing Adaptation Grant Schemes for Older People and People with a Disability relates primarily to the recoupment of a proportion of local authority expenditure on the payment of individual grants. These schemes, introduced in November 2007, are funded by 80% recoupments available from my Department together with a 20% contribution from the resources of the local authority. In the case of Disabled Persons' and Essential Repairs Grant Schemes, these are funded by 67% recoupments together with a 33% contribution from the resources of the local authority. The detailed administration of these schemes, including the assessment and approval of individual applications, is the responsi-

bility of the relevant local authority. Following the recent publication of the Revised Estimates for Public Expenditure 2009, Local Authorities will shortly be notified of their allocations under the schemes in question.

### **Architectural Heritage.**

376. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 478 of 10 February 2009, the discussions since that date with the local authority and landowners; and if he will make a statement on the matter. [16398/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I understand that a draft land management plan for the national monuments at Rathcrogran, Co. Roscommon, is currently being drawn up by the Office of Public Works and that further discussions will take place with local interests when the draft plan is available.

*Question No. 377 answered with Question No. 372.*

### **Water and Sewerage Schemes.**

378. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government if he will provide the necessary funding to Galway City Council for sewerage facilities for houses (details supplied) in County Galway in view of the fact that the city council has given an undertaking to carry out this long-awaited work; and if he will make a statement on the matter. [16516/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The scheme referred to was not included in the list of water and sewerage schemes submitted by Galway City Council in their 2006 assessment of needs for priority capital works in their area; no supplementary proposals for such a scheme have been submitted to the Department in the meantime.

### **Social and Affordable Housing.**

379. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if he expects to meet the national development plan target to make available 27,000 new social housing units in the period 2007 to 2009 in view of the fact that 14,000 units were made ready over 2007 and 2008; the additional plans he has apart from long-term leasing, to acquire more social housing; and if he will make a statement on the matter. [16517/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** I assume the question refers to the commitment entered into by the Government under the social partnership agreement, Towards 2016, and the National Development Plan 2007 — 2013, which was to achieve 27,000 social housing “starts” over the three year period 2007 to 2009.

We have already made considerable progress towards this target in 2007 and 2008 with some 16,000 starts/acquisitions being achieved through social housing programmes including the local authority and voluntary programmes and the Rental Accommodation Scheme.

My Department continues to explore all options for increasing the availability of social housing by optimising the use of available Exchequer supports and exploring alternative solutions to address housing needs. Local authorities are encouraged to vary the supply options according

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to prevailing market conditions in order to optimise the supply of social and affordable housing in accordance with the principles of Delivering Homes Sustainable Communities.

In addition to the traditional construction contracts tendered by local authorities and the long term leasing arrangements being introduced this year, other supply options include design/build contracts, Part V acquisitions, second hand acquisitions, PPP's, turnkey projects, and lease options under the Rental Accommodation Scheme. I am confident that the financial provision for housing for 2009, including €20 million in ring-fenced funding for long term lease arrangements from which I anticipate some 2,000 units will be delivered this year, will enable us to maintain strong momentum towards meeting our commitments in Towards 2016.

### **Local Authority Housing.**

380. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will ensure that a matter (details supplied) is dealt with; and if he will make a statement on the matter. [16556/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** During March, my Department held Housing Action Plan meetings with all housing authorities. The purpose of these meetings was to discuss the direction and content of authorities' proposed housing investment programmes and particularly to consider the prioritisation of projects and the reconfiguration of the Social Housing Investment Programme as a whole, so that it can be sustained and consolidated in the changing economic and budgetary circumstances.

On foot of information furnished in the course of this round of Action Plan meetings, and taking account of the funding provided in the Revised Estimates for the Public Service 2009, I am finalising this year's Social Housing Investment Programme allocations, which will issue shortly.

The project referred to in the question will be considered in the context of Dublin City Council's overall Social Housing Investment Programme.

### **Urban Renewal Schemes.**

381. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government if he will respond to a query (details supplied); and if he will make a statement on the matter. [16557/09]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** My Department continues to provide strong support for the regeneration project across Limerick City, through ongoing liaison with the Limerick Northside and Southside Regeneration Agencies and with the local authorities in the area. Since their establishment in June 2007 the Regeneration Agencies have delivered two regeneration vision plans, developed a strong framework for inter-agency working, and provided a flexible regeneration programme that proposes a road map for a new Limerick over the next decade. This programme is currently the subject of consultation with the various stakeholders and will require significant investment of time and resources from public and private stakeholders over the period of implementation for the project.

While such planning activity is critical for the delivery of successful regeneration of disadvantaged areas, the Agencies have also achieved a number "quick wins" for the community through investment in social and physical infrastructure for the areas. In 2008 alone, 29 CCTV cameras were installed across the regeneration areas, funding was provided for community



advocacy services in each of the regeneration areas, support was given for after school and school completion projects in Ballinacurra Weston and Southill, and recreational facilities in Moyross.

The City Council has also undertaken significant works to facilitate and support the regeneration process, concentrating mainly on the physical aspects of the regeneration. In 2008 alone, the Council demolished 113 units and supported the relocation of some 110 households to other areas within the Council area to facilitate enabling works on key sites. In addition, support was provided for the continuation of the successful community wardens project as well as for local community employment schemes to clean up and improve the areas.

Within the overall funding available to my Department for the provision and improvement of social housing for 2009, I intend to increase the level of support to ensure that the Limerick regeneration project continues to progress. The 2009 allocation is currently being finalised, within the context of the overall national regeneration programme and the revised estimates process. However, it is expected that the regeneration programme for the year will deliver the following: The further demolition of 150 houses; Planning on two sheltered housing schemes; Delivery of key actions under Environmental Improvement Plans for the areas; Implementation of a regeneration relocation programme; Energy efficiency improvements in houses not marked for demolition; Investment in social inclusion activities i.e. community wardens, advocacy service, homework clubs; Ongoing operation of the Regeneration Agencies; Funding for an enterprise initiative.

#### **Planning Issues.**

382. **Deputy Niall Collins** asked the Minister for the Environment, Heritage and Local Government his plans to extend the period of time applicable to planning permissions granted but not commenced in view of the slow down in the construction sector coupled with the ongoing delays in local authorities providing new and upgraded sewage infrastructure with many planning permission commencements conditional on these improvements; and if he will make a statement on the matter. [16575/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Planning permissions are typically granted for a period of 5 years, though a planning authority may, having regard to the nature and extent of the relevant development and any other material consideration, specify a longer period during which a permission is to have effect. Where a planning permission expires, the developer may seek an extension of the relevant period. Subject to compliance with certain requirements, including a requirement that substantial works were carried out pursuant to the permission during that period, a planning authority may extend the duration of a permission by such additional period as it considers necessary to enable the relevant development to be completed. This period may be further extended where the planning authority is satisfied that the relevant development has not been completed due to circumstances beyond the control of the developer.

These provisions are intended to allow flexibility within the planning system to accommodate the specific circumstances of individual developments. However, in current economic circumstances, I accept that situations may arise where, due to external circumstances beyond the reasonable control of a developer, it may not be possible to commence a development within the period originally specified in a planning permission, or to carry out substantial works under a permission.

Accordingly, in the context of the forthcoming Planning and Development (Amendment) Bill 2009, I am considering proposals to give planning authorities further powers to extend the duration of planning permissions, in certain circumstances.

[Deputy John Gormley.]

As to purported delays by local authorities in the provision of water services infrastructure, the length of time involved from first proposal of any particular water or sewerage scheme to completion of construction largely depends on the nature and complexity of the scheme and the statutory processes involved. There has been an emphasis in recent years on both addressing infrastructural deficiencies and establishing systems at Departmental level for monitoring the progress of projects and targets for dealing with procedural matters.

In the period 2000 — 2008, a total of 442 water and wastewater schemes were completed. These included many very large wastewater treatment plants in the cities and other large urban areas. The increase in wastewater treatment capacity since 2000 is equivalent to the needs of a population of 3.6 million. The Government is continuing to accord significant priority to water services investment, with €500 million being allocated in 2009, an increase of 1% over the 2008 out-turn.

*Questions Nos. 383 and 384 answered with Question No. 374.*

### **Departmental Staff.**

385. **Deputy Leo Varadkar** asked the Minister for the Environment, Heritage and Local Government the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17364/09]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** There are 328 staff in my Department in receipt of long service increments, the total cost of the payment of which is €969,934.

The year to year costs of long service increments are normally offset by corresponding reductions in costs associated with retirements and other movements by staff on long service increments and their replacement by staff on lower points.

The award of long service increments is subject to a satisfactory rating under the Performance Management Development System.

### **Water Pollution.**

386. **Deputy Michael Noonan** asked the Minister for Communications, Energy and Natural Resources if State papers from the Department of Fisheries dealing with the pollution of lakes in the midlands in the 1970s are available to the public; and if he will make a statement on the matter. [16598/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** Appropriate papers from the then Department of Fisheries dealing with inland fisheries matters would be eligible for transfer to the National Archives when thirty years old and would ordinarily be available to the public through the National Archives Office. If, however, the files in question relate to issues the management of which continued beyond 31 December 1978, files would not have been closed off until after the events had concluded and the papers on file may not yet be thirty years old and eligible for transfer. If the Deputy would like to be more specific in relation to his query, I will undertake to determine whether the files in question are in the Department.

### **Energy Conservation.**

387. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources his views on the proliferation of standard form restrictions that prohibit apartment

residents, whether owners or tenants, from hanging their washing out to dry on their apartment balconies; his further views on whether purported aesthetic or property value considerations could or should outweigh the importance of promoting energy conservation and the avoidance of excessive and unnecessary domestic electricity consumption by drying machines and the like; his plans to have consultations with representatives of landlords and property managers regarding abolishing the rule; if that proves ineffective, if he proposes appropriate legislation; and if he will make a statement on the matter. [16218/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The house rules pertaining to existing apartments are a matter for the Management Company in each complex. The owner of each apartment is a member of the Management Company and has the opportunity to propose changes in any rules that currently exist.

Reducing excessive and unnecessary electricity consumption is a key part of our energy efficiency policy and the national energy efficiency campaign — the Power of One — has promoted both energy efficiency awareness and behavioural change since 2006.

I am informed by Sustainable Energy Ireland (SEI) that the use of tumble driers increased by 183% in the period 1987-2004/5. Wet appliances such as washing machines and tumble driers now account for 9% of all domestic electricity we use and I would therefore be supportive of any measures introduced by Management Companies that allow residents to reduce energy use and lower domestic energy bills. SEI reports that the tumble-dryer is likely the most energy intensive appliance in the average Irish home and for that reason it would always advocate that people should avoid using the tumble-dryer and to dry clothes out of doors whenever possible. This advice is conveyed in a number of places, for example the publication “Your Guide to Electricity in the Home”, which is reproduced on the SEI website.

It is important to note too that the Department of Environment, Heritage and Local Government in 2007 issued guidelines for planning authorities aimed at promoting sustainable urban housing, by ensuring that the design and layout of new apartments provide satisfactory accommodation for a variety of household types and sizes — including families with children — over the medium to long term. The guidelines include recommendations that Communal facilities for drying clothes be provided in well-ventilated areas in some larger schemes and where this is not done, consideration should be given to the provision of drying facilities within each unit, such as screened balconies.

### **Electric Vehicles.**

388. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources if he will explain the deal signed with a company (details supplied) in relation to electric car roll out; if he will publish the signed agreement; the content of the signed agreement; when he expects the mass roll out of the electric cars here; the number of electric cars he estimates to be on Irish roads by 2011, 2015 and 2020; and if he will make a statement on the matter. [16226/09]

389. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the commitments of the ESB under the Government deal with a company (details supplied); the specific charging infrastructure that will be built by the ESB over the course of the next two years; the amount the electric car charging infrastructure will cost over the next two years; the way the ESB and Government will pay for this new infrastructure; the timescale for the construction and roll out of a nationwide charging network; and if he will make a statement on the matter. [16227/09]

397. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources the way, in relation to a recent announcement by him and the ESB regarding plans to radically increase the usage of electrical vehicles, he will proceed with such moves; the time frame for same; if the roll-out of electric vehicles will provide significant employment opportunities in this field; and the main recruiting body that will drive recruitment. [16586/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 388, 389 and 397 together.

Together with the Minister for Transport, I announced plans last year for the large scale deployment of electric vehicles in Ireland. The target of 10% of all vehicles to be powered by electricity by 2020, will represent up to 250,000 cars on Irish roads over the next 12 years. Targets for 2011 and 2015 have not been set. A number of initiatives to advance the strategy have already been put in place.

The recent Memorandum of Understanding signed with Renault-Nissan has ensured that Ireland will be one of the first countries in the world to be supplied with both Renault and Nissan electric cars. This will be a major opportunity for Ireland both in terms of our targets and more generally in relation to the economic impact of electric car development. Under the Memorandum of Understanding ESB Networks will be able to avail of a range of information on developments in electric vehicles, enabling more detailed and precise planning around infrastructure, support mechanisms and the potential benefits accruing. The Government will work with the ESB to determine how the necessary infrastructure arising from the arrangement will be put in place and how best to fund this infrastructure. The Memorandum of Understanding does not involve any cost to the Exchequer.

The Memorandum of Understanding does not convey exclusive rights in relation to the provision of electric cars. Ireland is open for business to all manufacturers in relation to electric vehicles and I look forward to building relationships with all global players in the sector. I am investigating the scope for disseminating the details of the Memorandum of Understanding. Publication of the Memorandum of Understanding in whole or in part requires the written consent of all of the parties to it. The Minister for Finance has provided a new tax incentive for businesses to purchase electric vehicles in the 2009 Finance Act. This enables businesses to write off 100% of the cost of purchase against tax under the Accelerated Capital Allowance Scheme. Sustainable Energy Ireland (SEI) is also developing a €1 million project on alternative transport technologies including electric vehicles.

An inter-departmental agency Taskforce has been established and is meeting regularly to progress the framework for deployment of electric vehicles in Ireland and is being chaired by my Department. The Departments of Transport, Finance, the Environment, Heritage and Local Government and Enterprise, Trade and Employment along with SEI, ESB, the IDA and Enterprise Ireland are all represented on the taskforce.

The taskforce is assessing the options and timeframe for creating the necessary infrastructure for the national roll-out of electric vehicles. The Government is sending out the message that Ireland is open for business in this area and we will also take account of global developments as the technologies mature. The taskforce will report its initial findings and advise on next steps shortly. Three sub groups have been set up; a Transport/Infrastructure Group, a Fiscal Group, and an Enterprise Group.

The reports of these groups will feed into the main report being prepared by the taskforce. All issues relating to employment opportunities, the costs involved in providing car charging infrastructure and associated issues will be addressed in the report.

### **Broadcasting Services.**

390. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the way the pull out of a company (details supplied) will affect the roll out of national digital terrestrial television; if the other original bidders are in a position to roll out DTT; if the target date is still viable for the switch off of the analogue television signal; and if he will make a statement on the matter. [16228/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Broadcasting (Amendment) Act, 2007 puts in place a flexible framework for the licensing of Digital Terrestrial Television (DTT) into the future. The Act provides for the establishment of a free to air DTT service to replace the existing analogue terrestrial services offered by RTE, TG4 and TV3. The Act also provides for the development of commercial DTT services, which are anticipated to provide further choice to those who wish to avail of channels additional to the Irish free to air channels.

The Act proposes that RTE operate a single public service multiplex which provides access to the free to air Irish TV channels and that the Broadcasting Commission of Ireland (BCI) will offer licences for three commercial multiplexes. RTE has already significantly progressed the roll-out of the public service multiplex and has indicated that services can be launched on a phased basis starting in autumn this year.

On 21 July 2008 the BCI announced its intention to enter into contract negotiations with Boxer DTT Ltd for the award of the three national commercial DTT multiplexes. On 20 April 2009 the BCI announced that Boxer DTT Ltd had withdrawn from contract negotiations.

The BCI has indicated that it has now approached the One Vision consortia with a view to entering into contract negotiations for the award of the three national commercial DTT multiplexes. The BCI have confirmed that they are committed to pursuing the development of DTT services in Ireland and will continue their work in that regard. I should emphasise that the BCI is an independent body and that I have no role in their licensing process.

I am cognisant of the fact that most European countries expect to switch off analogue services by 2012 and I remain committed to this target so that Ireland can continue to compete at an international level in the broadcasting and broader communications markets. Both RTE and the BCI are also aware of the importance of meeting this deadline.

### **Alternative Energy Projects.**

391. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the position regarding onshore wind projects which are currently outside the gate three process; his views on whether onshore wind projects with a potential of 30 MW which have all the required planning will be given grid connection in the future; the criteria for inclusion in the consultation process for grid application; his position on onshore wind projects outside the gate three process; the number of applications awaiting grid connection; and if he will make a statement on the matter. [16253/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Applications for grid connections are made to ESB Networks or Eirgrid in the first instance. The latest figures published by Eirgrid and the Commission for Energy Regulation (CER) show that there are currently over 1,300 megawatts (MW) of renewable capacity connected to the system with a further 1,500 MW with signed connection agreements or in the final stages of agreeing one and a further 3,900 MW of capacity awaiting connections offers within the Gate 3 process. It is estimated that a combined capacity of 5800 MW is required to deliver the



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national target of 40% electricity from renewable sources by 2020. The combined capacity of projects built, underway and gate 3 projects is likely to exceed that level.

Additional data from CER indicates that there are in the region of 7,000 MW of further applications for connection. However, there is currently no breakdown of the technologies in this latter group available.

The decision by CER on Gate 3 is capable of delivering the national targets for the contribution from renewable energy resources to electricity consumed by 2020. Any queries thereafter about individual connection offers including the criteria for prioritising projects is a matter for CER.

392. **Deputy Jimmy Deenihan** asked the Minister for Communications, Energy and Natural Resources if approaches have been made to him to locate a marine based research and development initiative for the west coast in the Shannon Estuary which would involve the installation of large prototype hydro turbines and wind bobs; and if he will make a statement on the matter. [16256/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Ocean Energy Development Unit within Sustainable Energy Ireland is implementing the Government's Ocean Energy Programme which includes investment in facilities at University College Cork (UCC) and the development of a grid-connected wave energy test site off Annagh, County Mayo. I am not aware of any proposals to locate additional ocean energy research facilities at other locations at this time.

#### **Fishing Industry Development.**

393. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the status of the proposal to merge the central and regional fisheries boards into a single national fisheries board; if this proposal is in train; when it is expected to be completed; and if he will make a statement on the matter. [16283/09]

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Conor Lenihan):** Following on from the 2009 Budget Day announcement on 14th October 2008 of the rationalisation of State agencies, the Government has now formally approved proposals for the restructuring of the inland fisheries sector, which include the creation of a single strengthened national inland fisheries authority to be known as Inland Fisheries Ireland. This authority will replace the existing Central and seven Regional Fisheries Boards.

A restructuring implementation group, which includes representatives of the Central and Regional Fisheries Boards has been established and is developing the key features and structures of the model. Primary legislation is required for this implementation and in this regard a draft Heads of Bill has recently been approved by Government.

It is expected that the legislation will be published in late Summer, progressed through the Oireachtas later this year and that the new Authority will be in place before the end of 2009.

#### **Departmental Schemes.**

394. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural Resources if, in view of the significant energy loss through substandard windows, he will include grant aid for replacement of these under the recently announced house insulation scheme; and if he will make a statement on the matter. [16316/09]



399. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources the position with regard to funding for the new home insulation grant scheme, recently announced under the National Insulation Programme; the reason specific classification and funding was allocated separately to middle income families and low income and local authority housing with both categories receiving €50 million in grants; and the reason for this classification. [16611/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I propose to take Questions Nos. 394 and 399 together.

The National Insulation Programme for Economic Recovery represents a three-pronged approach to addressing the legacy of older housing with poor energy efficiency standards. The Home Energy Saving (HES) Scheme is the largest element of the Programme with a budget of €49 million in 2009 and is open to all homeowners of houses built prior to 2006. The Scheme provides grant assistance to homeowners for attic and wall insulation, efficient boilers and heating controls. These measures were selected for inclusion in the scheme, with the assistance of Sustainable Energy Ireland (SEI), which has built up a considerable expertise on residential energy efficiency matters as part of their statutory remit and in light of the pilot phase of the scheme in 2008. SEI recommended these measures as the most likely to deliver significant energy savings to homeowners at the least cost.

Replacement windows are not currently eligible for grant assistance under the scheme. My Department and SEI will, however, be keeping the scheme under review including the scope for adding other measures to the Scheme subject to budgetary and technical considerations.

Whilst grant aid of up to 40% of the typical cost of energy efficiency upgrade is available under the HES Scheme, it is the case that homeowners are still required to finance the remaining proportion of any work carried out and that affordability is a key issue for many. The second element of the Programme, the Warmer Homes Scheme (WHS), assists private households on low incomes, such as those in receipt of Fuel Allowance, Invalidity or Disability Benefit. The WHS provides for the installation of a range of energy efficiency measures, including cavity wall insulation, attic insulation, boiler lagging jackets, draught proofing measures and Compact Fluorescent Lamps (CFLs). Advice is also provided to householders on minimising energy use. The WHS provides these measures free or at a nominal cost to the householder. The WHS has funds available to it of €20 million in 2009. This greatly increased level of funding is expected to support energy efficiency interventions in up to 15,000 low income homes this year alone.

The third strand of the National Insulation Programme for Economic Recovery involves the retrofitting of insulation and other measures to improve the energy efficiency in local authority housing stock. I understand that proposals for the implementation of this element of the programme are at an advanced stage of development and an announcement by the Minister for the Environment, Heritage and Local Government is expected shortly.

#### **Legislative Programme.**

395. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16325/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I presume that the Deputy is referring to primary and secondary legislation. In the time available, it has not been possible to identify and assemble the information requested.

[Deputy Eamon Ryan.]

My Department is in the process of identifying and assembling the information and I will revert to the Deputy as soon as possible.

### **Telecommunications Services.**

396. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the plans he has to extend the MANS broadband service to new towns in County Roscommon; and if he will make a statement on the matter. [16393/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Future broadband investment decisions, including any investment in further phases of the Metropolitan Area Networks (MANs) Programme, will be guided by: (i) the final policy paper on Next Generation Broadband which will be published shortly; (ii) the Value for Money and Policy Review of Phase I of the MANs Programme, which was published last year; (iii) any other analysis as appropriate; and (iv) the availability of resources.

*Question No. 397 answered with Question No. 388.*

### **Energy Conservation.**

398. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the reason only not for profit companies can operate the warmer home scheme; the basis on which the regional areas were allocated; and if he will make a statement on the matter. [16587/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Warmer Homes Scheme funds the installation of energy efficiency measures in low income households including attic insulation, cavity wall insulation, lagging jackets, draught proofing, low energy lighting and the provision of energy advice.

The Warmer Home Scheme was first initiated in 2000 on the basis of the Community Based Organisation (CBO) model, as a means of fully leveraging the combined investment of public monies through FÁS on the labour side through their Community Employment and latterly Social Economy schemes and from Sustainable Energy Ireland (SEI) towards the funding of the requisite materials. The CBOs further leverage existing community networks (HSE, Saint Vincent De Paul, GP etc.) to ensure that the services are provided to the most vulnerable and that where necessary those vulnerable households are actively identified.

This model represents an integrated approach wherein local labour, derived from the otherwise long-term unemployed, is gainfully employed in their local areas providing hugely beneficial services to the community. SEI has, in conjunction with two lead partners in the scheme, continued a long term process of identifying CBOs in the particular areas in order to grow the geographical coverage. In light of the additional funds allocated to the Scheme for 2009, SEI is now actively working with officials in my Department and representatives from across a range of other Departments to roll out a significant expansion of the Warmer Homes Scheme.

This will include the recruitment of further CBOs towards wider geographic coverage and the deepening of the measures to include heating in certain instances. Consideration will also be given in due course to the options for including commercial practitioners in the scheme.

*Question No. 399 answered with Question No. 394.*

### **Broadcasting Services.**

400. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the implication for digital terrestrial television and the expected introduction by RTE of free to air digital television service, will have on community channels in the foreseeable future; and if he will make a statement on the matter. [16688/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Broadcasting (Amendment) Act 2007 provides the legislative basis for the development of digital terrestrial television (DTT) services in Ireland. The Act tasks RTÉ with the requirement to roll-out a national free-to-air public service DTT multiplex to replace its current analogue terrestrial television service. This service will carry the existing RTÉ One, RTÉ Two, TV3 and TG4 channels and will have the potential to carry a further four public service television channels. The Act also provides that the Broadcasting Commission of Ireland (BCI) will offer licences for three commercial multiplexes. RTÉ has already significantly progressed roll-out of DTT, and the Broadcasting Bill currently before Dáil proposes national coverage by RTÉ by 2012.

In relation to DTT, there is no specific reservation of space on a multiplex for community channels. However, community channels could be provided on multiplexes licensed by the BCI.

With regard to carriage of community channels on other networks, section 37(10) of the Broadcasting Act 2001 empowers the BCI to require cable and MMD systems providers to carry community content contractors. Section 77(7) of the new Broadcasting Bill empowers the Broadcasting Authority of Ireland to decide the network or networks that should be used to carry community channels.

### **Energy Conservation.**

401. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that registered contractors within the home energy saving scheme have been given advice through Sustainable Energy Ireland to purchase heating boilers at a reduced price in Northern Ireland; his views on whether this is appropriate advice for a Government scheme; and if he will make a statement on the matter. [16695/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** Sustainable Energy Ireland (SEI) is responsible for the administration of the Home Energy Saving scheme (HES) which opened for homeowner applications towards the end of March this year. SEI has operated a rigorous registration process for contractors, which requires contractors to commit to a number of very stringent conditions, among them: tax compliance, certified insurance cover, demonstrated technical competence for the specified energy efficiency measures, commitment to a professional Code of Practice, and commitment to use a contract with homeowners on all jobs. Already over 1,300 contractors have registered across the range of measures supported.

The scheme does not register products/materials but specifies the appropriate and relevant standards to which the products must comply. Contractors are free to choose their supplier on the basis of their own particular economic and business needs. Under EU rules it would not be permissible to prescribe that such products and materials be purchased solely within the State. It is also the case that, in many instances there may not as yet exist a sufficient domestic manufacturing base for certain products/materials. SEI provides factual advice to contractors on a range of matters and would not be actively recommending the sourcing of products outside

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the State. In the final analysis it is a matter for individual contractors to choose their source of products and materials which meet the required standard.

One of the targeted outcomes from the Home Energy Savings Scheme is a robust and competitive supply market that gives consumers quality choice and best value. The Scheme creates considerable potential opportunity for the Irish energy services sector to identify and address gaps in the product supply chain.

#### **Departmental Staff.**

402. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17359/09]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** There are 79 staff in my Department in receipt of long service increments. These increments, two in total, are awarded following three years and six years satisfactory service at the maximum of the salary scale. The current gross cost to the Exchequer of the long service increments in my Department is €232,019.

#### **Fish Imports.**

403. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the amount and the value of the respective species of fish imported into the State in 2006, 2007 and 2008 for domestic consumption; the origin of such fish; and if he will make a statement on the matter. [16170/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The material requested by the Deputy will be forwarded to him directly.

#### **Grant Payments.**

404. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [16717/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The amount of the premium payable to this applicant is under review and my Department will contact the applicant on the matter within the next week.

405. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a forestry premium will be awarded to a person (details supplied) in County Cork; and if he will make a statement on the matter. [16137/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is intended that the annual forestry premium payment will issue to this applicant shortly.

406. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be granted REP scheme four; the reason they have not received payment. [16155/09]

**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.

407. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the entitlements associated with the herd number of a person (details supplied) in County Galway; and if he will make a statement on the matter. [16161/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The Single Payment in Ireland commenced in 2005 and is applicable to farmers who actively farmed during the reference years 2000, 2001 and 2002, who were paid Livestock Premia and/or Arable Aid in one or more of those years. The gross Single Payment is based on the average number of animals and/or the average number of hectares (in the case of Arable Aid) on which payments were made in the three reference years. Single payment entitlements in respect of dairy production is based on the number of litres of milk quota held by the farmer on 31st March 2005.

The first person named was the registered owner of the herdnumber up until the 30 July 2002. The herdnumber is now registered in the joint names of the second person named and another person. There are no Single Payment entitlements associated with this herdnumber as the first person named did not receive premia payments during the reference years 2000 — 2002.

In addition it is noted that no Single Payment/Disadvantaged Areas applications have been submitted under this herdnumber.

408. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food when payment will issue under the forestry premium scheme to a person (details supplied) in County Waterford. [16229/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is intended that the annual forestry premium payment will issue to this applicant shortly.

#### **World Trade Negotiations.**

409. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the position he is preparing for the WTO talks in July 2009 to protect the food production sector here and to ensure the limitation of food imports into Ireland; the priority the protection of the local food sector has in the WTO talks; and the research being carried out to evaluate the different options being proposed and their impact on the different sectors for the WTO talks. [16245/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The current position in regard to the WTO negotiations is that talks are stalled following the failure to reach agreement at the Ministerial meeting last July and the decision to defer indefinitely a second Ministerial meeting planned for last December. The World Economic Forum at Davos in February and the G20 meeting in April provided no new momentum for the negotiations and nor did the G20 meeting set a date for a conclusion of the talks this year.

All in all the prospects for agreement are uncertain and therefore it is premature to forecast the expected impact on Irish and European food producers. On the one hand, the new administration in the US, upcoming elections in India, changes in EU Commissioners and the changed



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economic situation militate against agreement being reached. On the other hand there is the determination of the WTO DG Lamy and a number of WTO members to reach agreement. On balance, it is difficult to see serious negotiations restarting until later this year and any conclusion in 2009.

Against that background I, my officials and my colleagues in Government continue to pursue Ireland's interests in the negotiations with the Commission and other Member States at every opportunity at co-ordination meetings in Geneva, at the Article 133 Committee in Brussels and at the recent meeting of Trade Ministers. We want an agreement that is balanced within and between the various negotiating pillars that delivers real benefits to Ireland and that does not sacrifice our agriculture sector.

### **Grant Payments.**

410. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if he will ensure that a person (details supplied) in County Sligo receives their 40% sum of the farm waste management scheme grant payment in view of financial difficulty; and if he will make a statement on the matter. [16251/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for the payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40% being paid this year as claims are approved. A further 40% will be paid in early January 2010 and the remaining 20% in January 2011. I have also announced that a special *ex gratia* payment not exceeding 3.5% of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment. My Department is processing the application concerned and a decision will be made as soon as possible.

411. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the hardship caused to farmers following his decision to defer the full payment of grants allocated under the farm waste management scheme and in particular the case of a person (details supplied) in County Monaghan; if he will review this case with a view to making a speedier payment in order to alleviate the financial hardship placed on this family as a result of the decision; and if he will make a statement on the matter. [16265/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for the payment of grants under the Farm Waste Management Scheme on a phased basis have been confirmed with 40% being paid this year as claims are approved. A further 40% will be paid in early January 2010 and the remaining 20% in January 2011. I have also announced that a special *ex gratia* payment not exceeding 3.5% of the value of the deferred amount will be made to farmers whose Farm Waste Management grants have been partially deferred. This payment will be made in January 2011 along with the final instalment. Payment of the first instalment of 40% was made to the person concerned on 10 March 2009.

### **Bord Iascaigh Mhara.**

412. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food if the marketing and promotion functions of Bord Iascaigh Mhara have been transferred to An Bord Bia. [16280/09]



**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The arrangements for the orderly transfer of the marketing and promotion functions of Bord Iascaigh Mhara to An Bord Bia have been agreed. BIM is handling the functions until the proposed handover date in June 2009.

#### **National Council for Forest Research and Development.**

413. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food if COFORD has been merged into his Department; if not, if it is his intention to do so; if so, when this will be done; and if he will make a statement on the matter. [16282/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is my intention that COFORD will be merged into my Department, in line with the Government decision announced in the Budget last October. Consideration of the manner in which the body would be incorporated into my Department was required. This consideration has taken place and the merger will proceed shortly.

#### **Grant Payments.**

414. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in a person (details supplied) in County Roscommon receiving their payment; when this payment will issue; and if he will make a statement on the matter. [16295/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payment will issue to the person named within the next ten days.

#### **Legislative Programme.**

415. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food the legislation approved by Dáil Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16323/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department will write to the Deputy in the next two weeks detailing the information requested by him, due to the volume of legislation involved.

#### **EU Directives.**

416. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the arrangements and allowances made under the Nitrates Directive for herd owners with a disease problem; and if he will make a statement on the matter. [16339/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** When a herd is restricted for disease reasons, my Department recognises such cases as coming under the principle of Force Majeure or developments which are outside the control of the farmer. My Department takes the individual circumstances into account when assessing each farmer's position in relation to adherence to the requirements under Statutory Instrument No. 101 of 2009, European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009.

#### **Animal Diseases.**

417. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Cork is entitled to a compensatory allowance for the period

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January to April 2009 due to a disease outbreak in their herd; and if he will make a statement on the matter. [16340/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The holding of the person concerned was restricted under the TB Eradication Scheme on 26 April 2007 and was derestricted on 16 April 2009. Compensation entitlements under the on-farm market valuation scheme in respect of eligible animals removed as reactors have been paid in full. Income supplement payments are payable only in respect of whole months and are payable monthly in arrears. Compensation under the income supplement scheme has been paid up to 2 February 2009 and payments in respect of the months ending 2 March 2009 and 2 April 2009 will be processed this week.

### **Proposed Legislation.**

418. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when he will publish the Animal Health and Welfare Bill; and if he will make a statement on the matter. [16392/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A good deal of work has been undertaken on drafting the Animal Health and Welfare Bill, which gives effect to a number of commitments in the area of animal health and welfare that are contained in the programme for Government. In particular, the Bill will amend and consolidate previous legislation to reflect the changed disease status of our animals and update existing legislation to ensure that the welfare of all animals, including non-farm animals, is properly protected and that penalties for offenders are increased significantly. The proposed legislation will also provide for the consolidation of responsibility for the welfare of all animals within my Department. My officials have met a wide range of organisations that made submissions on the draft Bill following the public consultation process initiated by me last year. This element of the process provided an opportunity for parties to elaborate on their respective submissions. Drafting of the Bill is now continuing, taking account of the further comments received.

### **Grant Payments.**

419. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded REP scheme four. [16530/09]

**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.

420. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be awarded REP scheme four. [16531/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payment will issue to both of the persons named within 10 days.

421. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be approved and awarded REP scheme four. [16532/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department has no record of a REPS 4 application from the person named.

#### **Rural Environment Protection Scheme.**

422. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the number of wrapped bales of silage that can be stacked in layers to comply with the REP scheme rules; if penalties have been applied to applicants of REP scheme four regarding the storage of silage bales with particular regard to the height they are stored at; and if he will make a statement on the matter. [16548/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Baled silage may be stacked at a maximum of two bales high provided the bales are in good condition and there is no risk of seepage. Penalties are applied where it is evident that seepage and pollution have occurred.

#### **Grant Payments.**

423. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive a payment under REP scheme four; and if he will make a statement on the matter. [16551/09]

**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.

424. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food when the forestry grant will issue to a person (details supplied) in County Galway; and if he will make a statement on the matter. [16570/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is intended that the annual forestry premium payment will issue to this applicant shortly.

425. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if he will ensure that a person (details supplied) in County Sligo receives their installation aid payment; and if he will make a statement on the matter. [16596/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Young Farmers' Installation Scheme. His application for payment is currently being examined and a decision will be made in regard to the application as soon as possible.

426. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if he will ensure that a person (details supplied) in County Sligo receives their suckler cow premium payment; and if he will make a statement on the matter. [16597/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named took over the farm with effect from 7 May 2008. The application for the Suckler Welfare Scheme, which was received in my Department on 11 January 2008, was made in the name of his father. Both parties have now signed a Form of Undertaking and this will allow payment to be made. It is expected that payment will issue shortly.

#### **Food Safety Standards.**

427. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the regulatory changes that have been implemented on foot of the dioxin situation in December 2008; and if he will make a statement on the matter. [16689/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Ireland's food safety regulatory framework is governed by EU legislation that is common to all Member States. The EU food and feed hygiene regulations (the Hygiene Package) came into effect across all Member States from 1st January 2006. The Hygiene Package revised and consolidated legislation in relation to: Food and feed hygiene the production, control and marketing of products of animal origin, animal health issues in relation to the production of those products. The Hygiene Package was transposed into Irish law by the European Communities (Food and Feed Hygiene) Regulations 2005 (S.I. 910 of 2005).

The European Commission consults regularly with the Member States in relation to the implementation of the Hygiene Package, and this has led to some minor amendments to the regulations. However, to date, the Commission has not introduced any regulatory change as a result of the dioxin incident in Ireland. In the context of that incident, I have set up a Group under the Chairmanship of Professor Patrick Wall to examine all the aspects of the issue. That Group's deliberations will inform possible regulatory changes.

428. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if the licensing, monitoring or inspection systems for food recycling companies has been altered following the dioxin situation in December 2008; and if he will make a statement on the matter. [16690/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The two food recycling companies in Ireland which recycle unused food as animal feed continue to be registered by my Department as Feed Business Operators under EU Regulation 183/2005 on Feed Hygiene.

As part of ongoing risk assessment, my Department has already taken additional measures to enhance the inspections regime of feed manufacturing, grain drying, and food recycling premises with a view to minimising the risk of similar incidents. These measures include: the risk assessment for the 2009 National Feed Inspection Programme is amended so that the drying of feed and grain and the recycling of foods for animal feed are categorised as higher risk; the level of sampling of feed materials and compound feed for PCBs and dioxins is being increased under the 2009 programme; and greater emphasis is being placed on checking the HACCP plans of Feed Business Operators to ensure that they have been adequately stress tested and are fit for purpose.

In addition, trader notices have been issued to Feed Business Operators reminding them of their obligations in relation to HACCP systems, with particular emphasis on ensuring that the correct type of oil is used in feed or grain drying operations. In this regard my Department has issued Trader Notices specifying that only gas and particular fuels (diesel and kerosene) can be used for feed drying. These measures will be supplemented or adjusted as necessary in the light of the outcome of the review of the dioxin contamination incident being carried out at present under the chairmanship of Prof. Wall.

429. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if the veterinary section of his Department has carried out a review or test of imported meat or poultry; the scope of this review; when it is due to be completed; and if he will make a statement on the matter. [16691/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department is responsible for the operation of EU harmonized controls on imports of products of animal origin for human consumption. These are applied under its service contract with the Food Safety Authority of Ireland (FSAI) and in compliance with the Community's rules for the hygiene of food and feed. The application of these controls is discussed between my Department and the FSAI but there is no particular review of the type referred to underway.

EU hygiene of food rules stipulate that food products of animal origin from EU sources must be traceable, come from an approved food business establishment, be health marked and be accompanied to destination by a commercial document or by a health certificate signed by an official veterinarian of the competent authority of the Member State of origin.

In the case of importation from third countries all products of animal origin are required to be submitted for import control at an EU approved Border Inspection Post (BIP) following prior notification. The checks applied at the BIP ensure they have originated in a country approved by the EU for trade in such products, have been produced in an approved establishment (with the exception of honey), have been appropriately labelled and transported and are accompanied by a veterinary health certificate in accordance with the models laid down by Community legislation and signed by the Competent Authority of the country responsible for the guarantees. The checks include documentary, identity and physical checks as well as sampling of imported products for analysis under the national residue monitoring programme or EU safeguard measures, when required.

Import consignments remain under Customs control until the BIP has authorised entry into the EU. Any imports failing to comply with these veterinary control checks may be detained for further examination. Where non-compliance is established they are returned to the exporting country or destroyed.

#### **Veterinary Payments.**

430. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will provide a breakdown of the level of payment received by his Department each year for the past five years in respect of veterinary bills by the meat or poultry processing industry in order to comply monitoring requirements; and if he will make a statement on the matter. [16692/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The payments received by my Department from the meat and poultry industries, for the past five years, in respect of the veterinary controlled meat inspection service provided to those industries were as follows:

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Year	Income (million)
2004	15.776
2005	17.627
2006	15.373
2007	16.592
2008	14.731

The overall total for the five years was €80.099m.

#### **Grant Payments.**

431. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive their REP scheme four. [16712/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payment issued to the person named on 23rd April 2009.

432. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when a REP scheme payment will be made available to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [16804/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department concluded that this application was ineligible. That decision is currently under appeal and my officials will contact the person named directly.

#### **Rural Environment Protection Scheme.**

433. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the purpose of the request to Teagasc for a review of Teagasc's future involvement in the REP scheme; and if he will make a statement on the matter. [16836/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Subject to remaining within the level of resources available to Teagasc the delivery of a REPS service is an operational matter for Teagasc itself. The moratorium on recruitment and promotion in the Public Service announced by the Minister for Finance on 27 March 2009 prevents Teagasc from renewing temporary fixed term contracts including those for temporary REPS planners. I understand that Teagasc propose to offer a once-off opportunity to the contract planners to apply to Teagasc to become registered contractors and to provide a REPS planning service on terms and conditions set by Teagasc.

#### **Departmental Staff.**

434. **Deputy Leo Varadkar** asked the Minister for Agriculture, Fisheries and Food the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17357/09]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** A total of 1,855 staff in my Department are in receipt of long service increments at a cost of approximately €5.19million in the current year.



### **Schools Building Projects.**

435. **Deputy Liz McManus** asked the Minister for Education and Science the arrangements made for local employment provision in the building contracts in relation to four vocational education committee schools to be constructed in County Offaly; the monitoring which has been taken out to ensure that any provision is complied with; the number of local employees working on each site; and if he will make a statement on the matter. [16396/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** There are two post-primary schools currently under construction in County Offaly. These schools are being delivered under a Public Private Partnership Contract. There is no specific requirement under the PPP Contracts to employ local labour and, therefore, no issue arises regarding compliance. However, it is my understanding that the Contractor in question has made some commitments in this regard.

On a general note, in common with the rest of the Public Sector, capital works projects in schools are tendered under the standard Public Works Contracts as required by the Department of Finance and the Government Contracts Committee for Construction (GCCC). These contracts do not include a provision concerning the employment of local labour. My Department has no power to vary the standard terms of the Public Works Contracts with regard to the employment of local labour or any other issue.

### **Schools Refurbishment.**

436. **Deputy Brian Hayes** asked the Minister for Education and Science the process by which furniture for new and existing schools is purchased by his Department; if furniture is purchased in bulk; if furniture is sourced here or elsewhere; the tendering process attached to related contracts; and if he will make a statement on the matter. [16134/09]

437. **Deputy Brian Hayes** asked the Minister for Education and Science if quality control procedures are adopted by his Department to ensure new furniture or school supplies purchased for new or existing schools meet appropriate health and safety standards; and if he will make a statement on the matter. [16135/09]

438. **Deputy Brian Hayes** asked the Minister for Education and Science the amount of his Department’s budget in 2007 and 2008 spent on acquiring new furniture or supplies for new and existing schools; the company or companies engaged in supplying such materials to his Department; and if he will make a statement on the matter. [16136/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 436 to 438, inclusive, together.

Generally, the purchase of furniture and equipment for new and existing schools is devolved to the individual school authorities, subject to approval from my Department. It is a requirement of grant aid that public procurement procedures are strictly adhered to. National procurement procedures apply when the estimated total cost of furnishing and/or equipping an entire facility that is under construction is less than €162,293 in the case of a community or a comprehensive school or €249,681 in the case of a secondary school or VEC managed school or college. EU public procurement procedures apply when the total estimated cost exceeds these limits. School authorities must seek competitive quotes from suppliers.

Where the provision of furniture at schools is being grant-aided in whole or in part by the Department, the specifications are based on standards set by the National Standard Authority of Ireland or equivalent. There are two main elements to be considered in relation to the design of school furniture, namely ergonomics and robustness. The parameters in relation to

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ergonomic design and performance requirements and tests for chairs in schools are laid down in the Irish Standard for Education Furniture. Copies of these Standards may be obtained from the NSAI.

Schools should be satisfied before placing an order that the items tendered are of an acceptable quality and finish. Health and safety is in the first instance a matter for each Board of Management and this includes ensuring that school furniture complies with the appropriate standards.

In addition to major projects my Department processed over 2000 and 1650 applications for replacement, additional and special needs furniture and equipment in 2007 and 2008 respectively. Contracts for the provision of furniture and equipment are between the schools and the suppliers and my Department does not have a list of these companies.

Details of expenditure in 2007 and 2008 are included in the following tabular statement.

Furniture and Equipment Spend — 2007 & 2008

	€m	
Post-primary	2007	22.108
Post-primary	2008	8.425
Primary	2007	9.434
Primary	2008	13.038

### Early Childhood Education.

439. **Deputy Richard Bruton** asked the Minister for Education and Science the preliminary costings on the proposed year of pre-school announced in the 7 April 2009 Budget; the participation levels assumed in the costings; the capital grants which are envisaged to establish the service; the annual running costs; and his role in the development of the scheme and its implementation. [16165/09]

**Minister of State at the Department of Education and Science (Deputy Barry Andrews):** As the Deputy will be aware, the recently announced free Pre-School Year in Early Childhood Care and Education (ECCE) initiative will be administered by the Office of the Minister for Children and Youth Affairs (OMCYA) and therefore the Deputy’s question is more appropriate to the Department of Health and Children. However, in my role as the Minister for Children and Youth Affairs, I can provide the following details on costings and participation rates of the initiative.

The scheme is expected to cost approximately €170 million per annum. This figure has been estimated on the basis that the capitation grant of over €2,400 per annum will be paid in respect of some 70,000 participating children. As parents are not required to enrol their children in the pre-school year, a participation rate of 90% of eligible children has been assumed. As the age range for eligibility covers a 15 month period (i.e. children must be aged between 3 years 3 months and 4 years 6 months at 1 September), the participation rate of 90% takes account of the full cohort of children who could be enrolled. (The number of live births in Ireland in 2005 was 61,042, rising to 64,237 in 2006 and 70,620 in 2007.) As the majority of children start school at the age of 5, most participating children in January 2010 are expected to be aged 4 with a significant minority aged 3. The 15 month age range is provided for to facilitate parents in aligning their children’s pre-school year with the year they commence school.

Pre-School Services include full- and part-time daycare services as well as sessional playschool services and a wide range of fees apply across these services, which number almost 5,000. Almost 1,000 of these services are not for profit voluntary services participating in the Community Childcare Subvention Scheme (CCSS) and the average fee charged for sessional playschool in these services is €50 per week. The annual capitation fee of over €2,400 amounts, in the case of a sessional playschool, to €64.50 per week over 38 weeks. For full- and part-time services providing a pre-school year of 2 hours 15 minutes per day, 5 days a week for 50 weeks, the annual capitation fee amounts to €48.50 per week. The capitation fee and its application on a weekly basis are considered reasonable. They also compare very favourably to the capitation fee paid to private and voluntary pre-school services participating in Northern Ireland's Pre-School Programme Expansion Scheme, which amounts to £30 per week.

Many of the 5,000 existing private and voluntary pre-school services will have already received capital grant aid under the Equal Opportunities Childcare Programme (EOCP) and or the National Childcare Investment Programme (NCIP). More than 65,000 additional childcare places will have been created by the end of 2010 as a result of this investment. Additional capital funding to make more places available is not considered necessary and I am aware from representations received from pre-school services in recent months that many are currently reporting vacancy rates of up to 25% in their facilities. I am also aware of a number of people now considering investing in a childcare business of their own, many of them existing qualified childcare workers, as this new scheme will allow them a degree of certainty which exists in very few areas of economic life today. Finally, many services which to date have only been open in the morning, citing lack of demand for an afternoon session, are now considering offering an additional session to meet an increase in local demand. As I said at the time of the announcement, some instances of under-supply may arise in the initial period of implementation of the scheme, however my Office and the city and County Childcare Committees will monitor the situation carefully, to maximise the beneficial impact of the scheme for parents and children.

In relation to the Department of Education and Science, it has been building the quality supports necessary to support quality provision within the ECCE sector. These supports include: *Síolta*, the national quality framework for early childhood education (developed by the Centre for Early Childhood Development and Education). *Síolta* is a comprehensive set of practice guidelines for all settings where children aged birth to six years are present; *Aistear*, the Framework for Early Learning (developed by National Council for Curriculum and Assessment and to be published in the near future) — designed to bring greater coherence to early educational experiences in all ECCE settings.

The Department of Education and Science is also working on a Workforce Development Plan designed to encourage and support the development of a suitably qualified ECCE workforce.

### **Schools Building Projects.**

440. **Deputy John O'Mahony** asked the Minister for Education and Science when a contractor will be appointed to start construction of a building at a school (details supplied) in County Mayo; and if he will make a statement on the matter. [16190/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I am pleased to inform the Deputy that the project to which he refers went to tender last week. Subject to the necessary technical and financial approvals, it is expected that I will be in a position to place a contract in the near future.

### School Staffing.

441. **Deputy Mary Upton** asked the Minister for Education and Science if he will review the decision to remove a language support teacher from a school (details supplied) in Dublin 8; and if he will make a statement on the matter. [16194/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In light of the Budget 2009 decision my Department has now published a circular for schools which sets out how the new arrangements will operate for the allocation of language support teachers from September 2009. The circular sets out a structured and transparent approach for the operation of the alleviation measures that were announced in the budget for schools that have a significant concentration of newcomer pupils. The alleviation measures mean that these schools can qualify for up to 4 language support posts with the possibility of additional post(s) also being approved through the independent staffing appeals mechanism.

Schools can now apply to my Department in the normal way for language support posts. These posts are approved on a provisional basis initially and will be confirmed in September 2009 following receipt from the schools of actual enrolments of pupils requiring language support. It is estimated that notwithstanding the budget measures there will be over 1,400 language support teaching posts in our primary and post-primary schools in September 2009 and up to about 500 other teachers in part-time posts. By any standards this is a very significant resource and the challenge will be to ensure that it is used to maximum effect.

### Special Educational Needs.

442. **Deputy Shane McEntee** asked the Minister for Education and Science the additional funding available to second level schools to facilitate students with dyslexia; and if he will make a statement on the matter. [16199/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy may be aware, a key focus and priority of my Department is to provide for resources in schools to support pupils with special educational needs, including those with dyslexia. The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers to schools to support children with special educational needs.

Second level pupils with dyslexia are normally integrated into mainstream classes. In such situations they may receive additional support from the remedial/learning support teacher, guidance counsellor and individual subject teachers. All second level schools in the free education/block grant schemes have an entitlement to an ex-quota teacher allocation in respect of remedial/learning support teaching and guidance provision.

With regard to the provision of additional resource teaching hours, the general position is that where a pupil with special educational needs is enrolled in a post primary school, it is open to the school to apply to the local SENO for additional teaching support and/or special needs assistant 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*.

The SENO will process the relevant application for additional support including, where appropriate, applications for children with Dyslexia, and inform the school of the outcome. To qualify for additional individual resource teaching hours under this category, children must be assessed as being of average intelligence or higher and having a degree of learning disability

specific to basic skills in reading, writing or mathematics which places them at or below the 2nd percentile on suitable, standardised, norm referenced tests.

The criteria for allocation of individual resource hours identify those pupils whose dyslexia is likely to have a significant impact on their learning. Children who do not meet these criteria and who, in the opinion of the psychologist, have a specific learning disability such as dyslexia can have appropriate interventions put in place by the remedial/learning support teacher and/or the class teacher. As outlined above, these teachers are provided to all second level schools and the Department is satisfied that schools have the capacity to address the educational needs of pupils in such circumstances.

My Department also provides funding to schools for the purchase of specialised equipment such as computers to assist children with special educational needs, including children with dyslexia, with their education once relevant professionals recommend the equipment. Schools can apply to the local SENO directly for this support.

My Department also supports teachers with additional training needs in the area of dyslexia. The Special Education Support Service (SESS) manages, co-ordinates and develops a range of supports in response to identified teacher training needs. The SESS provides fees' subsidies for the online training course, "Dyslexia: Identification and Early Interventions". Fees' subsidies are also provided for teachers to enable them to avail of the Dyslexia Association of Ireland courses.

#### **School Accommodation.**

443. **Deputy Michael McGrath** asked the Minister for Education and Science the position in relation to the provision of a permanent structure for the existing special needs unit in a primary school (details supplied) in County Cork. [16231/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** The school project to which the Deputy refers is currently at an advanced stage of architectural planning. The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

#### **Departmental Expenditure.**

444. **Deputy Michael McGrath** asked the Minister for Education and Science if he will examine a funding inquiry at a centre (details supplied) in County Cork. [16232/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** My Department has provided funding to the project referred to by the Deputy towards programme costs, through the Fund for the Development of Targeted Educational Responses to Certain Children at Risk since 2000 and through an annual allocation of 968 teaching hours under the Co-Operation with Other Institutions Scheme since 2001.

This project is among a number of projects which are currently being evaluated by the Evaluation, Support and Research Unit in conjunction with the Inspectorate of the Regional Directorate of my Department. Post-evaluation meetings will be arranged shortly to provide feedback to the projects involved.



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Following the outcome of the evaluation, a decision will be made as to the future funding arrangements and mainstreaming of appropriate projects or models of intervention. Projects will be informed accordingly in due course.

### **Services for People with Disabilities.**

445. **Deputy Ruairí Quinn** asked the Minister for Education and Science the percentage of primary school buildings that are wheelchair accessible; and if he will make a statement on the matter. [16260/09]

446. **Deputy Ruairí Quinn** asked the Minister for Education and Science the percentage of secondary school buildings that are wheelchair accessible; and if he will make a statement on the matter. [16261/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 445 and 446 together.

It is the policy of my Department to provide all new schools with access for all facilities and special toilets for disabled teachers and students. In addition, new schools with two or more storeys are provided with lifts. My Department advises school authorities and their design teams of accessibility requirements during the architectural planning process for such projects. This approach is also taken for large scale extension and refurbishment projects.

For example, between 2002 and 2008, some 403 large scale primary school projects and 168 large scale post primary school projects were completed or were on site and these projects would have complied with the relevant building regulations in relation to accessibility. In addition, between 2005 and 2007, some 144 projects were carried out under the Summer Works Scheme specifically to address the issue of universal access in existing buildings and further projects will be approved under the Summer Works Scheme for 2009.

Of the remaining school buildings in use in the State, my Department does not have full details of their accessibility for users of wheelchairs as many school authorities use their annual devolved minor works grants to provide access for all to their buildings. However, where a pupil with special access needs enrolls in a primary or post primary school, it is open to the school to apply to my Department’s School Planning and Building Unit for a capital grant to facilitate the requirements of such pupils where the need rises.

Projects to provide special needs facilities attract a Band 1 rating under the published prioritisation criteria for large scale building projects. This is the highest band rating possible reflecting my Department’s commitment to ensuring that the requirements of special needs pupils are met as expeditiously as possible. If a school has an unforeseen need, it may apply for emergency grant aid.

### **Residential Institutions Redress Board.**

447. **Deputy Ruairí Quinn** asked the Minister for Education and Science the way the €2 million savings to be made from the operation of the Residential Institutions Redress Board will be made, as announced in the 7 April 2009 budget; the reason the board will make a lower level of awards; if this lower level of claims will arise from staff shortages to deal with claims in an efficient manner due to the cutbacks imposed by his Department; if he will explain what the administrative economies announced in the budget will entail; and if he will make a statement on the matter. [16262/09]



**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware, the Residential Institutions Redress Board is entirely independent in the performance of its functions and, once an award is made by it, the State is obliged to pay that award. The revised allocation recently announced will in no way impinge on the level of awards to former residents. The criteria employed by the Board to determine the level of awards in each individual case remain unchanged and will continue to apply until the last claim is processed. Therefore, persons having their claims processed now will not be affected by this in any way.

The revised allocation announced on 7th April is based on the up-to-date information on the number of outstanding claims and the estimated cost involved in processing them. In the case of the Redress Board for 2009, as with all publicly funded bodies, there have already been reductions announced by the Government in respect of payments to consultants (-8%) and travel and subsistence rates (-25%). While realising a reduction in running costs at the Board, this will not effect the level of individual awards or the rate at which they are processed.

### **Early Childhood Education.**

448. **Deputy Jack Wall** asked the Minister for Education and Science the grants available through his Department for assisting with the running of a community facility (details supplied) in County Kildare; and if he will make a statement on the matter. [16268/09]

**Minister of State at the Department of Education and Science (Deputy Barry Andrews):** While the responsibility for the National Childcare Investment Scheme (NCIP) 2006-2010 is within my role in the Department of Health and Children, the information sought by the Deputy is provided hereafter.

As the Deputy will be aware, the Community Childcare Subvention Scheme (CCSS) is being implemented under the National Childcare Investment Scheme (NCIP) 2006-2010. Applications for grant funding under the NCIP are processed in the first instance, by the County Childcare Committees (CCC’s) and are then forwarded to Pobal, who assess and administer grant applications on behalf of my Office. I understand, from enquiries I made with Pobal, that an application by the Group concerned for funding under the CCSS, which provides subvention to community childcare providers to enable them to deliver childcare services at reduced rates to eligible parents, is currently in the assessment process with Kildare County Childcare Committee.

### **Special Educational Needs.**

449. **Deputy Dan Neville** asked the Minister for Education and Science if maximum hours with a special needs assistant will be provided for a person (details supplied) in County Limerick. [16296/09]

**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. The NCSE operates within my Department’s criteria in allocating such support. I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

450. **Deputy Dan Neville** asked the Minister for Education and Science if he will make a statement on the case of a person (details supplied). [16297/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I have had enquiries made with the relevant school authorities, through my Department’s National Educational Psychological Service, in relation to the child referred to in this question. I can confirm to the Deputy that the child has, as of last November, undergone an educational assessment by a psychologist under the Scheme for Commissioning of Psychological Assessments (SCPA) operated and funded by NEPS. I understand from school authorities that one of the recommendations by the psychologist involved was that the child be referred to the Child and Adolescent Mental Health Service (C.A.M.S. West Limerick) for further assessment and it is the schools understanding that this referral has been requested by that psychologist. This particular matter now falls within the remit of the Health Service Executive.

#### **School Staffing.**

451. **Deputy Dan Neville** asked the Minister for Education and Science if he will provide a commitment that a school (details supplied) in County Limerick will not lose a teacher. [16299/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The budget measures will impact on individual schools in different ways depending on whether enrolment is rising or declining and the degree to which any one school has more teachers than it is entitled to under the allocation processes. In terms of the position at individual school level the key factor for determining the level of resources provided by my Department is the pupil enrolment at 30 September 2008. The annual process of seeking this enrolment data from schools took place in the autumn and the data has since been received and processed in my Department enabling the commencement of the processes by which teaching resources are allocated to schools for the school year that begins next September.

My Department has written to the primary schools that are projected to have a net loss or gain in classroom teaching posts in September, 2009. As part of my efforts to ensure that relevant information is openly available to the public detailed information on the opening position for primary schools is now published on my Department’s website. This provisional list sets out the details on individual schools that, taken collectively, are projected to gain 128 posts and to lose 382 posts — a net reduction of 254 posts. It is my intention to have this information updated and ultimately to set out the final position when the allocation processes are completed.

The above allocations are provisional at this stage and reflect the initial allocation position. The final position for any one school will depend on a number of other factors such as additional posts for schools that are developing rapidly and posts allocated as a result of the appeals processes. The operation of redeployment arrangements also impacts on the final position as a teacher can remain in his or her existing school where a suitable redeployment position does not exist. The final staffing position for all schools will therefore not be known until the autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and appeals to the Staffing Appeals Board will have been considered.

Details of the criteria and application dates for appeal are contained in the staffing schedule, Circular 0002/2009, available on my Department’s website. The application form for appeal is also available on my Department’s website. The Appeal Board operates independently of the Department and its decision is final.

#### **Special Educational Needs.**

452. **Deputy Dan Neville** asked the Minister for Education and Science if he will ensure that a laptop is provided to a person (details supplied) in County Limerick. [16314/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENO) for allocating resource teachers and special needs assistants to schools to support children with special needs. SENOs also make recommendations to my Department where assistive technology is required. My Department has no record of receiving a recommendation for a laptop for the child in question. 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). I have arranged for the details supplied by the Deputy to be forwarded to the NCSE for their attention and direct reply.

#### **Schools Refurbishment.**

453. **Deputy Tom Hayes** asked the Minister for Education and Science the position regarding a school (details supplied) in County Tipperary which has applied for emergency funding for repairs to the roof of the school which is in a dangerous condition. [16317/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school referred to by the Deputy applied for funding in respect of roof works under the 2008 summer works scheme and also as an emergency works project. As the Deputy will be aware the 2008 summer works scheme was deferred to 2009 and I will be announcing the successful applications very shortly.

#### **Higher Education Grants.**

454. **Deputy Ciarán Lynch** asked the Minister for Education and Science when an application for grant funding for a person (details supplied) in County Cork will be decided; and if he will make a statement on the matter. [16318/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The decision on eligibility for student grants is a matter for the relevant assessing authority — i.e. the Local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is required. If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC. Where an individual applicant has had an appeal turned down, in writing, by the assessing authority, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department.

#### **Legislative Programme.**

455. **Deputy Finian McGrath** asked the Minister for Education and Science the legislation approved by Dail Éireann in 2007 and 2009 pertaining to his Department; and if he will list and clarify what originated from Brussels and what was purely national. [16328/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Of the legislation pertaining to the Department of Education & Science within the 2007-2009 the following legislation was enacted by the Oireachtas, or were regulations and orders which required Oireachtas approval:

- Education (Miscellaneous Provisions) Act 2007 (No. 9 of 2007)
- Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations 2008 (S.I. 139/2008, Prn.A8/0609)

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- Commission to Inquire into Child Abuse Act 2000 (Section 5) (Specified Period) Order 2008 (S.I. 155/2008, Prn.A8/0692)
- Employment Equality Act 1998 (Section 12) (Church of Ireland College of Education) Order 2008 (S.I. 251/2008, Prn.A8/0991)
- Commission to Inquire into Child Abuse Act 2000 (Section 5) (Specified Period) Order 2009 (S.I. 26/2009, Prn.A9/0138).

The Recognition of Professional Qualifications Regulations are the only regulations which would not have been purely of national origin.

### **Third Level Fees.**

456. **Deputy John Perry** asked the Minister for Education and Science if he will assure a person (details supplied) in County Sligo that as a result of a mistake by his Department in correcting their exams, and missing out a full school year, they will not in the event of the introduction of third level fees, be subject to such fees when they commence their third level education in September 2009; and if he will make a statement on the matter. [16382/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** As the Deputy is aware I am currently finalising a review of policy options in relation to the consideration of the introduction of a form of student contribution. There are many complex and competing considerations including implementation issues which need to be taken into account in the consideration of all available options. It is my intention to bring proposals to Government in the near future in relation to such options.

### **Schools Building Projects.**

457. **Deputy Paul Gogarty** asked the Minister for Education and Science if financial provision has been made for the construction of a school (details supplied) in Dublin 15; if not, if he envisages such provision will be made in his building budget for 2010; and if he will make a statement on the matter. [16402/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department has been aware of a need for further post primary provision in the Dublin 15 area and in that context, I sanctioned the establishment of a new post primary school for the area last year. The new school will be called Luttrellstown Community College and the Patron is County Dublin VEC. My Department is working closely with Co. Dublin VEC to open the new school in September 2009 and temporary accommodation has been identified.

My Department has requested Fingal County Council to acquire a permanent site for the school in question under the Fingal Memorandum Agreement. The acquisition of the site will be dependant on the successful outcome of negotiations held by the local authority and will also need to be considered in the context of the capital budget available to my Department for school buildings generally.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the permanent project at this time.

458. **Deputy Paul Gogarty** asked the Minister for Education and Science if, in view of the fact that legal transfer of the site of a school (details supplied) from Galway City Council to the vocational education committee is expected to be completed in April 2009, approval is expected to be granted by him to include the school in the next public private partnership bundle, in order that it may proceed without delay to tender, full planning permission and construction stages; and if he will make a statement on the matter. [16403/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to confirm that my Department has recently provided funds to the Galway City Vocational Education Committee to enable them to close the sale on the site for the school mentioned by the Deputy. This school is included in my Department’s PPP school building programme. The make up and timing of further school bundles from this programme will be determined by my Department in consultation with the National Development Finance Agency (NDFA). The issues to be considered in the timing and bundling of these schools include site availability for each school, geographical spread and the estimated total cost of the proposed school bundle.

459. **Deputy Damien English** asked the Minister for Education and Science further to Parliamentary Question No. 259 of 13 November 2008, if he will provide a timeframe for the progression of the building project at a school (details supplied) in County Meath; and if he will make a statement on the matter. [16535/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The building project for the school to which the Deputy refers is currently at an advanced stage of architectural planning. As the Deputy will be aware, in February, I announced details of 43 major building projects to proceed to tender and construction and 25 high priority projects to commence architectural planning. The project to which the Deputy refers was not included in this announcement. Therefore, it is unlikely that it will be progressed in 2009. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

460. **Deputy Michael Ring** asked the Minister for Education and Science if a contractor has been appointed to construct a new school building for a school (details supplied) in County Mayo. [16540/09]

461. **Deputy Michael Ring** asked the Minister for Education and Science if the original contract for the construction of a new school building for a school (details supplied) in County Mayo has been accepted or if his Department has to advertise again. [16541/09]

462. **Deputy Michael Ring** asked the Minister for Education and Science the name of the contractor appointed to construct a new school building for a school (details supplied) in County Mayo. [16542/09]

463. **Deputy Michael Ring** asked the Minister for Education and Science the length of time the contract has been awarded for, from start to finish, to construct a new school building for a school (details supplied) in County Mayo. [16543/09]

464. **Deputy Michael Ring** asked the Minister for Education and Science if funding is in place for the construction of a new school building for a school (details supplied) in County Mayo. [16544/09]



**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 460 to 464, inclusive, together.

I am pleased to inform the Deputy that the project at the school to which he refers was included in my recent announcement of 43 projects to proceed to tender and construction in 2009. Since then, the school authorities and their design team attended a briefing session with my Department officials at which they were informed of the next steps necessary to bring this project to tender and construction.

A building contractor has not yet been appointed as the project is still progressing towards tender stage. My Department is currently awaiting the submission of the Stage 2b tender documentation from the Design Team. Following clearance of the Stage 2b, a contract notice will be placed on the State’s e-tenders website seeking expressions of interest from suitable contractors. Until the project has been tendered and a contract put in place, it will not be possible to provide the details requested by the Deputy.

#### **Schools Refurbishment.**

465. **Deputy Dinny McGinley** asked the Minister for Education and Science if he will give approval for the summer works project applied for by an organisation (details supplied) to meet its objectives in continuing to improve the teaching and learning environment in schools, colleges and education centres under the aegis of the committee; and if he will make a statement on the matter. [16572/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Applications submitted for the Summer Works Scheme in 2008, including those from Co. Donegal VEC, are currently being assessed. The school authorities will be notified of the outcome of this process in due course.

#### **Schools Building Projects.**

466. **Deputy Dinny McGinley** asked the Minister for Education and Science his views on appointing a design team for the approved extension of a school (details supplied) in County Donegal; and if he will make a statement on the matter. [16573/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application was received from County Donegal VEC for large scale capital funding for an extension/refurbishment project at the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.4.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

467. **Deputy Dinny McGinley** asked the Minister for Education and Science if he will ensure that a school (details supplied) in County Donegal will proceed to tender and construction during 2009, as per the draft timetable forwarded to him on 26 March 2009; and if he will make a statement on the matter. [16574/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I am pleased to inform the Deputy that, to date the draft timetable dates submitted by County Donegal VEC have been met.



It is expected that, subject to the necessary technical and financial approvals, this project could proceed to construction in the second half of 2009.

### **Schools Refurbishment.**

468. **Deputy Willie Penrose** asked the Minister for Education and Science if, in view of his recent announcement that the summer works scheme is being reinstated for the summer of 2009, he will take steps to ensure that approval will be given to a school (details supplied) in County Westmeath to enable the school authorities to proceed with this work in summer 2009; and if he will make a statement on the matter. [16594/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Applications submitted for the Summer Works Scheme in 2008, including one from the school in question, are currently being assessed. The school authority in question will be notified of the outcome of this assessment in due course.

### **Post Leaving Certificate Courses.**

469. **Deputy Mary Upton** asked the Minister for Education and Science if he will review the decision to cap the number of student places in the post leaving certificate sector in view of the 7 April 2009 budget decision and the need for more education and training opportunities for school leavers and others, the impact the cap will have on the number of teachers in PLC colleges and the need for communities experiencing serious levels of unemployment to have access to further training and upskilling opportunities; and if he will make a statement on the matter. [16615/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** As a result of the decisions in the April 7 budget an additional 1,500 Post Leaving Certificate (PLC) places will be made available nationwide from September 2009. This will bring the total number of approved PLC places to 31,688 in the next academic year and will also involve the approval of additional teaching posts.

A priority for this Government is to support those who have lost their jobs through retraining and further education and I know, in this context, that individual PLC providers will be conscious of the need to adjust provision to meet these priorities. The PLC programme provides successful participants with specific vocational skills to enhance their prospects of securing lasting, full-time employment, or progression to other studies. The allocation of these extra 1,500 PLC places is another step in expanding opportunities and broadening access to further education so that people can enhance their employment skills.

### **School Transport.**

470. **Deputy Jimmy Deenihan** asked the Minister for Education and Science if he will reverse the decision to change the payment arrangements for the school transport scheme 2009-2010 given that the new arrangements will impose additional financial hardship on many parents; and if he will make a statement on the matter. [16618/09]

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** I wish to advise the Deputy that charges will continue to be waived in the case of eligible post-primary children where the family is in possession of a valid medical card. In addition, and in order to minimise the impact of the new charges, a maximum family payment of €650 will

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apply and, parents will be offered the option to spread the amount due over two payments payable in July and December.

It is not envisaged that there will be a reduction in the annual charge or a change in the payment arrangements.

### **Schools Building Projects.**

471. **Deputy Brian Hayes** asked the Minister for Education and Science if he will confirm that a new school (details supplied) in County Dublin has been built and remains unoccupied; the length of time since the completion of the school; if difficulties remain between his Department and third parties as to the reason this newly built school cannot be opened; and if he will make a statement on the matter. [16624/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The school building referred to by the Deputy has been constructed and was ready for occupation in September 2008. I understand that the landowner has recently completed the transfer of the lands on which the school is located with the Local Authority. This paves the way to enable the Patron to enter into a lease arrangement with the landowner. This will require my Department to enter into a separate legal agreement with the Patron to secure the Department’s prospective investment in the school.

The legal representatives of both parties have been in contact with my Department regarding various aspects of this agreement, particularly the drafting of leases. I am advised that the Patron’s legal representatives have submitted legal indentures to the CSSO for their consideration. My Department has requested the CSSO to proactively engage with these legal teams in order to facilitate the process and is working to ensure that the school can move to occupy the new building as soon as possible.

### **School Staffing.**

472. **Deputy Leo Varadkar** asked the Minister for Education and Science the allocation of part-time pro-rate teachers to a school (details supplied) in County Cork for 2009 and for 2010; and if he will make a statement on the matter. [16634/09]

473. **Deputy Leo Varadkar** asked the Minister for Education and Science the teacher allocation for a school (details supplied) in County Cork for 2009 and for 2010; and if he will make a statement on the matter. [16635/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 472 and 473 together.

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. The initial staffing schedule for the 2009/2010 school year issued to City of Cork VEC on 11th February 2009.

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. An application for curricular concessions was received in my Department from the VEC concerned. This application is receiving attention at present and the VEC will be notified of the outcome in due course.

The allocation processes also include appellate mechanisms under which VECs 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.

#### **Schools Refurbishment.**

474. **Deputy Michael Ring** asked the Minister for Education and Science if funding will be made available for a school (details supplied) in County Mayo under a scheme for summer 2009; and if he will make a statement on the matter. [16704/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** Applications submitted for the Summer Works Scheme in 2008, including those from the school to which the deputy refers are currently being assessed. The school authorities will be notified of the outcome of this process in due course.

#### **Higher Education Grants.**

475. **Deputy Michael Ring** asked the Minister for Education and Science if a county (details supplied) is the only county in the country that has not received the final instalment of a payment; if so, the reason for this; and when it will be granted. [16705/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** In accordance with the Department’s Financial Procedures recoupments are paid to the Local Authorities in three instalments December, March/April and May/June. The Local Authority referred to by the Deputy have been paid all claims submitted to date in respect of the Higher Education Maintenance Grant.

#### **Special Educational Needs.**

476. **Deputy Michael McGrath** asked the Minister for Education and Science his policy in regard to the provision of ABA education for children with autism. [16720/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** My Department’s policy on educating children with autism is an inclusive policy of all autism specific interventions including TEACCH, PECs and Applied Behavioural Analysis (ABA) to ensure that each child can draw down from a number of different approaches to ensure the optimum individualised educational programme for him/her. It draws on the strengths of teachers who are trained in educating and developing children generally and who are given additional training in autism-specific approaches. It ensures that children with autism have the best opportunity to be either partially or fully integrated into mainstream settings and be educated in the community along with their siblings, while at the same time offering autism-specific individual programmes and supports for each child. Educational intervention for children with ASD needs to be child-

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centred and individual — tailored to meet the needs of each child — rather than matching the needs of a child to one particular version of one intervention.

### **Schools Building Projects.**

477. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a new school building application (details supplied) in County Roscommon; and if he will make a statement on the matter. [16760/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for a new school building was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.2.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

478. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a new primary school building application (details supplied) in County Roscommon; and if he will make a statement on the matter. [16763/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for a new school building was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.2.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

479. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a new primary school building extension (details supplied) in County Roscommon; and if he will make a statement on the matter. [16764/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.4.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

480. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a new primary school building application (details supplied) in County Roscommon; and if he will make a statement on the matter. [16765/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.4.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

481. **Deputy Denis Naughten** asked the Minister for Education and Science the status within the primary school building unit of a school application (details supplied) in County Roscommon; and if he will make a statement on the matter. [16766/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.4.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

482. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a primary school building extension (details supplied) in County Roscommon; and if he will make a statement on the matter. [16767/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 3.1.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

483. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a primary school building extension (details supplied) in County Roscommon; and if he will make a statement on the matter. [16768/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has



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been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 3.1.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

484. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a primary school building application (details supplied) in County Roscommon; and if he will make a statement on the matter. [16769/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.2.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

485. **Deputy Denis Naughten** asked the Minister for Education and Science the status of a primary school building extension (details supplied) in County Roscommon; and if he will make a statement on the matter. [16770/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 3.2.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

486. **Deputy Denis Naughten** asked the Minister for Education and Science the status within his Departments building unit of a school building extension (details supplied) in County Roscommon; and if he will make a statement on the matter. [16771/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 2.5.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department’s multi-annual School Building and Modernisation Programme.



However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

487. **Deputy Denis Naughten** asked the Minister for Education and Science the status within his Department's building unit of a school building extension (details supplied) in County Roscommon; and if he will make a statement on the matter. [16772/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I can confirm to the Deputy that an application for an extension was received from the school to which he refers. It has been assessed in accordance with the published prioritisation criteria for large scale building projects by my Department and assigned a Band rating of 4.1.

The progression of all large scale building projects, including the project in question, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

### **Irish Language Report.**

488. **Deputy Brian O'Shea** asked the Minister for Education and Science the measures he will implement in regard to the findings of the report, The Irish Language and The Irish People; and if he will make a statement on the matter. [16808/09]

**Minister for Education and Science (Deputy Batt O'Keeffe):** I am aware of the report which was launched in recent days. Its recommendations will be considered in the context of the promotion of a co-ordinated approach to supporting Irish in the education sector and in wider society, working in collaboration with the Department of Community Rural and Gaeltacht Affairs and other agencies. A Cabinet Committee has been established to ensure that a high priority is given to strengthening competence and use of Irish in society generally, both within and outside of the Gaeltacht. The report indicates that the use of Irish is now at its highest point in 150 years.

The range of measures in place in the education sector to promote Irish include the following: Irish as an essential subject to completion of upper second level education for all students except those with an exemption; additional supports for the establishment of Gaelscoileanna; additional allowances to teachers for teaching through Irish and in the Gaeltacht; curriculum support services to provide training for teachers at primary and second level; the work of An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta and Scéim na nDearthóirí in providing Irish medium resources for schools, investing almost €2m p.a. in this area; the increase in marks for oral assessment in the certificate examinations to 40% to promote a strong emphasis on oral competence in teaching and learning; a three-week Gaeltacht placement for trainee primary teachers; a scholarship scheme to enable disadvantaged second level students to attend Irish colleges in the Gaeltacht; summer camps in Irish for disadvantaged primary students; continued monitoring of standards in Irish in our schools through the Inspectorate and through externally commissioned research; investment in programmes in Irish in higher education, particularly through Acadamh na hOllscolaíochta Gaeilge, NUI Galway, Fiontar in Dublin City University, and NUI Cork.

These actions are designed to strengthen oral competence in Irish in our schools, to ensure that Irish is taught in a way that is interesting and relevant and will promote a positive attitude to the language among our young people.

**Departmental Staff.**

489. **Deputy Leo Varadkar** asked the Minister for Education and Science the number of public servants in receipt of long service increments; the cost to the taxpayer of same; and if he will make a statement on the matter. [17362/09]

**Minister for Education and Science (Deputy Batt O’Keeffe):** The information in relation to teaching and non-teaching staff of Primary, Secondary and Community and Comprehensive Schools paid on the payrolls operated by my department is being compiled and will be forwarded to the Deputy.